

# AGENDA



Ordinary Meeting of Council

To be held at the

Civic Centre

511 Burwood Highway

Wantirna South

On

Tuesday 29 January 2019 at 7:00 pm

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Tony Doyle  
Chief Executive Officer

## 10 Corporate Services Officers' Reports for consideration

### 10.1 Proposed Sale of Council Property Part Wellington Road Reserve and Part 899R Wellington Road, Rowville

**SUMMARY: Coordinator Property Management, Angela Mitchell**

**This report is presented following the hearing of submissions for the sale of 2.495 hectares of Council owned land, being Lot A on proposed Plan of Subdivision PS807908W and being part Wellington Road Reserve and part 899R Wellington Road, Rowville (Council land).**

**Having completed the statutory procedures it is now recommended to sell the Council land to the Pask Group (Pask), or one or more of its nominated entities.**

#### **RECOMMENDATION**

**That Council, having undertaken the statutory procedures in accordance with the Local Government Act 1989 resolves to:**

- 1. Sell an area of 2.495 hectares of Council land, being Lot A on proposed Plan of Subdivision PS807908W and comprising part Wellington Road Reserve, being part of the land in Certificate of Title Volume 10284 Folio 966 and part 899R Wellington Road, Rowville, being part of the land in Certificate of Title Volume 11898 Folio 242 to the Pask Group, or one or more of its nominated entities, for \$7.6 million plus GST with the following conditions:
  - a) The sale of the Council land to Pask for \$7.6 million plus GST payable by 10% deposit and the balance due at settlement. Settlement is proposed to occur on the latter of 60 days after gazettal of planning scheme amendment C142, and creation of a separate title for the Council land.**
  - b) Registration of a plan under the Subdivision Act 1988 removing the reserve status from the Council land and creating a separate title for such land.**
  - c) The gazettal of planning scheme amendment C142 by no later than 30 June 2019.****
- 2. Authorise the Chief Executive Officer to sign and seal all necessary documentation associated with the sale of the Council land.**
- 3. Advise the submitter of Council's decision and the reasons for Council's decision.**

#### **1. INTRODUCTION**

The Council land is located near Linnel Court, Rowville at the southeast corner of Kingston Links. It currently has no road access but does have pedestrian access via the Council owned lot at 12 Linnel Court. It is also part of the Rowville Main Drain Floodplain. The Council land is not currently used for public recreation.

One of Council's core responsibilities is to manage its assets in order to optimise their value to the community. Part of this responsibility involves evaluating any unused or redundant assets and releasing the funds tied up in these assets in order to acquire, develop or improve other assets. This Council land is an example of resources tied up in an asset, which Council can better deploy in other areas of priority for the reasons outlined in this report.

## 2. DISCUSSION

Council at its meeting on 12 November 2018 resolved as follows:

"That Council

1. Confirms that 2.495 hectares of Council land comprised in part Wellington Road Reserve and part 899R Wellington Road, Rowville is surplus to Council's requirements.
2. In accordance with Section 189 of the Local Government Act 1989, gives public notice in the Knox Leader of its intention to sell an area of 2.495 hectares of Council land, being Lot A on proposed Plan of Subdivision PS807908W and comprising part of Wellington Road Reserve, contained in Certificate of Title Volume 10284 Folio 966 and part 899R Wellington Road, Rowville, contained in Certificate of Title Volume 11898 Folio 242 by private treaty for \$7.6 million plus GST to the Pask Group or one or more of its nominated entities.
3. Proposes the terms of the sale be as follows:
  - a) The Council land will be sold to Pask by private treaty for a sale price of \$7.6 million plus GST, payable by 10% deposit and the balance due at settlement. Settlement is proposed to occur on the latter of 60 days after gazettal of planning scheme amendment C142, and creation of a separate title for the Council land, provided that such settlement is no earlier than 31 January 2019.
  - b) The sale will be conditional upon the following:
    - Registration of a plan under the Subdivision Act 1988 removing the reserve status from the Council land and creating a separate title for such land.
    - The gazettal of planning scheme amendment C142 by no later than 30 June 2019.
4. Hear submissions in accordance with Section 223(1)(b) and appoint the following Committee of Council comprising Cr Seymour, Cr Pearce and Cr Holland to hear submissions on 9 January 2019 at 5.00pm.
5. Receive a further report following the conclusion of the statutory process.

Council undertook the statutory process as indicated above with one submission received from the Friends of the Glenfern Green Wedge, with the submitter requesting to be heard.

The Committee of Council heard this submission at a meeting on 9 January 2019.

The submitter outlined the following:

- The trees along the boundary of the Council land (on private land) should be protected.
- Concern with drainage and flooding issues with the proposed development of the site.
- The Council land to be retained as open space. However, if the sale proceeds, the developer be required to provide a pocket park within this area.

- The site can play an important function in the connection of wetland systems.
- Does not want to see ad hoc development and indicated consideration of planning models that have been undertaken in other municipalities.

In relation to the above, the following information is provided:

- Amendment C142 (Kingston Links Redevelopment) has been approved by the Minister for Planning and now forms part of the Knox Planning Scheme. While the Development Plan Overlay (DPO) that was approved as part of Amendment C142 retained a landscape buffer along the eastern residential interface of the golf course, the trees along the boundary of the Council land were not shown to be retained.
- Flood modelling of the site and surrounding areas was undertaken to the satisfaction of Melbourne Water. The golf course is to be filled above the flood plain and the modelling showed an improvement in potential flooding from the creek into surrounding areas.
- The creek and wetlands under the power lines are to be rehabilitated and enhanced. Land remains open to the south of the Council land connecting the wetlands through to the Rowville main drain.
- The future development allowed for under the DPO was required to take into account a number of variables and tested via an independent panel before approval by the Minister for Planning. This included social and economic implications, interface issues, surrounding neighbourhood character, environmental issues, access to public transport and vehicle access to the surrounding road network. Future development will be in accordance with the DPO and will not be ad hoc.

The Committee of Council considered this submission and information provided and is now recommending the Council do the following:

Resolve to sell an area of 2.495 hectares of Council land, being Lot A on proposed Plan of Subdivision PS807908W and comprising part Wellington Road Reserve, being part of the land contained in Certificate of Title Volume 10284 Folio 966 and part 899R Wellington Road, Rowville, being part of the land contained in Certificate of Title Volume 11898 Folio 242 to the Pask Group, or one or more of its nominated entities, for \$7.6 million plus GST with the following conditions:

- a) The sale of the Council land to Pask for \$7.6 million plus GST payable by 10% deposit and the balance due at settlement. Settlement is proposed to occur on the latter of 60 days after gazettal of planning scheme amendment C142, and creation of a separate title for the Council land.
- b) Registration of a plan under the Subdivision Act 1988 removing the reserve status from the Council land and creating a separate title for such land.
- c) The gazettal of planning scheme amendment C142 by no later than 30 June 2019.

This recommendation is made for the following reasons:

- a) The Council land is surplus to Council's requirements.
- b) The proposed sale is consistent with the objectives of the Knox Planning Scheme. Future development allowed for under Amendment C142 was tested through an independent panel process approved by the Minister for Planning and incorporated a full assessment of all relevant considerations.

- c) All flood modeling associated with the proposed sale has been undertaken to the satisfaction of Melbourne Water.
- d) The proposed sale will facilitate the achievement of desirable social housing outcomes for the municipality.

### **3. CONSULTATION**

Public notice was given in the Knox Leader on 20 November 2018. At the conclusion of the 28 day submission period, one submission was received requesting to be heard in support of their submission. The submission hearing was held on 9 January 2019.

### **4. ENVIRONMENTAL/AMENITY ISSUES**

There are a few isolated trees at the edge of the Council land but it is mostly grassy vegetation that Council mows a few times each year. It is not currently used for public recreation. Amenity issues, such as impacts on neighbouring properties and landscaping, were considered as part of the amendment process and restrictions placed on any development that might occur there in the future.

### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

The proposed disposal of part of the Council land will meet Council's financial objectives and provide significant proceeds from the sale. A valuation dated 11 October 2018 has been obtained.

### **6. SOCIAL IMPLICATIONS**

The Council land proposed to be sold on its own is not considered suitable for social housing. However, integrated with a broader development as proposed for Kingston Links, social housing outcomes would be achieved. In accordance with Council's Affordable Housing Action Plan and Planning Scheme, provision is made as part of the proposed DCA with Pask for affordable and social housing contributions.

### **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

#### **Goal 8 - We have confidence in decision making**

Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations.

### **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author – Coordinator Property Management, Angela Mitchell - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Director, Corporate Services, Michael Fromberg - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.



## **9. CONCLUSION**

Following the hearing of submissions by the Committee of Council and having undertaken the required statutory procedures, it is recommended to sell an area of 2.495 hectares of Council land being Lot A on proposed Plan of Subdivision PS807908W and comprising part Wellington Road Reserve, being part of the land contained in Certificate of Title Volume 10284 Folio 966 and part 899R Wellington Road, Rowville, being part of the land contained in Certificate of Title Volume 11898 Folio 242 to the Pask Group, or one or more of its nominated entities, for \$7.6 million plus GST.

## **10. CONFIDENTIALITY**

There are no items of a confidential nature in this report.

**Report Prepared By:** Coordinator Property Management, Angela Mitchell

**Report Authorised By:** Director, Corporate Services, Michael Fromberg

## **Attachments**

Nil

## 10.2 Citizenship Ceremonies

**SUMMARY: Manager Governance and Strategy, Phil McQue**

**Local government throughout Australia has a proud history of contributing to the Australian citizenship program through the voluntary conduct of citizenship ceremonies. Whilst an important symbolic and legal ceremony, there are substantial resources committed and expenses incurred by local government in managing these citizenship ceremonies.**

**This report recommends that Council request the Municipal Association of Victoria and Australia Local Government Association to advocate to the Federal Government to provide an ongoing financial contribution to local government in recognition of its role in the administration of the Australian citizenship program.**

### **RECOMMENDATION**

**That Council request the Municipal Association of Victoria and Australia Local Government Association to advocate to the Federal Government requesting that it provide a financial contribution to local government in recognition of its role in the administration of the Australian citizenship program.**

### **1. INTRODUCTION**

The Federal Government has accorded local government, as the arm of government closest to the community, a significant role in the Australian citizenship program, through the conferral of Australian citizenship at citizenship ceremonies. However, there is no legislative obligation or binding agreement on local government to conduct citizenship ceremonies.

### **2. DISCUSSION**

Local governments throughout Australia voluntarily conduct several hundred citizenship ceremonies each year, welcoming new citizens as formal members of the Australian community, and in particular members of their own local community. These citizenship ceremonies have significant personal and legal implications, conferring on each person a number of reciprocal rights, privileges and responsibilities as an Australian citizen.

All three levels of government are required to be represented at each ceremony via their elected representatives, with the objective of introducing new citizens to Australia's three-tiered democratic system of government.

The Department of Immigration, Citizenship and Multicultural Affairs administer citizenship ceremonies, whilst local governments that conduct ceremonies are responsible for ensuring that the citizenship ceremonies are conducted as prescribed by the *Australia Citizenship Act 2007*, *Australian Citizenship Regulations 2007* and the *Australian Citizenship Ceremony Code*.

The Department of Home Affairs states that it has a cost recovery arrangement in place for processing citizenship applications (80,562 conferrals in 2017/18). The 2017/18 Annual Report states that it received \$61,986 million for fees associated with citizenship applications with expenses totalling \$58,757 million.

There are significant administrative requirements, protocols, rules and responsibilities to be met to ensure legislative compliance when organising and conducting a citizenship ceremony. The administrative resources required are continuing to increase due to an increase in the number of candidates each year. This requires a significant resource commitment for a local government, with this expenditure as well as the actual ceremony expense incurred directly by that local government.

### **3. CONSULTATION**

Nil.

### **4. ENVIRONMENTAL/AMENITY ISSUES**

Nil.

### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

Actual costs for citizenship ceremonies incurred by individual local governments vary according to the individual preference, capacity and standard of each local government, as well as the number of candidates involved and ceremonies conducted each year.

Knox City Council spends approximately \$66,000 per annum conducting six citizenship ceremonies, with approximately 840 candidates.

### **6. SOCIAL IMPLICATIONS**

Citizenship ceremonies play an important symbolic and legal role in the Australian citizenship program. The citizenship ceremonies build social capital and assist in creating a harmonious and inclusive community that celebrates diversity.

The involvement of local government in this context is important as it is renowned for making citizenship ceremonies a very memorable and special occasion for candidates being formally welcomed as Australia citizens.

### **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

#### **Goal 8 - We have confidence in decision making**

Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations

### **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author - Manager Governance and Strategy, Phil McQue - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Director Corporate Services, Michael Fromberg - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

## **9. CONCLUSION**

Local governments throughout Australia commit substantial resourcing to ensure that citizenship ceremonies are a very symbolic, memorable and special occasion for candidates being formally welcomed as Australian citizens.

Given the resourcing and costs incurred directly by local government, this report recommends that Council request the Municipal Association of Victoria and Australia Local Government Association to advocate to the Federal Minister for Immigration, Citizenship and Multicultural Affairs requesting that the Federal Government provide a financial contribution to local government in recognition of their ongoing voluntary role in the administration of the Australian citizenship program.

## **10. CONFIDENTIALITY**

There are no items of a confidential nature in this report.

**Report Prepared By:                    Manager Governance and Strategy, Phil McQue**

**Report Authorised By:                Director Corporate Services, Michael Fromberg**

## **Attachments**

Nil

## 10.3 Election Period Policy for the Collier Ward By-Election

**SUMMARY: Co-ordinator Governance, Andrew Dowling**

**On Thursday 20 December 2018, the Minister for Local Government, The Hon. Adem Somyurek MP, gazetted 30 March 2019 as the date of the by-election to fill the extraordinary vacancy in the Collier Ward.**

**The election period for the by-election will commence at 12.00am Wednesday 27 February 2019 and conclude at 6:00pm, Saturday 30 March 2019.**

**The Election Period Policy for the Collier Ward By-Election has been prepared to guide the conduct of the by-election.**

### **RECOMMENDATION**

**That Council resolve to adopt the Election Period Policy for the Collier Ward By-Election as set out in Attachment 1 to the officers' report.**

### **1. INTRODUCTION**

There are a number of provisions of the Local Government Act 1989 (the Act) that apply to the conduct of general elections, however not all provisions apply to by-elections.

One provision that does not apply is the requirement to adopt an election period policy for the by-election, however it is considered best practice governance to do so to encourage confidence in the integrity, transparency, and propriety of Council's conduct during the Collier Ward by-election.

It also provides an opportunity to provide guidance to Councillors, staff and candidates regarding the compliance obligations in the Act, and other matters appropriate to the conduct of the by-election.

### **2. DISCUSSION**

The Election Period Policy for the Collier Ward By-Election (refer Attachment 1) has been prepared having regard to the Election Period Policy adopted by Council for the 2016 General Elections, with appropriate modifications to suit the regulatory landscape that applies to a by-election.

The draft policy provides guidance to:

- Council Staff and members of Council Advisory or other committees who may be considering nominating as candidates in the by-election.
- The Chief Executive Officer and staff to identify decisions that it may be appropriate to defer until after the election period.
- Councillors and the community regarding the conduct of Council and Special Committee meetings during the election period, including impacts upon public question time.
- Councillors, staff and candidates regarding the appropriate use of Council resources and access to Council information during the election period.
- Councillors and staff regarding Council functions, events and public consultation during the election period.

- Councillors and staff regarding Media Relations, Social Media and restrictions on publications during the election period.

Key differences to the Election Period Policy for the 2016 general elections are:

- The policy has fewer direct impacts on the conduct of sitting Councillors, as they will not be contesting the by-election.
- While the policy anticipates potentially deferring some decision-making during the election period, the limitations are not as extensive as those regarding “Major Policy Decisions” and “innappropriate decisions” as the respective provisions of the Act do not apply to a by-election.
- The policy imposes less stringent limitations on public consultation during the election period, where consultation does not have direct implications on the Collier Ward or the by-election.

### **3. CONSULTATION**

The policy is based upon the Election Period Policy for the 2016 general elections which was developed with reference to industry-based forums and best practice guidelines as well as consultation with Councillors.

### **4. ENVIRONMENTAL/AMENITY ISSUES**

There are no environmental or amenity issues associated with the adoption of an election period policy for the Collier Ward by-election.

### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

There are no financial or economic implications anticipated as a direct consequence of the adoption of the election period policy for the Collier Ward by-election.

Where financial or economic implications are a consequence of deferring Council decisions during the election period, these would be sufficiently ‘extraordinary circumstances’ under the Policy to warrant the presentation of a report to Council for consideration.

### **6. SOCIAL IMPLICATIONS**

This policy supports Council’s commitment to being open, fair, equitable and transparent in the conduct of Council elections and will further enhance good governance practices in the lead up to the Collier Ward by-election.

### **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

#### **Goal 8 - We have confidence in decision making**

Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations

Strategy 8.2 - Enable the community to participate in a wide range of engagement activities

## **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author - Co-ordinator Governance, Andrew Dowling - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Director Corporate Services, Michael Fromberg - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

## **9. CONCLUSION**

Whilst not a requirement of the Act, officers consider it best practice to adopt an election period policy for the purposes of the forthcoming Collier Ward by-election.

## **10. CONFIDENTIALITY**

There are no items of a confidential nature in this report.

**Report Prepared By: Co-ordinator Governance, Andrew Dowling**

**Report Authorised By: Director Corporate Services, Michael Fromberg**

## **Attachments**

1. Attachment 1 - Election Period Policy - Collier Ward By-Election 2019 **[10.3.1]**

# Collier Ward By-Election 2019

Policy Number:	Issued by Governance	Directorate:	Corporate Services
Approval by:	Council	Responsible Officer:	Manager Governance & Strategy
Approval Date:	29 January 2019	Version Number:	1
Sunset Date:	30 April 2019		

## 1. Purpose

This policy is to assist Councillors and staff in the lead up to the Collier Ward by-Election on 30 March 2019 to ensure Council complies with the provisions of the Local Government Act 1989.

The Policy will also provide the community with assurance that the conduct of Council during the Collier Ward by-election is proper, fair, equitable and transparent.

## 2. Context

The Local Government Act 1989 does not require Council to adopt an election period policy for the purposes of a by-election and a number of other regulations regarding elections similarly do not apply to a by-election.

Notwithstanding, it is considered best practice governance that Council adopt a position on a range of matters to ensure appropriate decision making in the context of issues or matters that:

- relate particularly to the Collier Ward and so warrant an elected representative for Collier Ward residents; or
- are before the electorate or are likely to, or be perceived to, influence voters or affect voting.

## 3. Scope

This policy applies to or affects:

- Council staff
- Councillors of the Knox City Council
- Members of Knox Advisory or other Committees
- Candidates or potential candidates in the Collier by-election.

The Policy shall have effect, once adopted until the conclusion of the Collier Ward by-election.

## 4. References

- 4.1 Community & Council Plan 2017-2021
  - Goal 8, We have confidence in decision making
- 4.2 Relevant Legislation
  - Local Government Act 1989





#### 4.3 Charter of Human Rights

- This policy has been assessed against and complies with the charter of Human Rights.

#### 4.4 Related Council Policies

- Councillor Code of Conduct

#### 4.5 Related Council Procedures

- Nil

## 5. Definitions

In these Guidelines:

Council	Means Knox City Council, whether constituted before or after the commencement of this Policy.
Election Period	Means the period from 26 February 2019 to 30 March 2019
By-Election	Means the By-Election in the Collier Ward to be held on 30 March 2019
Electoral Matter	<p>Has the same meaning as in the Local Government Act 1989, namely, matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.</p> <p>Without limiting the generality of the definition of electoral matter, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on—</p> <ol style="list-style-type: none"> <li>the election; or</li> <li>a candidate in the election; or</li> <li>an issue submitted to, or otherwise before, the voters in connection with the election.</li> </ol>
Candidate	<p>Means a person who has:</p> <ul style="list-style-type: none"> <li>• publicly expressed an intention to run as a candidate in the by-election; and or</li> <li>• a person who has formally nominated as a candidate in the by-election with the returning officer</li> </ul> <p>A candidate is a “known candidate” when a person has actual knowledge of the candidate’s identity and that they meet the above definition.</p>
Returning officer	<p>Has the same meaning as in the Local Government Act 1989, namely</p> <ol style="list-style-type: none"> <li>the Electoral Commissioner; or</li> <li>a person appointed in writing by the Electoral Commissioner;</li> </ol>
The Act	Means the Local Government Act 1989



## 6. Council Policy

### 6.1 Notice of Election Period

The Chief Executive Officer shall take reasonable steps to inform affected persons of this policy prior to the commencement of the election period on 26 February 2019.

### 6.2 Candidacy in the election

#### 6.2.1 Council Staff

Council staff (including contractors) who are candidates in the by-election must:

- Take leave from their duties for the duration of the election period in accordance with section 29(3) of the Act (if sufficient paid leave is not accrued, unpaid leave will be available);
- Return any Council equipment (including, but not limited to, motor vehicles, telephones and computers), documents or information that is not available to the public for the duration of the election period; and
- If elected, immediately resign from their employed position at Council, in accordance with section 29(3) of the Act.

#### 6.2.2 Members of Council Advisory or other Committees

Any person who is a member of one of Council's advisory or other committees is expected to comply with this policy and in addition:

- Take leave from the committee for the duration of the election period;
- Return any council equipment, documents or information which is not available to the public for the duration of the election period; and
- If elected, immediately resign from the committee.

### 6.3 Decision Making During the Election Period

#### 6.3.1 Council and Special Committee Meetings

The limitations in the Act on the decisions Council can make in the lead up to a general election do not apply for the purposes of the Collier by-election.

However, it is appropriate in the lead up to the Collier Ward by-election that where practicable, Council defer decision-making where the subject matter:

- Relates particularly to the Collier Ward and so would be appropriate to involve an elected representative of Collier Ward residents; or
- Relates to an issue before the electorate that is likely to, or may be perceived to influence voters or affect voting in the by-election.

The Chief Executive Officer shall take reasonable steps to defer such decisions for Council to consider after the by-election.

Council acknowledges that it has an ongoing responsibility to act in the best interests of the community and that in extraordinary circumstances, deferring decision-making may result in significant detriment to the community.

Where the Chief Executive Officer considers such extraordinary circumstances exist, any reports presented to Council for consideration will identify the circumstances that apply and why consideration prior to the by-election is warranted.



### 6.3.2 Officer Decisions under Delegated Authority

Before making a decision under delegated authority during the election period, officers should consider the following:

- whether the decision relates particularly to the Collier Ward;
- whether the decision is likely to be controversial and may influence, or may be perceived to influence voters or affect voting in the by-election;
- the urgency of the decision and whether it is more appropriate that it be deferred;
- possible financial repercussions if the decision is deferred; and
- the best interests of Council and the community.

### 6.3.3 Minor Grants Program Policy

The Minor Grants Program Policy states that the Minor Grants Program “shall be temporarily suspended prior to any Council election or by-election”.

The Minor Grants Program shall be suspended to the extent that any application received prior to the by-election, in the opinion of the Chief Executive Officer:

- Relates to an issue before the electorate in the by-election;
- Relates particularly to the Collier Ward; or
- Is likely to, or may be perceived to, influence voters or affect voting in the by-election;

A report will be presented to the Council Meeting on 29 April 2019 considering applications that were deferred for consideration due to the above.

## 6.4 Conduct of Council and Special Committee Meetings

The following protocols will apply for Council and Special Committee meetings held during the election period.

### 6.4.1 Councillor Conduct at Meetings

During the election period, Councillors should exercise caution in discussion and debate to ensure they do not raise matters that are likely to be, or be perceived as, electoral matters that may affect voting in the by-election.

Councillors should also be mindful to avoid making statements that may be, or perceived to be:

- In support or in opposition to a candidate in the by-election; or
- Intended or likely to influence voters.

### 6.4.2 Public Question Time

The Chief Executive Officer or his/her nominated representative will assess all questions received to determine whether they contain electoral matter. Where a question is deemed to contain electoral matter the Chief Executive Officer or his/her nominated representative shall recommend to the Chairperson that he or she refuse to receive the question pursuant to Clause 62(k) of the Meeting Procedure and Use of Common Seal Local Law 2018.

If, at a Council Meeting, a questioner raises electoral matter during the introduction to their question, the Chairperson shall request that they refrain from doing so. If the questioner fails to comply with this request, the Chairperson will ask the questioner to resume their seat in the gallery and may refuse to receive the question pursuant to Clause 62(k) of the Meeting Procedure and Use of Common Seal Local Law 2018.



## 6.5 Council Resources

Council resources (including staff) must be used exclusively for normal Council business and must not be used in connection with any election campaign or to influence voters.

Examples of Council resources include:

- Laptops, computers, iPads, and related software including internet and email accounts
- Mobile phones including calls, data, SMS, photos;
- Councillor business cards and name badges;
- Mayoral vehicle
- Council and Committee meetings;
- Phone lines and fax machines provided by Council;
- Council photocopiers and other printing resources including paper;
- Council publications;
- Council merchandise – eg: corporate gifts;
- Council buildings, facilities and car parks – this includes childcare centres and sporting facilities; and
- Council logos, branding, photographs and stationery, or obvious adaptations thereof.

### 6.5.1 Access to Council Information

All election related enquiries from candidates should be directed to the Returning Officer. Where the matter is outside the responsibilities of the Returning Officer, the request should be directed to the Chief Executive Officer.

All candidates will have equal access to information relevant to their election campaigns from the Council administration. Requests for information or advice from a known candidate in the by-election, should:

- Be channeled through the Chief Executive Officer; and
- Recorded on a register of information available to all candidates.

The Register will be kept by the Manager Governance & Strategy and will be a public document that records all requests for information by known candidates and the response given to those requests. The Register shall not apply to requests relating to the election process that are referred to the Returning Officer to manage.

## 6.6 Functions, Events and Public Consultation

### 6.6.1 Functions and Events

Council functions and events should continue during the election period however, staff must seek specific authorisation from the Chief Executive Officer or relevant Director for any event:

- Proposed to be held in the Collier Ward; or
- That relates particularly to the Collier Ward (eg consultation meetings).

Functions and events must not:

- Be used as an opportunity for any person to promote the election campaign of any candidate or to influence voters;
- Provide an opportunity for candidates to give speeches or keynote addresses; and
- Include any express or implied reference to the election.

Publicity material for functions and Council events must be certified as outlined in clause 6.8 of this policy.



## 6.6.2 Public Consultation

Public consultation means a process involving an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy. This could be in many forms including a direct mailout (either electronic or physical), public advertisement in the local newspaper, attendance at focus groups, completion of a survey or discussion via social media.

Public consultations can continue during the election period provided they:

- Have the prior approval of the Chief Executive Officer or relevant Director;
- Do not relate particularly to the Collier Ward (eg Council initiated planning scheme amendments particularly affecting the Collier Ward);
- Do not involve electoral matter (ie an issue before voters in the by-election);
- Are not likely to, or be perceived to, influence voters or affect voting in the by-election;
- Avoid any express or implied links to the by-election.

It may also be necessary to conduct certain consultations that are required under the Planning and Environment Act 1987, or subject to Section 223 of the Local Government Act 1989.

Notwithstanding, where it is reasonable and practicable to delay public consultation until after the election period, it is preferable that this occur.

Publicity material for consultations must be certified as outlined in clause 6.8 of this policy.

## 6.7 Media Relations and Social Media

### 6.7.1 Media Releases and Responses

Media releases and/or responses will continue according to ordinary business rules during the election period for the by-election, but must be carefully vetted to ensure they would not influence, or be perceived to be intended or likely to influence the outcome of the by-election.

During the election period Council staff are not permitted to make any public statement that could be construed as influencing the elections. This does not include statements of clarification in relation to the election process that have been approved by the Chief Executive Officer.

Media releases and/or responses must be certified as outlined in clause 6.8 of this policy. This is to ensure that Council cannot be accused of causing, permitting or authorising the publication of its media released and or responses, contrary to Section 55D of the Act.

### 6.7.2 Council Websites & Social Media

Existing publications and online information will be reviewed and, where appropriate, temporarily withdrawn if it contains material that might influence, or be perceived as likely to influence the outcome of the by-election.

All new website and social media content must be certified as outlined in clause 6.8 of this policy.

In order to comply with Section 55D of the Act, during the election period Council will:

- a) disable all external posts and comments to Council's social media sites; or
- b) moderate and certify that external posts and comments are free from electoral matter before they are published.



## 6.8 Council Publications during the election period

### 6.8.1 Restriction on Council Publications

The Act imposes limitations on Council publications during the election period to ensure Council does not publish material containing electoral matter that may influence, or be seen to influence, people's voting decisions. Section 55D of the Act states:

*"A council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer"*

The above prohibition does not apply to:

- a) documents that were published prior to the commencement of the election period; or
- b) electoral material produced by, or on behalf of, the Returning Officer for the purposes of conducting the election.

The Chief Executive Officer's certification must be in writing and cannot be delegated to another person.

## 6.9 Breach of Policy

Any breach of this policy relating to staff conduct is to be referred to the Chief Executive Officer.

Alleged breaches relating to all other matters are to be referred to the Local Government Investigations and Compliance Inspectorate.

## 7. Administrative Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.

## 10.4 Minor Grants Program Applications

**SUMMARY: Governance Officer, Damian Watson**

This report summarises the recommended grants from the Minor Grants Program. All applications have been assessed against the criteria as set out in the Minor Grants Program Policy.

### RECOMMENDATION

That Council:

1. Approve the seven (7) recommended Minor Grants Program applications for a total of \$8,904.60 as detailed below:

Applicant Name	Project Title	Amount Requested	Amount Recommended
Panda Rounds Round Dance Club	Funding to hire the Boronia progress Hall to hold a dancing event.	\$90.00	\$90.00
Boronia and The Basin Community Fete	Funding for three community groups to share their contribution and encourage community involvement at the Fete.	\$1,314.60	\$1,314.60
Scoresby Wantirna South Tennis Club	Funding to purchase windbreakers for new Courts.	\$2,000.00	\$1,500.00
Hands Off Foundation	Funding for the charity to purchase a computer and printer to complete administrative tasks.	\$2,336.95	\$1,500.00
Gyongyosbokreta Hungarian Folk Dance Group Melbourne	Funding for the Gyongyosbokreta 30th Anniversary Multicultural Gala to showcase Hungarian culture with the wider community and promote cultural awareness.	\$1,500.00	\$1,500.00
Gyongyosbokreta Hungarian Folk Dance Group Melbourne	Funding to support a week long Hungarian folk music and dance camp to bring together a group of diverse people to learn, share and celebrate traditional Hungarian folk music and dance.	\$1,500.00	\$1,500.00
Mountain Gate Cricket Club	Funding to purchase trophies for the club's annual presentation night.	\$1,500.00	\$1,500.00
	<b>TOTAL</b>	<b>\$10,241.55</b>	<b>\$8,904.60</b>

- 2. Note that inclusive of the above grants, a total of \$109,712.66 has been awarded under the Minor Grants Program in 2018-19 in support of a variety of community based organisations and their programs.**

## **1. INTRODUCTION**

At the Strategic Planning Committee meeting held on 10 July 2017 the Committee endorsed the Minor Grants Program Policy (the Policy), effective from 25 July 2017.

The maximum limit for the Minor Grants Program applications was amended by Council at the Strategic Planning Committee Meeting held on 8 October 2018 to \$1,500.00.

Minor Grants applications must be for the purposes of meeting requests for small, incidental funding requests from eligible organisations within Knox and not exceed \$1,500.00.

Under the Minor Grants Program Policy an eligible organisation must:

- provide services, projects and programs that directly benefit residents of the City of Knox;
- be a not for profit legal entity that provides services, support or activities to the Knox community. This expressly excludes educational institutions and State and Federal government departments and agencies; but does not exclude related not for profit organisations, including school councils/auxiliaries/parent groups who otherwise qualify under the Policy;
- be incorporated or be auspiced by an incorporated body (for grants over \$500 only);
- have an Australian Business Number or complete a Statement by Supplier form;
- have a Committee of Management or similar governing body that accepts responsibility for the administration of the Grant (for grants over \$500 only);
- hold adequate public liability insurance appropriate to the activity outlined in the application;
- be able to supply permits and plans appropriate to the funded activity where requested by Council;
- have provided evidence to Council's satisfaction of the expenditure of any previous grant provided by Council.

## **2. DISCUSSION**

This report presents to Council recommended grant applications in accordance with the Policy.

Council established the Minor Grants Program to ensure that funding could be provided to community groups who request ad hoc, incidental, community based, one-off grants.

The Policy sets out an open and transparent grant program that meets the principles of good governance and is compliant with the requirements of the *Local Government Act 1989*.

In accordance with the Policy, applications for funding been assessed by the Chief Executive Officer, or delegate, for Council's approval.

All recipients of Minor Grants must provide proof of expenditure or purchase. In addition, Minor Grants over \$1,000.00 must meet all funding agreement requirements.

This report outlines the grant applications received since the 17 December 2018 Ordinary Council meeting. It recommends seven grants for Council's approval.



Applications under the Minor Grants Policy are limited to a maximum of \$1,500.00 until a review of the policy is completed. This change has been adopted as a measure of controlling the annual budget following a decision by Council at the Strategic Planning Committee Meeting on 8 October 2018.

### **3. CONSULTATION**

No consultation has been undertaken in relation to the grant applications detailed in this report as the policy specifies assessment can occur by the Chief Executive Officer, or delegate, and make recommendation for Council's determination.

### **4. ENVIRONMENTAL/AMENITY ISSUES**

There are no environmental or amenity issues associated with this report.

### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

The approval of minor grants is managed within Council's adopted budget.

### **6. SOCIAL IMPLICATIONS**

The Minor Grants program allows Council the flexibility to respond to requests from community groups within Knox at a municipal level. These grants provide applicants the opportunity to participate and support a variety of community based programs.

### **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

#### **Goal 6 - We are healthy, happy and well**

Strategy 6.2 - Support the community to enable positive physical and mental health

#### **Goal 7 - We are inclusive, feel a sense of belonging and value our identity**

Strategy 7.3 - Strengthen community connections

#### **Goal 8 - We have confidence in decision making**

Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations

### **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author - Governance Officer, Damian Watson - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Director, Corporate Services, Michael Fromberg - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

**9. CONCLUSION**

This report contains the recommendation for funding through the Minor Grants program.

**10. CONFIDENTIALITY**

A confidential attachment has been circulated under separate cover.

**Report Prepared By: Governance Officer, Damian Watson**

**Report Authorised By: Director, Corporate Services, Michael Fromberg**

**Attachments**

A confidential attachment has been circulated under separate cover.

## 10.5 Revised Instruments of Delegation to Members of Council Staff

**SUMMARY: Governance Officer, Damian Watson**

**Instruments of Delegation represent the formal delegation of powers by Council under Section 98(1) of the Local Government Act 1989 and enable the effective functioning of Council.**

**The attached Instruments of Delegation (Instruments) have been revised to reflect minor legislative changes based on advice from Council's solicitors.**

### **RECOMMENDATION**

**In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the act) and the other legislation referred to in the attached Instrument of Delegation – Cemeteries and Crematoria (Appendix A), Instrument of Delegation – Domestic Animals, Environmental Protection and Food (Appendix B) and Instrument of Delegation - Road Management Responsibilities (Appendix C), Instrument of Delegation – Planning (Appendix D); Knox City Council (Council) resolves that -**

- 1. There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the attached:
  - Instrument of Delegation – Cemeteries and Crematoria (Appendix A),
  - Instrument of Delegation – Domestic Animals, Environmental Protection and Food (Appendix B),
  - Instrument of Delegation - Road Management Responsibilities (Appendix C), and
  - Instrument of Delegation – Planning (Appendix D)the powers, duties and functions set out in that respective instrument, subject to the conditions and limitations specified in the instrument;**
- 2. Each Instrument of Delegation in Resolution 1 above comes into force immediately the common seal of Council is affixed to the instrument;**
- 3. On the coming into force of each instrument set out in Resolution 1 above the respective previous Instrument of Delegation be revoked; and**
- 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.**

### **1. INTRODUCTION**

Section 98 of the *Local Government Act 1989* empowers Council to delegate any of its powers, duties or functions with some strategic exemptions such as setting rates, borrowing funds and adopting a budget. It is widely accepted that delegations are necessary to facilitate effective functioning of Councils as they enable day-to-day decisions to be made in relation to routine administrative and operational matters.

In granting delegations, Council is not granting unfettered power to Council staff or relinquishing its own powers. A delegate must comply with the conditions of delegation as well as any policies

of Council and any legislative framework. Further, Council can still exercise any delegated power, duty or functions itself by resolution in the Chamber.

The attached Instruments are recommended for the effective and efficient operations of Council's activities, as well as to enable routine and administrative tasks to be carried out with consistency and certainty.

## **2. DISCUSSION**

The attached Instruments are being refreshed to ensure that they remain contemporaneous and consistent with current legislation and business practices.

The current Instrument of Delegation – Cemeteries and Crematoria has been in force since 25 September 2017.

The current Instrument of Delegation – Domestic Animals, Environmental Protection and Food Act has been in force since 24 July 2017.

The current Instrument of Delegation – Road Management Responsibilities has been in force since 24 July 2017.

The current Instrument of Delegation – Planning has been in force since 28 August 2017.

The attached Instruments are based upon the previous Instruments considered by Council and have been revised to reflect recent legislative changes.

The amendments to the delegations are all minor in nature, with no significant variations proposed. A version showing the tracked changes has been made available for Councillors to view in Sharefile.

## **3. CONSULTATION**

Council subscribes to the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments and template instruments, which are then tailored to organisational requirements. The proposed instruments (Attachment A, B, C and D) have been prepared based on the advice provided by Maddocks Lawyers.

Consultation has occurred with relevant staff during the preparation of the revised Instruments of Delegation to ensure that appropriate staff delegates have been nominated.

## **4. ENVIRONMENTAL/AMENITY ISSUES**

Changes to the attached Instruments will not have any additional effect on the environmental or amenity issues within Knox beyond normal work practices.

## **5. FINANCIAL & ECONOMIC IMPLICATIONS**

The costs to prepare and adopt the attached Instruments are minimal and will be met within the current departmental budget.

## **6. SOCIAL IMPLICATIONS**

There will be no additional social implications.

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

### **Goal 8 - We have confidence in decision making**

Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations

## **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author - Governance Officer, Damian Watson - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Director, Corporate Services, Michael Fromberg - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

## **9. CONCLUSION**

The form and content of the attached revised Instruments are consistent with the Instruments previously adopted by Council and enable the effective functioning of Knox City Council. It is therefore recommended that Council sign and seal the revised attached Instruments (Attachment A, B, C and D).

## **10. CONFIDENTIALITY**

There are no items of a confidential nature in this report.

**Report Prepared By: Governance Officer, Damian Watson**

**Report Authorised By: Director, Corporate Services, Michael Fromberg**

### **Attachments**

1. Delegation - s 6 - Cemeteries and Crematoria Act - January 2019- Updated **[10.5.1]**
2. Delegation - s 6 - Domestic Animals Environment Protection Food Act - January 2019- Updated **[10.5.2]**
3. Delegation - s 6 - Road Management Responsibilities - January 2019- Updated **[10.5.3]**
4. Delegation - s 6 - Council to Council Staff - Planning - January 2019 Updated **[10.5.4]**



# INSTRUMENT OF DELEGATION COUNCIL TO COUNCIL STAFF – CEMETERIES & CREMATORIA

In exercise of the power conferred by section 98(1) and 86(3) of the *Local Government Act* 1989 and the other legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. declares that:
  - 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on 25 September 2017; and
  - 2.2 the delegation:
    - 2.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 2.2.2 remains in force until varied or revoked;
    - 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
    - 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 2.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
    - 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
      - (a) policy; or
      - (b) strategy
 adopted by Council; or

- 2.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
- 2.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.
- 3. In exercising any duty, function or power under this delegation the officer concerned will be mindful of the provisions under Division 1A – Conduct and Interests of the Local Government Act 1989.
  - 3.1 The principles of these provisions will apply to delegated officers.
  - 3.2 Any disclosures under section 77A or 79 must be recorded in accordance with any guidelines or policies which Council from time to time adopts.

THE COMMON SEAL of KNOX CITY COUNCIL

was affixed pursuant to an Order of the Council made on the 29 January 2019 in the presence of

Mayor .....

Chief Executive Officer .....

Councillor .....

# SCHEDULE





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**Instrument of Delegation – Council to Council Staff**

**January 2019**

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
## The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.8(1)(a)(ii)	Power to manage one or more public cemeteries	Not Delegated	
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	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	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	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	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	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administration Officer Administration Officer Sexton	
s14	Power to manage multiple public cemeteries as if they are one cemetery	Not Delegated	
s.15(1) and (2)	power to delegate powers or functions other than those listed	Chief Executive Officer	
s.15(4)	duty to keep records of delegations	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator – Governance Governance Officer	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.17(1)	power to employ any persons necessary	Chief Executive Officer Director - Corporate Services Manager - People Performance Coordinator - Employee Relations & Pay Manager - Governance & Strategy Coordinator - Governance	
s.17(2)	power to engage any professional, technical or other assistance considered necessary	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	
s. 17(3)	power to determine the terms and conditions of employment or engagement	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	subject to any guidelines or directions of the Secretary
s.18(3)	duty to comply with a direction from the Secretary	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	
s.19	power to carry out or permit the carrying out of works	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator – Governance Senior Admin Support Officer Sexton	
s.20(1)	duty to set aside areas for the interment of human remains	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.20(2)	power to set aside areas for the purposes of managing a public cemetery	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy	
s.20(3)	power to set aside areas for those things in paragraphs (a) – (e)	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy	
s.24(2)	power to apply to the Secretary for approval to alter the existing distribution of land	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy	
s.36	power to grant licences to enter and use part of the land or building in a public cemetery in accordance with this section	Chief Executive Officer Director - Corporate Services Manager – Governance & Strategy	subject to the approval of the Minister
s.37	power to grant leases over land in a public cemetery in accordance with this section	Not Delegated	subject to the Minister approving the purpose
s.40	duty to notify Secretary of fees and charges fixed under section 39	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	
s.47	power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	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	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	report must contain the particulars listed in s.57(2) report must be endorsed by Council

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
###The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.59	duty to keep records for each public cemetery	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.60(1)	duty to make information in records available to the public for historical or research purposes	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.60(2)	power to charge fees for providing information	Chief Executive Officer	
s64(4)	Duty to comply with a direction from the Secretary under s 64(3)	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.64B(d)	power to permit interments at a reopened cemetery	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.66(1)	power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	Chief Executive Officer	the application must include the requirements listed in s.66(2)(a)–(d)

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.69	duty to take reasonable steps to notify of conversion to historic cemetery park	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer	
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	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	
s.70(2)	duty to make plans of existing place of interment available to the public	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Sexton	
s.71(2)	power to dispose of any memorial or other structure removed	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Sexton	
s.72(2)	duty to comply with request received under section 72	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
###The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.73(1)	power to grant a right of interment	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.73(2)	power to impose conditions on the right of interment	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.75	power to grant the rights of interment set out in subsections (a) and (b)	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
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	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
###The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.80(1)	function of receiving notification and payment of transfer of right of interment	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.80(2)	function of recording transfer of right of interment	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.82(2)	duty to pay refund on the surrender of an unexercised right of interment	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer	
s.83(2)	duty to pay refund on the surrender of an unexercised right of interment (sole holder)	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer	
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer	



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
###The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.84(1)	function of receiving notice of surrendering an entitlement to a right of interment	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administration Officer	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	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	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.	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	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

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
###The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Sexton	
s.86(2)	power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	
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	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	
s.86(3)(b)	power to remove interred cremated human remains and take further action in accordance with s.86(3)(b)	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer	
s.86(5)	duty to provide notification before taking action under s.86(4)	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 86A	duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer	
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	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.88	function to receive applications to carry out a lift and re-position procedure at a place of interment	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	
s.91(1)	power to cancel a right of interment in accordance with this section	Not Delegated	
s.91(3)	duty to publish notice of intention to cancel right of interment	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	
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	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	
s.98(1)	function of receiving application to establish or alter a memorial or a place of interment	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
###The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.99	power to approve or refuse an application made under section 98, or to cancel an approval	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	Advice should be sought from the Sexton as required before exercising this power
s.99(4)	duty to make a decision on an application under section 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	Advice should be sought from the Sexton as required before exercising this power
s.100(1)	power to require a person to remove memorials or places of interment	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	
s.100(2)	power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with section 100(1)	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Sexton	
s.100(3)	power to recover costs of taking action under section 100(2)	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	
s.101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	
s.102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	Not Delegated	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)	Not Delegated	
s.103(1)	power to require a person to remove a building for ceremonies	Not Delegated	
s.103(2)	power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy	
s.103(3)	power to recover costs of taking action under section 103(2)	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy	
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	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	
s.106(2)	power to require the holder of the right of interment to provide for an examination	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	In consultation with Council
s.106(3)	power to open and examine the place of interment if section 106(2) not complied with	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Sexton	In consultation with Council
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 section 106(1) is not complied with	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Sexton	In consultation with, Council

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
###The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.107(1)	power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy	In consultation with Council
s.107(2)	power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy	In consultation with Council
s.108	power to recover costs and expenses	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	In consultation with Council
s.109(1)(a)	power to open, examine and repair a place of interment	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Sexton	where the holder of right of interment or responsible person cannot be found  In consultation with Council
s.109(1)(b)	power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Sexton	where the holder of right of interment or responsible person cannot be found In consultation with Council
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	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	where the holder of right of interment or responsible person cannot be found In consultation with Council
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	Not Delegated	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
###The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	Not Delegated	
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	Not Delegated	
s.111	power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator – Governance	
s.112	power to sell and supply memorials	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.116(4)	duty to notify the Secretary of an interment authorisation granted	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	
s.116(5)	power to require an applicant to produce evidence of the right of interment holder's consent to application	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
###The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.118	power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.119	power to set terms and conditions for interment authorisations	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.131	function of receiving an application for cremation authorisation	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.133(1)	duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	subject to subsection (2)
s.145	duty to comply with an order made by the Magistrates' Court or a coroner	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.146	power to dispose of bodily remains by a method other than interment or cremation	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	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	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.149	duty to cease using method of disposal if approval revoked by the Secretary	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
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	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.151	function of receiving applications to inter or cremate body parts	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.152(2)	power to impose terms and conditions on authorisation granted under section 150.	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
Schedule 1 clause 8(3)	power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	Meetings held in accordance with meeting procedure local law
Schedule 1 clause 8(8)	power to regulate own proceedings	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	Meetings held in accordance with meeting procedure local law subject to clause 8

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.24	duty to ensure that cemetery complies with depth of burial requirements	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	
r.25	duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	
r27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	
r28(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	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	
r29	Power to dispose of any metal substance or non-human substance recovered from a cremator	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	
r30(2)	Power to release cremated human remains to certain persons	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	Subject to any order of a court
r31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	
r31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	
r31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	
r32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer	

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	
r33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	
r34	Duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a)-(b)	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	
r.36	duty to provide statement that alternative vendors or supplier of monuments exist	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	
r. 40	power to approve a person to play sport within a public cemetery	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator – Governance	

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r. 41(1)	power to approve fishing and bathing within a public cemetery	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator – Governance	
r. 42(1)	power to approve hunting within a public cemetery	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator – Governance	
r. 43	power to approve camping within a public cemetery	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator – Governance	
r. 45(1)	power to approve the removal of plants within a public cemetery	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator – Governance	
r.46	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator – Governance	
r. 47(3)	power to approve the use of fire in a public cemetery	Chief Executive Officer Director - Corporate Services	
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	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator – Governance Sexton	Advice should be sought from the Sexton as required before exercising this power
<b>Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules</b>			
Schedule 2, clause 4	power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 2	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator – Governance	see note above regarding model rules

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 2, clause 5(1)	duty to display the hours during which pedestrian access is available to the cemetery	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Sexton	see note above regarding model rules
Schedule 2, clause 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	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	see note above regarding model rules
Schedule 2, clause 6(1)	power to give directions regarding the manner in which a funeral is to be conducted	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	see note above regarding model rules
Schedule 2, clause 7(1)	power to give directions regarding the dressing of places of interment and memorials	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	see note above regarding model rules  Advice should be sought from the Sexton as required before exercising this power
Schedule 2, clause 8	power to approve certain mementos on a memorial	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Senior Administrative Officer Administrative Officer	see note above regarding model rules
Schedule 2, clause 11(1)	power to remove objects from a memorial or place of interment	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance	see note above regarding model rules



<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
		Sexton	
Schedule 2, clause 11(2)	duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Sexton	see note above regarding model rules
Schedule 2, clause 12	power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Sexton	see note above regarding model rules
Schedule 2, clause 14	power to approve an animal to enter into or remain in a cemetery	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Sexton	see note above regarding model rules
Schedule 2, clause 16(1)	power to approve construction and building within a cemetery	Not Delegated	see note above regarding model rules Does not apply to a Cemetery Trust when carrying out its own functions or to an employee, agent or contractor of the Cemetery Trust
Schedule 2, clause 17(1)	power to approve action to disturb or demolish property of the cemetery trust	Not Delegated	see note above regarding model rules
Schedule 2, clause 18(1)	power to approve digging or planting within a cemetery	Chief Executive Officer Director - Corporate Services Manager - Governance & Strategy Coordinator - Governance Sexton	see note above regarding model rules



# INSTRUMENT OF DELEGATION COUNCIL TO COUNCIL STAFF – DOMESTIC ANIMALS, ENVIRONMENT PROTECTION & FOOD ACT

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In exercise of the power conferred by section 98(1) and 86(3) of the *Local Government Act* 1989 and the other legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. declares that:
  - 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on 27 March 2018; and
  - 2.2 the delegation:
    - 2.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 2.2.2 remains in force until varied or revoked;
    - 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
    - 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 2.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
    - 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
      - (a) policy; or
      - (b) strategy
 adopted by Council; or

- 2.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
  - 2.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.
3. In exercising any duty, function or power under this delegation the officer concerned will be mindful of the provisions under Division 1A – Conduct and Interests of the Local Government Act 1989.
- 3.1 The principles of these provisions will apply to delegated officers.
  - 3.2 Any disclosures under section 77A or 79 must be recorded in accordance with any guidelines or policies which Council from time to time adopts.

THE COMMON SEAL of KNOX CITY COUNCIL

was affixed pursuant to an Order of the Council

made on the 29 January 2019

in the presence of

Mayor .....

Chief Executive Officer .....

Councillor .....



# SCHEDULE



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<b>DOMESTIC ANIMALS ACT 1994</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.41A(1)	power to declare a dog to be a menacing dog	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator - Community Laws	Council may delegate this power to an authorised officer

<b>ENVIRONMENT PROTECTION ACT 1970</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.53M(3)	power to require further information	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator- Health Compliance Environmental Health Officer Authorised Officer	
s.53M(4)	duty to advise applicant that application is not to be dealt with	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator- Health Compliance Environmental Health Officer Authorised Officer	
s.53M(5)	duty to approve plans, issue permit or refuse permit	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator- Health Compliance Environmental Health Officer Authorised Officer	refusal must be ratified by Council or it is of no effect

<b>ENVIRONMENT PROTECTION ACT 1970</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.53M(6)	power to refuse to issue septic tank permit	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator- Health Compliance Environmental Health Officer Authorised Officer	refusal must be ratified by Council or it is of no effect
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	Chief Executive Officer Director – City Development Manager – City Safety & Health	refusal must be ratified by Council or it is of no effect



<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator- Health Compliance Environmental Health Officer Authorised Officer	If section 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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator- Health Compliance Environmental Health Officer Authorised Officer	If section 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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator- Health Compliance Environmental Health Officer Authorised Officer	If section 19(1) applies Only in relation to temporary food premises or mobile food premises
s.19(4)(a)	power to direct that an order made under section 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	Chief Executive Officer Director – City Development Manager – City Safety & Health	If section 19(1) applies

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	If section 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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	If section 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).	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19CB(4)(b)	power to request copy of records	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	where Council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	where Council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator- Health Compliance Environmental Health Officer	where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19NA(1)	power to request food safety audit reports	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator- Health Compliance Environmental Health Officer Authorised Officer	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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	where Council is the registration authority
---	power to register, renew or transfer registration	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))
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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	Where Council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	where Council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	where Council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	where Council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	where Council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	where Council is the registration authority
s.38D(3)	power to request copies of any audit reports	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	where Council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	where Council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).
s.38E(4)	duty to register the food premises when conditions are satisfied	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	where Council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	where Council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	where Council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	where Council is the registration authority



<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	where Council is the registration authority
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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	where Council is the registration authority



## INSTRUMENT OF DELEGATION

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

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. declares that:
  - 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on 27 March 2018; and
  - 2.2 the delegation:
    - 2.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 2.2.2 remains in force until varied or revoked;
    - 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
    - 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 2.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
    - 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
      - (a) policy; or
      - (b) strategy
 adopted by Council; or

- 2.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
- 2.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.
- 3. In exercising any duty, function or power under this delegation the officer concerned will be mindful of the provisions under Division 1A – Conduct and Interests of the Local Government Act 1989.
  - 3.1 The principles of these provisions apply to delegated officers.
  - 3.2 Any disclosures under section 77A or 79 must be recorded in accordance with any guidelines or policies which Council from time to time adopts.

THE COMMON SEAL of KNOX CITY COUNCIL

was affixed pursuant to an Order of the Council

made on the 29 January 2019

in the presence of

Mayor .....

Chief Executive Officer .....

Councillor .....



# SCHEDULE



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<b>RAIL SAFETY (LOCAL OPERATIONS) ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.33	duty to comply with a direction of the Safety Director under this section	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where Council is a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	duty of Council as a road authority under the <i>Road Management Act 2004</i>
s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where Council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where Council is the relevant road authority
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where Council is the relevant road authority

<b>RAIL SAFETY (LOCAL OPERATIONS) ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.34D(2)	function of receiving written notice of opinion	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where Council is the relevant road authority
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where Council is the relevant road authority
s.34E(1)(a)	duty to identify and assess risks to safety	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where Council is the relevant road authority
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where Council is the relevant road authority
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where Council is the relevant road authority

<b>RAIL SAFETY (LOCAL OPERATIONS) ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where Council is the relevant road authority
s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where Council is the relevant road authority
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where Council is the relevant road authority
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where Council is the relevant road authority
s.34I	function of entering into safety interface agreements	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where Council is the relevant road authority



<b>RAIL SAFETY (LOCAL OPERATIONS) ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.34J(2)	function of receiving notice from Safety Director	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where Council is the relevant road authority
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where Council is the relevant road authority
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where Council is the relevant road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	Chief Executive Officer Director - Corporate Services Manager – Business & Financial Services Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	Chief Executive Officer Director - Corporate Services Manager – Business & Financial Services Coordinator – Property Management	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.11(9)(b)	duty to advise Registrar	Chief Executive Officer Director - Corporate Services Manager – Business & Financial Services Coordinator – Property Management	
s.11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	Chief Executive Officer Director - Corporate Services Manager – Business & Financial Services Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	clause subject to section 11(10A)

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.11(10A)	duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	Chief Executive Officer Director - Corporate Services Manager – Business & Financial Services Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	Chief Executive Officer Director - Corporate Services Manager – Business & Financial Services Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	Chief Executive Officer Director - Corporate Services Manager – Business & Financial Services Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.12(5)	duty to consider written submissions received within 28 days of notice	Chief Executive Officer Director – Engineering & Infrastructure Manager – Sustainable Infrastructure Director – Corporate Development Manager – Business & Financial Services Coordinator – Property Management	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(6)	function of hearing a person in support of their written submission	Chief Executive Officer Director – Engineering & Infrastructure Manager – Sustainable Infrastructure Director – Corporate Development Manager – Business & Financial Services Coordinator – Property Management	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	Chief Executive Officer Director – Corporate Development Manager – Business & Financial Services Coordinator – Property Management	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.12(10)	duty to notify of decision made	Chief Executive Officer Director – Corporate Development Manager – Business & Financial Services Coordinator – Property Management	duty of coordinating road authority where it is the discontinuing body  does not apply where an exemption is specified by the regulations or given by the Minister
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	Chief Executive Officer Director - Corporate Services Manager – Business & Financial Services Director - City Development Manager - City Futures	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	Chief Executive Officer Director - Engineering & Infrastructure	
s.14(7)	power to appeal against decision of VicRoads	Chief Executive Officer Director - Engineering & Infrastructure	
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	Chief Executive Officer Director - Engineering & Infrastructure	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; 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	Chief Executive Officer Director - Engineering & Infrastructure	
s.15(2)	duty to include details of arrangement in public roads register	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.16(7)	power to enter into an arrangement under section 15	Chief Executive Officer Director - Engineering & Infrastructure	
s.16(8)	duty to enter details of determination in public roads register	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.17(2)	duty to register public road in public roads register	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.17(3)	power to decide that a road is reasonably required for general public use	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	where Council is the coordinating road authority
s.17(3)	duty to register a road reasonably required for general public use in public roads register	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	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	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	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	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	where Council is the coordinating road authority



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.18(1)	power to designate ancillary area	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	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	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.19(4)	duty to specify details of discontinuance in public roads register	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19(5)	duty to ensure public roads register is available for public inspection	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.21	function of replying to request for information or advice	Chief Executive Officer Director - Engineering & Infrastructure	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	Chief Executive Officer Director - Engineering & Infrastructure	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	Chief Executive Officer Director - Corporate Services Manager – Business & Financial Services Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	
s.22(5)	duty to give effect to a direction under this section.	Chief Executive Officer Director - Engineering & Infrastructure	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.40(1)	duty to inspect, maintain and repair a public road.	Chief Executive Officer Director - Engineering & Infrastructure	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	Chief Executive Officer Director - Engineering & Infrastructure	
s.42(1)	power to declare a public road as a controlled access road	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	power of coordinating road authority and Schedule 2 also applies

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.42A(3)	duty to consult with VicRoads before road is specified	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	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	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	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)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Coordinator - Works Services Coordinator - Parks Services Coordinator – Construction Group	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 section 48M	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.49	power to develop and publish a road management plan	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.51	power to determine standards by incorporating the standards in a road management plan	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.54(2)	duty to give notice of proposal to make a road management plan	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.54(6)	power to amend road management plan	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.54(7)	duty to incorporate the amendments into the road management plan	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.63(1)	power to consent to conduct of works on road	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure Manager – Operations	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	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure Manager – Operations	where Council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure Coordinator - Project Delivery Director - City Development Manager - City Safety & Health Coordinator - Community Laws Team Leader - Parking Services Team Leader - Asset Preservation Community Laws Officers	where Council is the infrastructure manager or works manager

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.66(1)	power to consent to structure etc	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure Coordinator - Project Delivery Director - City Development Manager - City Safety & Health Coordinator - Community Laws Team Leader - Parking Services Team Leader - Asset Preservation Community Laws Officers	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	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure Coordinator - Project Delivery Director - City Development Manager - City Safety & Health Coordinator - Community Laws Team Leader - Parking Services Team Leader - Asset Preservation Community Laws Officers	where Council is the coordinating road authority



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.67(3)	power to request information	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure Coordinator - Project Delivery Director - City Development Manager - City Safety & Health Coordinator - Community Laws Team Leader - Parking Services Team Leader - Asset Preservation Community Laws Officers	where Council is the coordinating road authority
s.68(2)	power to request information	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure Coordinator - Project Delivery Director - City Development Manager - City Safety & Health Coordinator - Community Laws Team Leader - Parking Services Team Leader - Asset Preservation Community Laws Officers	where Council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	Chief Executive Officer	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.72	duty to issue an identity card to each authorised officer	Chief Executive Officer Director - Corporate Services Manager – Governance & Strategy Coordinator – Governance  Governance Officer	
s.85	function of receiving report from authorised officer	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure	
s.86	duty to keep register re section 85 matters	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure	
s.87(1)	function of receiving complaints	Chief Executive Officer Director - Engineering & Infrastructure	
s.87(2)	duty to investigate complaint and provide report	Relevant Director	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.112(2)	power to recover damages in court	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	
s.116	power to cause or carry out inspection	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure Coordinator - Project Delivery Team Leader - Asset Preservation	
s.119(2)	function of consulting with VicRoads	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Coordinator - Works Services Coordinator - Parks Services Coordinator - Construction	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure Manager - Operations	
s.121(1)	power to enter into an agreement in respect of works	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure Manager - Operations Manager - Community Infrastructure	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.122(1)	power to charge and recover fees	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	
s.123(1)	power to charge for any service	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure Manager - Community Infrastructure Manager - Operations	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	
Schedule 2 Clause 5	duty to publish notice of declaration	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	
Schedule 7, Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the infrastructure manager or works manager

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the infrastructure manager or works manager
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 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	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the infrastructure manager or works manager

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	where Council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	where Council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	where Council is the coordinating road authority



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 12(5)	power to recover costs	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	where Council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	where Council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	where Council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	where Council is the infrastructure manager

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 16(1)	power to consent to proposed works	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 18(1)	power to enter into an agreement	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	where Council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	where Council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7A Clause 2	power to cause street lights to be installed on roads	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	where Council is the responsible road authority
Schedule 7A Clause 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	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	where Council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal Council (re: operating costs)

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.8(1)	duty to conduct reviews of road management plan	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	
r.9(2)	duty to produce written report of review of road management plan and make report available	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	
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)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	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 section 41 of the Act	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.13(1)	Duty to publish notice of amendments to road management plan	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	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	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	
r.16(3)	power to issue permit	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority
r.18(1)	power to give written consent re damage to road	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.23(2)	power to make submission to Tribunal	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure Manager - Sustainable Infrastructure Manager – Operations Director – City Development Manager – City Safety & Health Coordinator – Community Laws Team Leader – Parking Services	where council is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure Coordinator - Project Delivery Director - City Development Manager - City Safety and Health Coordinator – Community Laws Team Leader - Parking Services Team Leader - Asset Preservation Community Laws Officers	where council is the coordinating road authority



<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure Manager - Sustainable Infrastructure Manager – Operations Director – City Development Manager – City Safety & Health Coordinator – Community Laws Team Leader – Parking Services	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))	Chief Executive Officer Director - Engineering & Infrastructure Manager – Operations Director – Corporate Services Manager – Governance & Strategy Director – City Development Manager – City Safety & Health Coordinator – Community Laws	where Council is the responsible road authority

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.25(5)	power to recover in the Magistrates' Court, expenses from person responsible	Chief Executive Officer Director - Engineering & Infrastructure Manager – Operations Director – City Development Manager – City Safety & Health Coordinator – Community Laws	

<b>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.15	power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	Chief Executive Officer Director – Engineering & Infrastructure Manager – Community Infrastructure	where Council is the coordinating road authority and where consent given under section 63(1) of the Act
r.22(2)	power to waive whole or part of fee in certain circumstances	Chief Executive Officer Director – Engineering & Infrastructure Manager – Community Infrastructure	where council is the coordinating road authority

# INSTRUMENT OF DELEGATION COUNCIL TO COUNCIL STAFF - PLANNING



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

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

2. records that reference in the Schedule to:

“Group A” means	Chief Executive Officer Director City Development Manager City Planning & Building Manager City Futures
“Group B” means	Coordinator Planning Coordinator City Strategy and Planning  Principal Planner Project Manager Strategic Planning Senior Strategic Planner
“Group C” means	Senior Planner Senior Subdivision Planner Planning Officer
“Group D” means	Subdivision Planner
“Group E” means	Planning Investigation Officer Landscape Inspection Officer
“Group F” means	Planning Support Officer Student Planner Project Support Officer
“Group G” means	Team Leader City Planning and Building Administration City Planning and Building Administration Officers
“Group H” means	Customer Service Officer (HUB)
“Group I” means	Arborist Landscape Assessment Officer Assistant Landscape Officer

3. declares that:
  - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 28 August 2017; 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; or
    - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
      - (a) policy; or
      - (b) strategyadopted by Council; or
    - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
    - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

- 4. In exercising any duty, function or power under this delegation the officer concerned will be mindful of the provisions under Division 1A – Conduct and Interests of the Local Government Act 1989.
- 4.1 The principles of these provisions apply to delegated officers.
- 4.2 Any disclosures under section 77A or 79 must be recorded in accordance with any guidelines or policies which Council from time to time adopts.

THE COMMON SEAL of KNOX CITY COUNCIL

was affixed pursuant to an Order of the Council

made on the 29 January 2019

in the presence of

Mayor .....

Chief Executive Officer .....

Councillor .....



# SCHEDULE



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<b>HERITAGE ACT 2017</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.116	power to sub-delegate Executive Director's functions, duties or powers	Chief Executive Officer	Must first obtain Executive Director's written consent first. Council can only sub-delegate if the instrument of delegation from the Executive Director authorises sub-delegation



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.4B	power to prepare an amendment to the Victorian Planning Provisions	Group A	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	Group A	
s.4H	duty to make amendment to Victoria Planning Provisions available	All Groups	
s.4I	duty to keep Victoria Planning Provisions and other documents available	All Groups	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	Group A	
s. 8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	Group A	
s.8A(5)	function of receiving notice of the Minister's decision	Group A	
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	Group A	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	Not Delegated	
s.12(3)	power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	Groups A, B & C	
s 12A(1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	Groups A, B & C	
s.12B(1)	duty to review planning scheme	Groups A, B & C	
s.12B(2)	duty to review planning scheme at direction of Minister	Groups A, B & C	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	Groups A, B & C	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	Groups A, B, C, D, E, F & I	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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s.17(1)	duty of giving copy amendment to the planning scheme	Groups A, B & C	
s.17(2)	duty of giving copy s.173 agreement	Groups A, B & C	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	Groups A, B & C	
s.18	duty to make amendment etc. available	All Groups	
s.19	power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme	Groups A	Decision not to give notice under sections 19(1)(a) and (b) and (1A) must be recorded.
s.19	function of receiving notice of preparation of an amendment to a planning scheme	Groups A, B & C	Only 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

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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s.20(1)	power to apply to Minister for exemption from the requirements of section 19	Groups A, B & C	
s.21(2)	duty to make submissions available	All Groups	
s.21A(4)	duty to publish notice in accordance with section	Groups A, B & C	
s.22	duty to consider all submissions	Groups A, B & C	except submissions which request a change to the items in s.22(5)(a) and (b)
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	Groups A, B & C	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	Groups A, B & C	Only where Council has already resolved to refer the Amendment to a Panel
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)	Groups A, B & C	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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s.26(1)	power to make report available for inspection	Group A All other Groups	Group A: No conditions or limitations  All other Groups: Only after the Planning Authority has decided whether or not to adopt the planning amendment or twenty eight days has elapsed since it received the panel's report.
s.26(2)	duty to keep report of panel available for inspection	Group A All other Groups	Group A: No conditions or limitations  All other Groups: Only after the Planning Authority has decided whether or not to adopt the planning amendment or twenty eight days has elapsed since it received the panel's report.
s.27(2)	power to apply for exemption if panel's report not received	Group A	
s.28	duty to notify the Minister if abandoning an amendment	Groups A, B & C	Note: the power to make a decision to abandon an amendment cannot be delegated
s.30(4)(a)	duty to say if amendment has lapsed	Group A	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.30(4)(b)	duty to provide information in writing upon request	Group A	
s.32(2)	duty to give more notice if required	Groups A, B & C	
s.33(1)	duty to give more notice of changes to an amendment	Groups A, B & C	
s.36(2)	duty to give notice of approval of amendment	Groups A, B & C	
s.38(5)	duty to give notice of revocation of an amendment	Groups A, B & C	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	Groups A, B & C	
s.40(1)	function of lodging copy of approved amendment	Groups A, B & C	
s.41	duty to make approved amendment available	All Groups	
s.42	duty to make copy of planning scheme available	All Groups	

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s. 46AW	function of being consulted by the Minister	Groups A, B and C	<u>where Council is a responsible public entity</u>
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	Groups A, B and C	<u>where Council is a responsible public entity</u>
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	Groups A, B,C & D	<u>where Council is a responsible public entity</u>
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	Groups A, B, C & D	<u>where Council is a responsible public entity</u>



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	Groups A, B, C & D	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	Groups A, B, C & D	
s.46GK	duty to comply with a Minister's direction that applies to Council as the planning authority	Groups A, B, C & D	
s.46GN(1)	duty to arrange for estimates of values of inner public purpose land	Groups A, B, C & D	
s.46GO(1)	duty to give notice to owners of certain inner public purpose land	Groups A, B, C & D	
s.46GP	function of receiving a notice under s.46GO	Groups A, B, C & D	where Council is the collecting agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	Groups A, B, C & D	
s.46GR(1)	duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO	Groups A, B, C & D	
s.46GR(2)	power to consider a late submission duty to consider a late submission if directed to do so by the Minister	Groups A, B, C & D	
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	Groups A, B, C & D	
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	Groups A, B, C & D	
s.46GT(2)	duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	Groups A, B, C & D	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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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	Groups A, B, C & D	
s.46GT(6)	function of receiving, from the valuer-general, written notice of a determination under s.46GT(5)	Groups A, B, C & D	
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	Groups A, B, C & D	
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	Groups A, B, C & D	where Council is the collecting agency
s.46GV(3)(b)	power to enter into an agreement with the applicant	Groups A, B, C & D	where Council is the collecting agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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s.46GV(4)(a)	function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	Groups A, B, C & D	where Council is the development 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	Groups A, B, C & D	
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	Groups A, B, C & D	where Council is the collecting agency
s46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	Groups A, B, C & D	Where Council is the collecting agency
s.46GX(2)	duty, before accepting the provision of works, services or facilities by an applicant under s.46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	Groups A, B, C & D	where Council is the collecting agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GY(1)	duty to keep proper and separate accounts and records	Groups A, B, C & D	where Council is the collecting agency
s.46GY(2)	duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	Groups A, B, C & D	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	Groups A, B, C & D	where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is that planning authority
s.46GZ(2)(a)	function of receiving the monetary component	Groups A, B, C & D	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 of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in as responsible for those works, services or facilities	Groups A, B, C & D	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

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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s.46GZ(2)(b)	function of receiving the monetary component	Groups A, B, C & D	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)	Groups A, B, C & D	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZ(5)	duty to keep forward any part of land equalisation amount required for the acquisition of outer public purpose land	Groups A, B, C & D	where Council is the development agency specified in the approved infrastructure contributions plan  this provision does not apply where Council is also the relevant collecting agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	Groups A, B, C & D	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	Groups A & B	if any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s.46GV(4) where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is also the development agency
s.46GZ(9)	function of receiving the fee simple in the land	Groups A & B	where Council is the development agency under an approved infrastructure contributions plan this duty does not apply where Council is also the collecting agency

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GZA(1)	duty to keep proper and separate accounts and records	Groups A & B	where Council is a development agency under an approved infrastructure contributions plan
s.46GZA(2)	duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	Groups A, B, C & D	where Council is a development agency under an approved infrastructure contributions plan
s46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)		Where Council is a development agency under an approved infrastructure contributions plan
s46GZB(4)	duty in accordance with the 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	Groups A & B	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



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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)	Groups A & B	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)	Groups A & B	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 s.46GZD(5)(a) and 46GZD(5)(b).	Groups A & B	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZE(2)	duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	Chief Executive Officer Director Corporate Development Director City Development	where Council is the development agency under an approved infrastructure contributions plan  this duty does not apply where Council is also the collecting agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GZE(2)	Duty within 12 month after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in S 46GZE(3)(a) and (b)	Groups A & B	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, if land is sold under s 46GZF(2)(b), to follow the steps in s 46 GZF (3)(a) and (b)	Groups A & B	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZF(2)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	Groups A & B	where Council is the development agency under an approved infrastructure contributions plan
s46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)		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	Groups A & B	where Council is the collection agency under an approved infrastructure contributions plan this provision does not apply where Council is also the development agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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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)	Groups A & B	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZF(6)	duty to make the payments under s.46GZF(4) in accordance with s.46GZF(6)(a) and (b)	Groups A & B	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	Groups A & B	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	Groups A & B	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	Groups A & B	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)	Groups A & B	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	Groups A, B, C & D	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	Groups A, B, C & D	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	Groups A & B	
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	Groups A & B	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	Groups A & B	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	Groups A & B	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	Groups A & B	

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s.46Q(1)	duty to keep proper accounts of levies paid	Chief Executive Officer Director Corporate Development Director City Development	
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	Chief Executive Officer Director Corporate Development Director City Development	
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	Chief Executive Officer Director Corporate Development Director City Development	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	Chief Executive Officer Director Corporate Development Director City Development	only applies when levy is paid to Council as a 'development agency'

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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)	Chief Executive Officer Director Corporate Development Director City Development	must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	Chief Executive Officer Director Corporate Development	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	Chief Executive Officer Director Corporate Development Director City Development	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	Chief Executive Officer Director Corporate Development Director City Development	
s.46QD	duty to prepare report and give a report to the Minister	Groups A & B	where Council is a collecting agency or development agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	Groups A & B	
s46Y	Duty to carry out works in conformity with the approved strategy plan	Groups A & B	
s.47	power to decide that an application for a planning permit does not comply with that Act	All Groups	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	All Groups	
s.49(2)	duty to make register available for inspection	All Groups	
s.50(4)	duty to amend application	Groups A, B, C, D, F & I	
s.50(5)	power to refuse to amend application	Groups A, B, C, D & I	
s. 50(6)	duty to make note of amendment to application in register	Groups A, B, C, D, F & I	
s.50A(1)	power to make amendment to application	Groups A, B, C, D, F & I	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	Groups A, B, C, D, F & I	
s.50A(4)	duty to note amendment to application in register	Groups A, B, C, D, F & I	
s.51	duty to make copy of application available for inspection	All Groups	
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	Groups A, B, C, D, F & I	
s.52(1)(b)	duty to give notice of the application to other municipal Councils where appropriate	Groups A, B, C, D, F & I	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	Groups A, B, C, D, F & I	
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	Groups A, B, C, D, F & I	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	Groups A, B, C & D	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	Groups A, B, C, D, F & I	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	Groups A, B, C & D	
s.52(3)	power to give any further notice of an application where appropriate	Groups A, B & C	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	Groups A, B, C, D, F, G & I	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	Groups A, B, C, D, F, G & I	
s.54(1)	power to require the applicant to provide more information	Groups A, B, C, D, F, G & I	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.54(1A)	duty to give notice in writing of information required under section 54(1)	Groups A, B, C, D, F, G & I	
s.54(1B)	duty to specify the lapse date for an application	Groups A, B, C, D, F & I	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	Groups A, B, C, D, F & I	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	Groups A, B, C, D, F, G & I	
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Groups A, B, C, D, F, G & I	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	Group A	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Groups A, B, C, D, F & I	
s.57(5)	duty to make available for inspection copy of all objections	All Groups	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	Groups A, B, C, D, F & I	
s.57A(5)	power to refuse to amend application	Groups A, B, C & D, F & I	
s.57A(6)	duty to note amendments to application in register	All Groups	
s.57B(1)	duty to determine whether and to whom notice should be given	Groups A, B, C & D, F & I	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	Groups A, B, C & D, F & I	
s.57C(1)	duty to give copy of amended application to referral authority	Groups A, B, C, D, F & I	
s.58	duty to consider every application for a permit	Groups A, B, C, D, F & I	
s.58A	power to request advice from the Planning Application Committee	Chief Executive Officer Director City Development	
s.60	duty to consider certain matters	Groups A, B, C, D, F & I	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
S60(1A)	duty to consider certain matters	Groups A, B, C, D, F & I	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	Groups A, B, C, D, F & I	

<p>s.61(1)(a)</p>	<p>power to decide to grant a permit</p>	<p>Groups A, B, C, D, F &amp; I</p>	<p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The proposal must be considered to be in compliance with the Knox Planning Scheme, including the Municipal Strategic Statement and Local Planning Policy Framework and any incorporated documents to the planning scheme;</p> <p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>• an application once it is “called up” by a Knox Councillor (in consultation with the Director City Development) or the CEO, Director City Development or Manager City Planning &amp; Building.</li> <li>• an application which has received objections from the owners and/or occupiers of 15 or more separate properties, unless:             <ul style="list-style-type: none"> <li>○ The site is located within an Activity Centre with a Structure Plan approved by Council; or</li> <li>○ The site is located within an ‘Activity Area’ as identified in the Knox Housing Strategy 2015 (or as amended).</li> </ul> </li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p>
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<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			<p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p>

<p>s.61(1)(b)</p>	<p>power to decide to grant a planning permit with conditions</p>	<p>Groups A, B, C, D, F &amp; I</p>	<p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The proposal must be considered to be in compliance with the Knox Planning Scheme, including the Municipal Strategic Statement and Local Planning Policy Framework and any incorporated documents to the planning scheme;</p> <p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>• an application once it is “called up” by a Knox Councillor (in consultation with the Director City Development) or the CEO, Director City Development or Manager City Planning &amp; Building.</li> <li>• an application which has received objections from the owners and/or occupiers of 15 or more separate properties, unless:             <ul style="list-style-type: none"> <li>○ The site is located within an Activity Centre with a Structure Plan approved by Council; or</li> <li>○ The site is located within an ‘Activity Area’ as identified in the Knox Housing Strategy 2015 (or as amended).</li> </ul> </li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p>
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<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			<p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p>



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.61(1)(c)	power to refuse the permit	Groups A, B, C, D, F & I	<p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>an application once it is “called up” by a Knox Councillor (in consultation with the Director City Development) or the CEO, Director City Development or Manager City Planning &amp; Building.</li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p>

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; 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	Groups A, B, C, D, F & I	<p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>an application once it is “called up” by a Knox Councillor (in consultation with the Director City Development) or the CEO, Director City Development or Manager City Planning &amp; Building.</li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p>

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	Groups A, B, C, D, F & I	<p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>an application once it is “called up” by a Knox Councillor (in consultation with the Director City Development) or the CEO, Director City Development or Manager City Planning &amp; Building.</li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p>

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Groups A, B, C, D, F & I	
s61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	Groups A, B, C, D, F & I	

s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	Groups A, B, C, D, F & I	<p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>an application once it is “called up” by a Knox Councillor (in consultation with the Director City Development) or the CEO, Director City Development or Manager City Planning &amp; Building.</li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <ul style="list-style-type: none"> <li></li> </ul> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p>
s.62(1)	duty to include certain conditions in deciding to grant a permit	Groups A, B, C, D, F & I	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.62(2)	power to include other conditions	Groups A, B, C, D, F & I	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	Groups A, B, C, D, F & I	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	Groups A, B, C, D, F & I	
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 section 173 agreement	Groups A, B, C, D, F & I	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	Groups A, B, C & D, F & I	
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 section 62(5) or section 46N	Groups A, B, C & D, F & I	
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 section 62(1)(a)	Groups A, B, C, D, F & I	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	Groups A, B, C, D, F & I	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	Groups A, B, C, D, F & I	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(3)	duty not to issue a permit until after the specified period	Groups A, B, C, D, F & I	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	Groups A, B, C, D, F & I	this provision applies also to a decision to grant an amendment to a permit - see section 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	Groups A, B, C, D, F & I	this provision applies also to a decision to grant an amendment to a permit - see section 75A
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	Groups A, B, C, D, F & I	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	Groups A, B, C, D, F & I	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	Groups A, B, C, D, F & I	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	Groups A, B, C, D, F & I	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 section 64 or 65	Groups A, B, C, D, F & I	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	All Groups	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.69(1A)	function of receiving application for extension of time to complete development	All Groups	
s.69(2)	power to extend time	Groups A, B, C, D, F & I	<p>In exercising this power consideration must be given to the matters referred to in Butterworths' Casenotes 5.35 relating to 'Extension of Time' and:</p> <ul style="list-style-type: none"> <li>• Whether there has been a change in planning circumstances of the site (ie changes in zoning or planning policy);</li> <li>• Whether there has been a change in the material circumstances of the site and surrounds;</li> <li>• The steps the owner may or may not have undertaken in an endeavour to act on the permit;</li> <li>• Whether the time limit imposed was adequate having regard to the actions required to fulfil permit conditions.</li> </ul> <p>Group B, C, D, &amp; F: May only exercise this power after obtaining the approval of at least one other delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves the removal or pruning of vegetation.</p>
s.70	duty to make copy permit available for inspection	Groups A, B, C, D, F & I	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.71(1)	power to correct certain mistakes	Groups A, B, C, D, F & I	
s.71(2)	duty to note corrections in register	Groups A, B, C & D	
s.73	power to decide to grant amendment subject to conditions	Groups A, B, C & D	
s.74	duty to issue amended permit to applicant if no objectors	Groups A, B, C, D, F & I	
S75A	Duty not to issue an amended 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.	Groups A, B, C, D, F & I	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Groups A, B, C, D, F & I	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	Groups A, B, C, D, F & I	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Groups A, B, C, D, F & I	if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	Groups A, B, C, D, F & I	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 section 64 or 76	Groups A, B, C, D, F & I	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	Groups A, B, C & D	
s.83	function of being respondent to an appeal	Groups A, B, C, D, E, F & I	
s.83B	duty to give or publish notice of application for review	Groups A, B, C, D, F & I	

<p>s.84(1)</p>	<p>power to decide on an application at any time after an appeal is lodged against failure to grant a permit</p>	<p>Groups A, B, C, D, F &amp; I</p>	<p><u>Decision to Support an Application</u></p> <p>The application must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The proposal must be considered to be in compliance with the Knox Planning Scheme, including the Municipal Strategic Statement and Local Planning Policy Framework and any incorporated documents to the planning scheme;</p> <p>This power cannot be exercised in relation to:</p>
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			<ul style="list-style-type: none"> <li>• an application once it is “called up” by a Knox Councillor (in consultation with the Director City Development) or the CEO, Director City Development or Manager City Planning &amp; Building.</li> <li>• an application which has received objections from the owners and/or occupiers of 15 or more separate properties, unless:             <ul style="list-style-type: none"> <li>○ The site is located within an Activity Centre with a Structure Plan approved by Council; or</li> <li>○ The site is located within an ‘Activity Area’ as identified in the Knox Housing Strategy 2015 (or as amended).</li> </ul> </li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an</p>
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			<p>application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p> <p><u>Decision to Oppose an Application</u></p> <p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>an application once it is “called up” by a Knox Councillor (in consultation with the Director City Development) or the CEO, Director City Development or Manager City Planning &amp; Building.</li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p>
s.84(2)	duty not to issue a permit or notice of decision or refusal after an application is	Groups A, B, C, D, F & I	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	made for review of a failure to grant a permit		
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	Groups A, B, C, D, F & I	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	Groups A, B, C, D, F & I	
s.84AB	power to agree to confining a review by the Tribunal	Groups A, B, C, D, F & I	
s.86	duty to issue a permit at order of Tribunal within 3 working days	Groups A, B, C, D, F & I	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	Group A	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	Groups A, B, C, D & E	
s.91(2)	duty to comply with the directions of VCAT	Groups A, B, C, D & E, F & I	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	Groups A, B, C, D & E, F & I	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	Groups A, B, C, D & E, F & I	
s.93(2)	duty to give notice of VCAT order to stop development	Groups A, B, C, D & E	
s.95(3)	function of referring certain applications to the Minister	Groups A, B & C	
s.95(4)	duty to comply with an order or direction	Groups A, B & C, F & I	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	Groups A & B	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	Group A	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	Groups A, B, C & D	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	Groups A, B, C & D	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.96F	duty to consider the panel's report under section 96E	Group A	
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 section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	Groups A, B, C, D, F & I	<p><u>Decision to Support an Application</u></p> <p>The application must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The proposal must be considered to be in compliance with the Knox Planning Scheme, including the Municipal Strategic Statement and Local Planning Policy Framework and any incorporated documents to the planning scheme;</p> <p>This power cannot be exercised in relation to:</p>

			<ul style="list-style-type: none"><li>• an application once it is “called up” by a Knox Councillor (in consultation with the Director City Development) or the CEO, Director City Development or Manager City Planning &amp; Building.</li><li>• an application which has received objections from the owners and/or occupiers of 15 or more separate properties, unless:<ul style="list-style-type: none"><li>○ The site is located within an Activity Centre with a Structure Plan approved by Council; or</li><li>○ The site is located within an ‘Activity Area’ as identified in the Knox Housing Strategy 2015 (or as amended).</li></ul></li></ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <ul style="list-style-type: none"><li>•</li></ul> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four</p>
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<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			(4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.

			<p><u>Decision to Oppose an Application</u></p> <p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>• an application once it is “called up” by a Knox Councillor (in consultation with the Director City Development) or the CEO, Director City Development or Manager City Planning &amp; Building.</li> <li>• Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B</li> </ul> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p>
s.96H(3)	power to give notice in compliance with Minister's direction	Groups A, B & C	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.96J	power to issue permit as directed by the Minister	Groups A, B & C	
s.96K	duty to comply with direction of the Minister to give notice of refusal	Groups A, B & C	
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	All Groups	
s.97C	power to request Minister to decide the application	Group A	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	Groups A, B & C	
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	Groups A, B & C	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	All Groups	
s.97L	duty to include Ministerial decisions in a register kept under section 49	Groups A, B & C	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.97MH	duty to provide information or assistance to the Planning Application Committee	Group A	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	Group A	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	Groups A, B, C, D & E	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Groups A, B, C, D & E	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Groups A, B, C, D & E	
s.97Q(4)	duty to comply with directions of VCAT	Groups A, B, C, D & E	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	Groups A, B, C, D & E	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	Group A	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	Group A	
s.101	function of receiving claim for expenses in conjunction with claim	Group A	
s.103	power to reject a claim for compensation in certain circumstances	Group A	
s.107(1)	function of receiving claim for compensation	Group A	
s.107(3)	power to agree to extend time for making claim	Group A	
s.114(1)	power to apply to the VCAT for an enforcement order	Groups A, B & E	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	Groups A, B, C, D & E	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	Groups A, B & E	
s.123(1)	power to carry out work required by enforcement order and recover costs	Groups A & E	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	Group A	except Crown Land
s.129	function of recovering penalties	Groups A, B & E	
s.130(5)	power to allow person served with an infringement notice further time	Groups A, B & E	
s.149A(1)	power to refer a matter to the VCAT for determination	Groups A & B	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	Groups A & B	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B)power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	Group A	where Council is the relevant planning authority



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.171(2)(f)	power to carry out studies and commission reports	Groups A, B, C, D & E	
s.171(2)(g)	power to grant and reserve easements	Group A	
s.172C	power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	Group A	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)	Group A	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)	Group A	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 section 174	Chief Executive Officer Director City Development	The Agreement must align with the requirements of a condition (s) on an issued Planning Permit

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	Group A	where council is the relevant responsible authority
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	Groups A, B, C & D	
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	Groups A, B, C & D	
s.177(2)	power to end a section 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	Chief Executive Officer Director City Development	This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.
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	Chief Executive Officer Director City Development	The Agreement must align with the requirements of a condition (s) on an issued Planning Permit

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.178A(1)	function of receiving application to amend or end an agreement	Groups A, B, C & D	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	Groups A, B, C & D	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	Groups A, B, C & D	
s.178A(5)	power to propose to amend or end an agreement	Chief Executive Officer Director City Development	This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	Chief Executive Officer Director City Development	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	Chief Executive Officer Director City Development	
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	Groups A, B, C & D	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.178C(4)	function of determining how to give notice under s.178C(2)	Groups A, B, C & D	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	Chief Executive Officer Director City Development	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	Chief Executive Officer Director City Development	If no objections are made under s.178D Must consider matters in s.178B This power cannot be exercised in relation to: <ul style="list-style-type: none"> <li>• A section 173 agreement that was entered into via a resolution of Council; or</li> <li>• If any objections are made under s.178D</li> </ul>
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Chief Executive Officer Director City Development	If no objections are made under s.178D Must consider matters in s.178B This power cannot be exercised in relation to: <ul style="list-style-type: none"> <li>• A section 173 agreement that was entered into via a resolution of Council; or</li> <li>• If any objections are made under s.178D</li> </ul>

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.178E(2)(c)	power to refuse to amend or end the agreement	Chief Executive Officer Director City Development	If no objections are made under s.178D Must consider matters in s.178B This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	Chief Executive Officer Director City Development	After considering objections, submissions and matters in s.178B This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Chief Executive Officer Director City Development	After considering objections, submissions and matters in s.178B This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	Chief Executive Officer Director City Development	After considering objections, submissions and matters in s.178B This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.178E(3)(d)	power to refuse to amend or end the agreement	Chief Executive Officer Director City Development	After considering objections, submissions and matters in s.178B  This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	Groups A, B, C & D	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	Groups A, B, C & D	
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	Groups A, B, C & D	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	Chief Executive Officer Director City Development	
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	Groups A, B, C & D	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; 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	Groups A, B, C & D	
s.179(2)	duty to make available for inspection copy agreement	Groups A, B, C, D & E	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Groups A, B, C & D	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	Groups A, B, C & D	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	Groups A, B, C & D	
s.182	power to enforce an agreement	Groups A, B, C, D & E	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	Groups A, B, C & D	
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	Chief Executive Officer Director City Development	This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	Chief Executive Officer Director City Development	
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	Groups A, B, C & D	
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	Groups A, B, C & D	
s.184G(2)	duty to comply with a direction of the Tribunal	Chief Executive Officer Director City Development	
s.184G(3)	duty to give notice as directed by the Tribunal	Groups A, B, C, D & F	
s.198(1)	function to receive application for planning certificate	Groups A, B & C	
s.199(1)	duty to give planning certificate to applicant	Groups A, B & C	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.201(1)	function of receiving application for declaration of underlying zoning	Group A	
s.201(3)	duty to make declaration	Group A	
Misc	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	Groups A, B, C, D & E	
Misc	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	Groups A, B, C & D	
Misc	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	Groups A, B, C & D	
Misc	power to give written authorisation in accordance with a provision of a planning scheme	Groups A, B, C & D	
Misc.	power to mediate an appeal at the Victorian Civil and Administrative Tribunal – Mediation Hearing	Groups A, B, C, & D	The mediated outcome shall be generally in accordance with the Council decision on the application.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Misc.	power to request that the Minister for Planning prepare and approve a Planning Scheme Amendment	Group A	The Planning Scheme Amendments requested must be matters which do not require advertising and have no policy implications, such as urgent, minor, administrative or procedural matters, or rectification of errors.
Misc.	power to make minor changes to a Planning Scheme Amendment	Group A	Changes must not affect the purpose or intent of the Amendment.

s201UAB(1) )	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	All Groups	
s201UAB(2) )	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	All Groups	

<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.142D	function of receiving notice regarding an unregistered rooming house	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance	
s. 142G(2)	power to enter certain information in the Rooming House Register	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	Chief Executive Officer Director – Corporate Services	where Council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	Chief Executive Officer Director – Corporate Services	where Council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by Council	Chief Executive Officer Director – Corporate Services	

<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance	
s.522(1)	power to give a compliance notice to a person	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	
s.525(4)	duty to issue identity card to authorised officers	Chief Executive Officer Director – Corporate Services Manager – Governance & Innovation	
s.526(5)	duty to keep record of entry by authorised officer under section 526	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	

<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.526A(3)	function of receiving report of inspection	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	Chief Executive Officer Director – City Development Manager – City Safety & Health	

<b>PLANNING AND ENVIRONMENT REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
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	All Groups	where Council is not the planning authority and the amendment affects land within its municipal district; or  where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	Groups A, B, C, D, F & I	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	Groups A, B, C & D	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	Groups A, B, C, D, F & I	where Council is not the responsible authority but the relevant land is within Council's municipal district

r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	Groups A, B, C & D	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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<b>PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r.19	power to waive or rebate a fee relating to an amendment of a planning scheme	Group A	
r.20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	Group A & B	
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	Groups A & B	



<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.7	function of entering into a written agreement with a caravan park owner	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	
r.11	function of receiving application for registration	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.13(4) & (5)	duty to issue certificate of registration	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance	
r.15(1)	function of receiving notice of transfer of ownership	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance	
r.15(3)	power to determine where notice of transfer is displayed	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance	
r.16(1)	duty to transfer registration to new caravan park owner	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance	
r.16(2)	duty to issue a certificate of transfer of registration	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance	
r.18	duty to keep register of caravan parks	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance	
r.19(4)	power to determine where the emergency contact person's details are displayed	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	
r.19(6)	power to determine where certain information is displayed	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	
r.22A(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	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.22A(2)	duty to consult with relevant emergency services agencies	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	
r.25(3)	duty to consult with relevant floodplain management authority	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.26	duty to have regard to any report of the relevant fire authority	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.40(4)	function of receiving installation certificate	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	Chief Executive Officer Director - City Development Manager - City Safety & Health Coordinator - Health Compliance Environmental Health Officer	

## 10.6 Financial Performance Report for the Quarter Ended 31 December 2018

**SUMMARY:** Acting Coordinator Management Accounting, Lynn Tanu

**The Financial Performance Report for the period ended 31 December 2018 is presented for consideration.**

### **RECOMMENDATION**

**That Council receive and note the Financial Performance Report for the period ended 31 December 2018.**

### **1. INTRODUCTION**

The provision of the quarterly Financial Performance Report to Council ensures that associated processes are accountable, transparent and responsible resulting in sound financial management.

The attached Financial Performance Report (Appendix A) has been prepared in accordance with Australian Accounting Standards and contains the following financial statements:

- Comprehensive Income Statement;
- Balance Sheet;
- Cash Flow Statement; and
- Statement of Capital Works.

The Financial Performance Report is aimed and designed to identify major variations against Council's year to date financial performance (actual results) and the Adopted Budget. Council adopted its 2018-19 Annual Budget at its Ordinary Council Meeting held 25 June 2018.

The financial year-end position of Council is anticipated by way of forecasts. The full year Adopted Budget is compared against the full year projected position as reflected by the Forecast. The 2018-19 Forecast includes the following details:

- The 2018-19 Adopted Budget;
- Carry forward funding from 2017-18 into 2018-19 for both operational and capital works expenditure items. These funds are required for the successful completion and delivery of key outcomes and projects; and
- Adjustments as a result of officers periodically assessing Council's budgetary performance taking into account emerging events and matters.

### **2. DISCUSSION**

General discussion in regards to this report is detailed under Section 5 'Financial & Economic Implications'.

### **3. CONSULTATION**

This report does not necessitate community consultation. A copy of the quarterly Financial Performance Report is provided to Council's Audit Committee.

#### **4. ENVIRONMENTAL/AMENITY ISSUES**

This report does not have any environmental or amenity issues for discussion.

#### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

The overall financial position at 31 December 2018 is satisfactory and indicates that Council, after taking into consideration carry forward funding requirements from 2017-18 into 2018-19, is on track to complete the current financial year within the targets established in the 2018-19 Adopted Budget.

For the period ended 31 December 2018, Council has achieved an operating surplus of \$74.781 million. This is \$7.492 million favourable to the year to date (YTD) Adopted Budget. Council's forecast year-end position is an operating surplus of \$9.523 million, which is \$5.695 million less than the Adopted Budget primarily due to carry forward expenditure from 2017-18 into 2018-19.

The total capital works expenditure for the period ended 31 December 2018 is \$28.105 million. This is \$2.958 million less than the YTD Adopted Budget. The forecast capital works expenditure for the year is \$97.736 million and includes \$45.219 million in carry forward funding requirements from 2017-18 into 2018-19, and excludes \$10.728 million in anticipated carry forward expenditure from 2018-19 into 2019-20.

Further detail and discussion of the financial performance of Council for the period ended 31 December 2018 is provided in the attached Financial Performance Report (Appendix A).

#### **6. SOCIAL IMPLICATIONS**

There are no direct social implications arising from this report.

#### **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

##### **Goal 8 - We have confidence in decision making**

Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations

#### **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author – Acting Coordinator Management Accounting, Lynn Tanu - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Director, Corporate Services, Michael Fromberg - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.



## **9. CONCLUSION**

Council has achieved an operating surplus of \$74.781 million for the period ended 31 December 2018, which compares favourably with the year to date Adopted Budget operating surplus of \$67.289 million. An operating surplus of \$9.523 million is forecast for 2018-19.

## **10. CONFIDENTIALITY**

There are no items of a confidential nature in this report.

**Report Prepared By:** Acting Coordinator Management Accounting, Lynn Tanu

**Report Authorised By:** Director, Corporate Services, Michael Fromberg

## **Attachments**

1. Financial Performance Report Quarter Ended 31 December 2018 **[10.6.1]**

**Appendix A**

**KNOX**

your city



**Financial Performance Report**  
For year to date ended 31 December 2018



# Contents

## Financial Performance Report for year to date ended 31 December 2018

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# Executive Summary

## Financial Performance Report for the year to date ended 31 December 2018

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### Introduction and Purpose

The Financial Performance Report for the year to date ended 31 December 2018 has been prepared in accordance with Australian Accounting Standards and contains the following financial statements:

- Comprehensive Income Statement;
- Balance Sheet;
- Cash Flow Statement; and
- Statement of Capital Works.

This report is aimed and designed to identify major variations against Council's year to date financial performance (actual results) and the Adopted Budget and anticipate the financial position of Council as at financial year end by way of forecasts. Council adopted its 2018-19 Annual Budget at its Ordinary Council Meeting held 25 June 2018.

The full year Adopted Budget is compared against the full year projected position as reflected by the Forecast. The 2018-19 Forecast includes the following details:

- Carry forward funding from 2017-18 into 2018-19 for both operational and capital works expenditure items. These funds are required for the successful completion and delivery of key outcomes and projects; and
- Adjustments to the adopted budget as a result of officers periodically assessing Council's financial health and landscape as a result of emerging events and matters.

### Discussion of Financial Results

#### Forecast

Access to the live budgetary forecast screen in magIQ for the 2018-19 financial year went live on 1 November 2018 in line with the launch of the 2019-20 budget process. Forecasts can now be updated at any stage throughout the remainder of the financial year.

The 2018-19 Forecast includes the following adjustments:

#### *Income*

- \$0.092M net decrease in the final 2018-19 financial assistance grant income allocation received from the Victoria Grants Commission (general purpose and local roads funding);
- \$0.763M increase in operating grants revenue across the organisation reflective of unexpected grant received;
- \$0.344M increase in monetary contribution from receipt of Stamford Park Upgrade contributions for capital work carried out by Council; and
- \$0.179M increase in capital grants and contributions carried forward from 2017-18 into 2018-19.

# Executive Summary (continued)

## Financial Performance Report for the year to date ended 31 December 2018



### Expenses (Operating and Capital Works)

- \$15.787M in additional carry forward funding from 2017-18 into 2018-19 for both operational expenditure (\$2.950M) and capital works expenditure (\$12.837M). \$0.997M of this carry forward funding for capital works expenditure is operational in nature. These funds are required for the successful completion and delivery of key outcomes and projects;
- The above carry forward of capital works expenditure is in addition to the \$32.382M of carry forward capital works expenditure included in the Adopted Budget (making a total capital carry forward expenditure of \$45.219M);
- Anticipated \$10.728M in carry forward funding from 2018-19 into 2019-20 for approved capital works expenditure identified as being required to carry forward. This anticipated carry forward in capital works includes \$5.500M relating to the Henderson Road Bridge and \$4.944M relating to the Stamford Park redevelopment;
- Forecast depreciation has been increased by \$0.645M primarily due to the impact of carry forward capital works expenditure; and
- \$0.209M increase in the WorkCover insurance premium for 2018-19.

### Year-to-Date Operating Results

Operating Results	Year to Date			Full Year		
	Adopted Budget \$'000's	Actual \$'000's	Variance \$'000's	Adopted Budget \$'000's	Forecast \$'000's	Variance \$'000's
Income	143,489	147,668	4,179	174,521	176,203	1,682
Expense	76,201	72,887	3,313	159,304	166,680	(7,376)
<b>Surplus (Deficit)</b>	<b>67,289</b>	<b>74,781</b>	<b>7,492</b>	<b>15,217</b>	<b>9,523</b>	<b>(5,695)</b>

Full year Forecast for Operating Results includes \$2.950M in carry forward net expenditure from 2017-18 into 2018-19, together with \$0.997M in additional carry forward expenditure for capital works that is operational in nature.

Overall there is a \$7.492M favourable variance between the YTD actual figures and the Adopted Budget. The major variances include:

#### Income

- \$0.604M favourable timing variance in operating grant for Active Ageing and Disabilities programs due to early quarterly income received from State and Federal Government;
- \$0.570M favourable variance from Public Open Space Contributions;
- \$0.344M favourable permanent variance for Stamford Park Upgrade contributions for capital work carried out by Council;
- \$0.298M favourable permanent variance for summons cost recovered income for rates debt recovery; and
- \$0.252M favourable timing variance with the Roads to Recovery grant – the full year's entitlement has already been received.

# Executive Summary (continued)

## Financial Performance Report for the year to date ended 31 December 2018



### Expenses (Operating and Capital Works)

- \$1.045M unfavourable timing variance in the library contribution due to the third quarter contribution to Eastern Regional Libraries Corporation being budgeted for January 2019 but being paid in December 2018;
- \$0.209M unfavourable permanent variance in the WorkCover insurance premium for 2018-19 due to an increase in the WorkCover rate from 1.0935% to 1.4118%;
- Favourable variance of \$0.500M in Waste Management materials and services due to the timing of activities in waste collection and transport of green waste, together with a delay in the receipt of invoices;
- Favourable variance of \$0.405M in Open Space Maintenance materials and services mainly attributable to adverse weather conditions affecting the timing of scheduled works, together with a delay in the receipt of invoices; and
- Favourable variance of \$0.177M in Tree Maintenance materials and services mainly attributable to adverse weather conditions affecting the timing of scheduled works, together with a delay in the receipt of invoices.

### Capital Works Program

Capital Works Expenditure	Adopted			Adopted		
	Budget	Actual	Variance	Budget	Forecast	Variance
	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's	\$'000's
Property	16,704	14,188	2,516	46,381	48,064	(1,683)
Plant and Equipment	559	2,088	(1,529)	12,342	14,798	(2,456)
Infrastructure	13,799	11,829	1,970	36,276	34,875	1,401
<b>Total Capital Works Expenditure</b>	<b>31,062</b>	<b>28,105</b>	<b>2,958</b>	<b>94,999</b>	<b>97,736</b>	<b>(2,737)</b>

Full year Forecast for Capital Works Expenditure includes \$45.219M in carry forward expenditure from 2017-18 into 2018-19, and excludes \$10.728M in carry forward expenditure from 2018-19 into 2019-20.

The performance of the Capital Works Program including details of variances is reported in the Statement of Capital Works.

For the quarter ended 31 December 2018 the Capital Works Program shows an expenditure of \$28.105M – this is \$2.958M less than the expected YTD Adopted Budget position. After taking into consideration the capital works projects carried forward from 2017-18 into 2018-19, and also taking into account the capital works projects expected to be carried forward from 2018-19 into 2019-20, the forecast Capital Works Expenditure for the year is \$97.736M.

# Executive Summary (continued)

## Financial Performance Report for the year to date ended 31 December 2018



### Balance Sheet

Balance Sheet	Year to Date			Full Year		
	Adopted Budget \$'000's	Actual \$'000's	Variance \$'000's	Adopted Budget \$'000's	Forecast \$'000's	Variance \$'000's
Current Assets	109,139	131,792	22,652	63,651	72,689	9,038
Non-Current Assets	1,750,806	1,984,673	233,867	1,783,916	2,046,915	262,999
<b>Total Assets</b>	<b>1,859,946</b>	<b>2,116,465</b>	<b>256,519</b>	<b>1,847,567</b>	<b>2,119,604</b>	<b>272,037</b>
Current Liabilities	31,558	27,051	4,507	37,240	35,977	1,263
Non-Current Liabilities	5,850	4,735	1,115	38,453	37,358	1,095
<b>Total Liabilities</b>	<b>37,408</b>	<b>31,786</b>	<b>5,622</b>	<b>75,693</b>	<b>73,335</b>	<b>2,358</b>
<b>Net Assets</b>	<b>1,822,538</b>	<b>2,084,679</b>	<b>262,142</b>	<b>1,771,874</b>	<b>2,046,269</b>	<b>274,395</b>
Accumulated Surplus	717,849	709,829	(8,020)	676,494	680,485	3,991
Asset Revaluation Reserve	1,072,093	1,335,986	263,893	1,072,093	1,335,986	263,893
Other Reserves	32,596	38,865	6,270	23,287	29,798	6,511
<b>Total Equity</b>	<b>1,822,538</b>	<b>2,084,679</b>	<b>262,142</b>	<b>1,771,874</b>	<b>2,046,269</b>	<b>274,395</b>
<b>Working Capital Ratio</b>	<b>3.46</b>	<b>4.87</b>		<b>1.71</b>	<b>2.02</b>	

The Balance Sheet as at 31 December 2018 continues to indicate a sustainable result. A comparison of total Current Assets of \$131.792M with total Current Liabilities of \$27.051M continues to depict a sustainable financial position (Working Capital Ratio of 4.87 to 1). The Working Capital Ratio for the same period last year was the same. Current Assets primarily comprises Cash and Cash Equivalents (\$32.122M), Other Financial Assets (\$10.600M) and Trade and Other Receivables (\$87.241M). Trade and Other Receivables includes \$82.517M of rates debtors (of which \$5.490M relates to arrears pre July 2018) and \$4.171M in other debtors.

Trade and Other Receivables	Ageing				Total \$'000
	Current - 30 Days \$'000	31 Days - 60 Days \$'000	61 Days - 90 Days \$'000	More than 90 Days \$'000	
Rates Debtors	77,027	0	0	5,490	82,517
Special Rate Assessment	0	0	0	52	52
Parking and Animal Infringement Debtors	62	61	73	306	502
Other Debtors	1,852	484	178	1,657	4,171
<b>Total Trade and Other Receivables</b>	<b>78,941</b>	<b>545</b>	<b>251</b>	<b>7,505</b>	<b>87,242</b>

Rate amounts owing are a charge over the property and therefore Council has recourse to collect these debts. Penalty interest at 10.0% per annum also applies. The due date for rates being paid in full is 15 February 2019, while the first instalment due date was 30 September 2018.

The majority of outstanding parking and infringement debtors outstanding for more than 90 days are on payment plans after being to either the Magistrates Court or Perin Court.

# Executive Summary (continued)

## Financial Performance Report for the year to date ended 31 December 2018



Other debtors outstanding for more than 90 days include:

- o \$0.130M outstanding from SKM Recycling – originally \$0.313M was outstanding, with the amount being credited against amounts owing to SKM on a monthly basis in twelve equal instalments
- o \$0.049M outstanding for Home Care Debtors
- o \$0.046M outstanding for Preschool Debtors

Trade and Other Payables are \$7.627M as at 31 December 2018, which is \$0.317 unfavourable to the Adopted Budget. Trade and Other Payables has decreased from \$14.690M as at 30 June 2018.

The working capital ratio of 4.87 compares favourably to the Adopted Budget working capital ratio of 3.46. The Working Capital Ratio is anticipated to continue to diminish over the course of the financial year as Council utilises its funds to deliver on its operating programs and capital works. The forecast working capital ratio is anticipated to remain healthy at 2.02 at year end. This is slightly more than the Adopted Budget working capital ratio of 1.71 as a result of the expected carry forward of capital expenditure from 2018-19 into 2019-20.

### Investment Analysis

Investment	Year to Date			Full Year		
	Adopted Budget \$'000's	Actual \$'000's	Variance \$'000's	Adopted Budget \$'000's	Forecast \$'000's	Variance \$'000's
Cash and Cash Equivalents	25,666	32,122	6,456	51,215	39,429	(11,786)
Other Financial Assets	0	10,600	10,600	0	18,100	18,100
<b>Total Funds Invested</b>	<b>25,666</b>	<b>42,722</b>	<b>17,056</b>	<b>51,215</b>	<b>57,529</b>	<b>6,314</b>
<b>Earnings on Investments</b>	<b>645</b>	<b>519</b>	<b>(126)</b>	<b>1,293</b>	<b>1,293</b>	<b>0</b>

There was \$42.722M invested with various financial institutions as at 31 December 2018 – this includes Cash and Cash Equivalents (\$32.122M) and Other Financial Assets (\$10.600M). These funds include monies from trust funds and deposits and specific purpose reserves.

There are currently thirteen specific purpose reserves totalling \$38.865M as at 31 December 2018. These reserves are cash-backed, but do not usually have an allocated individual bank account.

The earnings on investments for the period ended 31 December 2018 was \$0.519M and is \$0.126M unfavourable to the YTD Adopted Budget as a result of current holdings of Cash and Cash Equivalents and Other Financial Assets.





# Comprehensive Income Statement

for year to date ended 31 December 2018

Description	Notes	Year-to-Date				Full Year		
		Adopted Budget	Actual	Variance Fav/(Unfav)		Adopted Budget	Forecast	Variance Fav/(Unfav)
		\$000'S	\$000'S	\$000'S	%	\$000'S	\$000'S	\$000'S
<b>Income</b>								
Rates and Charges		113,282	113,916	634	0.56%	113,584	114,179	595
Statutory Fees and Fines	1	1,470	1,987	517	35.18%	3,022	3,250	228
User Fees		10,551	10,625	75	0.71%	15,837	15,433	(403)
Grants - Operating	2	10,358	11,499	1,141	11.01%	20,202	20,965	763
Grants - Capital		2,963	3,211	248	8.37%	9,105	9,123	17
Contributions - Monetary	3	3,670	5,071	1,401	38.17%	8,405	8,892	487
Contributions - Non-Monetary		0	0	0	0.00%	2,000	2,000	0
Increment on investment in associates		0	0	0	0.00%	0	0	0
Other Income		1,196	1,359	163	13.64%	2,365	2,360	(5)
<b>Total Income</b>		<b>143,489</b>	<b>147,668</b>	<b>4,179</b>	<b>2.91%</b>	<b>174,521</b>	<b>176,203</b>	<b>1,682</b>
<b>Expenses</b>								
Employee Costs		35,133	34,914	219	0.62%	69,569	69,764	(194)
Materials and Services	4	25,325	21,978	3,347	13.22%	65,610	72,096	(6,486)
Depreciation and Amortisation		11,248	11,206	42	0.38%	22,497	23,142	(645)
Contributions and Donations	5	3,636	4,567	(931)	(25.59%)	5,860	5,864	(4)
Borrowing Costs		0	0	0	0.00%	0	0	0
Bad and Doubtful Debts		33	87	(55)	(167.00%)	65	65	0
Other Expenses		657	533	124	18.95%	1,394	1,441	(46)
Net (Gain) Loss on Disposal of Property, Infrastructure, Plant and Equipment	6	169	(397)	566	335.68%	(5,692)	(5,692)	0
<b>Total Expenses</b>		<b>76,201</b>	<b>72,887</b>	<b>3,313</b>	<b>4.35%</b>	<b>159,304</b>	<b>166,680</b>	<b>(7,376)</b>
<b>Surplus (Deficit)</b>		<b>67,289</b>	<b>74,781</b>	<b>7,492</b>	<b>11.13%</b>	<b>15,217</b>	<b>9,523</b>	<b>(5,695)</b>
<b>Total Comprehensive Income for the Year</b>		<b>67,289</b>	<b>74,781</b>	<b>7,492</b>	<b>11.13%</b>	<b>15,217</b>	<b>9,523</b>	<b>(5,695)</b>

Indicators of the variances between year to date (YTD) Adopted Budget and Actual results:

- ✔ 0% or greater.
- ⚠ Less than 0% and greater than negative 10%.
- ✘ Negative 10% or less.

Notes have been provided for the following variances:

1. Favourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or greater than positive \$500K and equal to or greater than positive 10%.
2. Unfavourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or less than negative \$500K and equal to or less than negative 10%.

# Comprehensive Income Statement

for year to date ended 31 December 2018



## Notes:

1	<p><b>Permanent Variance:</b></p> <ul style="list-style-type: none"> <li>- \$0.517M favourable variance mainly due to \$0.298M for Summons Cost Recovered income for rates debt recovery and higher than expected parking enforcement fine income (\$0.135M variance)</li> </ul>
2	<p><b>Permanent Variance:</b></p> <ul style="list-style-type: none"> <li>- \$0.191M favourable variance due to grant for Social Housing Investment Planning program and Women Health Victoria program</li> <li>- \$0.136M favourable variance due to a one-off recycling grant from Department of Environment, Land, Water and Planning</li> </ul> <p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- \$0.604M favourable variance due to early payment of quarterly grant income from State and Federal Government for Active Ageing and Disabilities programs</li> </ul>
3	<p><b>Permanent Variance:</b></p> <ul style="list-style-type: none"> <li>- \$0.344M favourable variance for Stamford Park Upgrade contributions for capital work carried out by Council</li> </ul> <p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- \$0.570M favourable variance for Public Open Space Contributions; income of this nature is unpredictable and is directly contingent on Developer activities in the municipality</li> <li>- \$0.115M favourable variance for Football Federation Victoria pitch replacement agreement which is expected to be received in January</li> </ul>
4	<p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- \$0.796M favourable variance in Waste Management contractors and services costs, mainly due to seasonal demand and timing of incoming invoices</li> <li>- \$0.372M favourable variance in Open Space Maintenance contractors costs, mainly due to timing of incoming invoices from the new contractor</li> <li>- \$0.266M favourable variance in Building Maintenance Services contractors and services</li> <li>- \$0.251M favourable variance in Tree Maintenance due to a delay in the receipt of invoices from the new contractor</li> <li>- \$0.212M favourable variance in Knox Central Contract Costs due to timing of program's activities</li> <li>- \$0.192M favourable variance in Stormwater Management due to scheduling of flood mapping project</li> <li>- \$0.161M favourable variance due to invoices pending for the animal pound and Pets in the Park instalment payments</li> <li>- \$0.157M favourable variance with the valuation services contract (\$82K) and fire services levy (\$75K)</li> <li>- \$0.144M favourable variance in Community Access, Equity and Safety programs due to timing of programs' activities</li> <li>- \$0.301M unfavourable variance in Drainage Maintenance Works due to more repair works required following recent weather events</li> </ul>
5	<p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- \$1.045M unfavourable variance in the Library Contribution due to the third quarter contribution to Eastern Regional Libraries Corporation being budgeted for January 2019 but paid in December 2018</li> </ul>
6	<p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- \$0.566M favourable variance in Finance mainly due to delay in capitalisation process and timing of a land sale.</li> </ul>

The 2018-19 Forecast includes \$2.950M in carry forward expenditure from 2017-18 into 2018-19 required for the completion and delivery of key operational projects. Also included is \$0.997M in carry forward expenditure for capital works that is operational in nature.

# Summary of Net Income and Expenditure by Department

for year to date ended 31 December 2018



Net (Income) / Expenditure	Notes	Year-to-Date				Full Year			
		Adopted Budget	Actual	Variance Fav/(Unfav)		Adopted Budget	Forecast	Variance Fav/(Unfav)	
		\$000'S	\$000'S	\$000'S	%	\$000'S	\$000'S	\$000'S	
<b>Rates</b>									
Rates and Valuation		(100,456)	(101,144)	688	0.68%	✓	(100,554)	(101,149)	595
<b>Net (Income) / Expense - Rates</b>		<b>(100,456)</b>	<b>(101,144)</b>	<b>688</b>	<b>0.68%</b>		<b>(100,554)</b>	<b>(101,149)</b>	<b>595</b>
<b>CEO and Council</b>									
Chief Executive Officer		291	251	40	13.76%	✓	583	583	0
Councillors		345	308	37	10.70%	✓	690	690	(0)
People & Culture		2,521	2,454	68	2.69%	✓	4,034	4,179	(145)
<b>Net (Income) / Expense - CEO and Council</b>		<b>3,158</b>	<b>3,013</b>	<b>145</b>	<b>4.59%</b>		<b>5,307</b>	<b>5,451</b>	<b>(145)</b>
<b>City Development</b>									
Directorate City Development		241	301	(60)	(24.82%)	✗	482	482	0
City Planning & Building	1	(2,372)	(2,887)	515	21.70%	✓	(4,725)	(4,731)	6
City Safety and Health	2	1,107	608	498	45.03%	✓	2,601	2,547	54
City Futures	3	1,780	1,415	365	20.50%	✓	3,701	4,219	(518)
<b>Net (Income) / Expense - City Development</b>		<b>756</b>	<b>(562)</b>	<b>1,318</b>	<b>174.40%</b>		<b>2,059</b>	<b>2,518</b>	<b>(458)</b>
<b>Knox Central</b>									
Knox Central	4	416	176	240	57.77%	✓	831	819	12
<b>Net (Income) / Expense - Knox Central</b>		<b>416</b>	<b>176</b>	<b>240</b>	<b>57.77%</b>		<b>831</b>	<b>819</b>	<b>12</b>
<b>Community Services</b>									
Directorate Community Services		308	283	25	8.12%	✓	617	621	(4)
Community Wellbeing	5	2,227	1,511	716	32.14%	✓	3,386	3,553	(167)
Family and Children's Services	6	2,875	2,642	233	8.11%	✓	5,259	5,669	(410)
Active Ageing and Disability Services	7	1,037	79	959	92.40%	✓	1,906	1,334	573
Youth, Leisure and Cultural Services	8	4,127	4,870	(743)	(18.00%)	✗	8,180	8,690	(509)
<b>Net (Income) / Expense - Community Services</b>		<b>10,575</b>	<b>9,385</b>	<b>1,190</b>	<b>11.25%</b>		<b>19,349</b>	<b>19,866</b>	<b>(517)</b>
<b>Corporate Development</b>									
Directorate Corporate Services		205	225	(19)	(9.50%)	✗	410	410	0
Business & Financial Services	9	(104)	(261)	157	150.21%	✓	(350)	7	(357)
Governance and Strategy	10	1,302	1,186	115	8.85%	✓	2,603	2,626	(23)
Information Technology		3,289	3,381	(93)	(2.81%)	⚠	5,982	6,051	(68)
Transformation	11	1,625	1,399	226	13.90%	✓	2,751	3,135	(384)
Communications	12	799	904	(105)	(13.09%)	✗	1,611	1,662	(51)
<b>Net (Income) / Expense - Corporate Development</b>		<b>7,116</b>	<b>6,835</b>	<b>281</b>	<b>3.95%</b>		<b>13,009</b>	<b>13,891</b>	<b>(882)</b>
<b>Engineering and Infrastructure</b>									
Directorate Engineering and Infrastructure	13	336	440	(104)	(31.12%)	✗	672	676	(4)
Sustainable Infrastructure	14	(7,869)	(8,931)	1,063	13.51%	✓	2,486	2,558	(73)
Community Infrastructure	15	3,046	2,486	560	18.39%	✓	6,328	6,817	(489)
Operations	16	7,246	6,708	538	7.43%	✓	14,472	14,607	(135)
<b>Net (Income) / Expense - Engineering and Infrastructure</b>		<b>2,759</b>	<b>702</b>	<b>2,056</b>	<b>74.54%</b>		<b>23,958</b>	<b>24,658</b>	<b>(701)</b>

# Summary of Net Income and Expenditure by Department

for year to date ended 31 December 2018



Indicators of the variances between year to date (YTD) Adopted Budget and Actual results:

- ✔ 0% or greater.
- ⚠ Less than 0% and greater than negative 5%.
- ✘ Negative 5% or less.

Notes have been provided for these variances:

1. Favourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or greater than positive \$100K and equal to or greater than positive 5%.
2. Unfavourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or less than negative \$100K and equal to or less than negative 5%.

## Notes:

1	<p><b>Permanent Variance:</b></p> <ul style="list-style-type: none"> <li>- \$84K favourable variance for Supervision Fees and Plan Checking Fees, mainly due to large subdivision such as Stamford Park</li> <li>- \$61K favourable variance for Building Lodgement Fee due to increase in regulated fee for lodgement by State Government; forecast has been amended to reflect this</li> </ul> <p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- \$570K favourable variance for Public Open Space Contributions; income of this nature is unpredictable and is directly contingent on Developer activities in the municipality</li> <li>- \$125K unfavourable variance for consultants required for town planning services and VCAT hearings</li> </ul>
2	<p><b>Permanent Variance:</b></p> <ul style="list-style-type: none"> <li>- \$72K favourable variance for a one-off reimbursement received from the Victorian Department of Treasury and Finance for Natural Disaster Funding Assistance (NDFA) for the emergency work costs incurred for the storm event in September/October 2016</li> </ul> <p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- \$161K favourable variance due to invoices pending for the animal pound and Pets in the Park instalment payments</li> <li>- \$138K favourable variance in parking enforcement fine income due to the employment of an additional parking enforcement officer on a fixed term in 2018, together with the receipt of an increased number of parking fines issued late in the 2018 financial year which have been paid early in the 2019 financial year</li> <li>- \$74K favourable variance in Health Compliance Registrations income reflecting food and health premises' registration; this may come down if businesses are not renewing or cancelling their registration.</li> </ul>
3	<p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- \$149K favourable variance in City Futures employee cost, including new operating initiative cost</li> <li>- \$108K favourable variance in consultant costs mainly due to utilisation of in-house employees for Planning Scheme Review Implementation; this saving is going to be used for Boronia Renewal Project.</li> <li>- \$101K favourable variance in contracts and legal costs due to timing of activities in Land for Business, Strategic Sites, Development Contribution Plan and Planning Scheme Amendment implementation projects.</li> </ul>
4	<p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- \$180K favourable variance in contract costs due to the timing of the program's activities</li> </ul>
5	<p><b>Permanent Variance:</b></p> <ul style="list-style-type: none"> <li>- \$100K favourable variance in Social Housing Investment Planning program grant income from State Government</li> <li>- \$91K favourable variance in Social Planner Grants Income for Women Health Victoria program; corresponding expenditures to be spent for the nil-cost-to-council program.</li> <li>- \$30K favourable variance in Eastern Affordable Housing Alliance due to an increase in the membership fees from \$8K to \$15K, together with the timing of the receipt of these fees</li> </ul> <p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- \$341K favourable variance in Operational Grants due to the receipt of acquittals impacting payment</li> <li>- \$56K favourable variance in Municipal Leadership Disability due to delays in recruitment impacting the implementation of this program</li> </ul>
6	<p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- \$277K favourable variance in Early Years Programs' new operating initiatives cost due to timing of recruitment activity during transition</li> <li>- \$147K favourable variance in Early Year Strategy, Planning &amp; Evaluation due to timing of activities</li> <li>- \$102K favourable variance in Early Years Strategy, Planning and Evaluation due to the timing of activities</li> </ul>
7	<p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- \$604K favourable variance due to early payment of quarterly grant income from State and Federal Government for Active Ageing and Disabilities programs</li> <li>- \$233K favourable variance in employee costs and on costs across the department due to staff movements and position vacancies, particularly in Active Ageing and Disability Services Management (\$104K) and Active Living (\$86K)</li> </ul>

# Summary of Net Income and Expenditure by Department

for year to date ended 31 December 2018



## Notes (continued):

8	<p><b>Permanent Variance:</b> - \$43K favourable variance due to receipt of Hay grant under Youth Services program</p> <p><b>Timing Variance:</b> - \$80K favourable variance for Sponsorship in Youth, Leisure &amp; Cultural Service Management due to timing of agreement signing - \$1,045K unfavourable variance in the Library Contribution due to the third quarter contribution to Eastern Regional Libraries Corporation being budgeted for January 2019 but paid in December 2018</p>
9	<p><b>Permanent Variance:</b> - \$273K favourable variance for Summons Cost Recovered income for rates debt recovery - \$209K unfavourable variance with the WorkCover premium due to an increase in the WorkCover rate from 1.0935% to 1.4118%</p> <p><b>Timing Variance:</b> - \$157K favourable variance with the valuation services contract (\$82K) and fire services levy (\$75K)</p>
10	<p><b>Timing Variance:</b> - \$87K favourable variance in Governance Management employee costs due to vacancies; savings will be utilised for backfilling - \$40K favourable variance in Strategy contracts cost due to timing of activities</p>
11	<p><b>Timing Variance:</b> - \$120K favourable variance for Lean funding due to timing of Business Cases for EMT - \$98K favourable variance for Customer Service employee costs and on costs due to permanent staff leaving positions and not being backfilled on a like-for-like basis; agency costs have increased and will continue to do so over the next quarter while recruitment is underway. Savings on vacancies is being utilised for Exceed Global project.</p>
12	<p><b>Timing Variance:</b> - \$131K unfavourable variance in Agency Cost due to requirements in delivering outcomes for organisation's initiatives; this will be offset by internal transfer reimbursements from other departments.</p>
13	<p><b>Timing Variance:</b> - \$79K unfavourable variance in the capitalisation of labour within the Major Initiatives Unit</p>
14	<p><b>Permanent Variance:</b> - \$136K favourable variance in Waste Management Income in relation to a one-off recycling grant from the Department of Environment, Land, Water and Planning - \$332K unfavourable variance in Waste Management Contract cost reflecting payment for receipt of recyclables</p> <p><b>Timing Variance:</b> - \$964K favourable variance for Waste Management Contractors &amp; Services mainly due to seasonal waste collection activities.</p>
15	<p><b>Timing Variance:</b> - \$275K favourable variance in Contractors &amp; Services costs in Building Maintenance Services due to timing of activities - \$122K favourable variance with Stormwater Management's flood mapping project - \$75K favourable variance in Landscaping contractors and services due to the timing of activities - \$67K favourable variance in Biodiversity Management grants revenue mainly due to grants received for Gardens for Wildlife (\$39K) and the Regional Pest Control program (\$28K) - \$64K favourable variance in Biodiversity Management contractors and services due to the timing of activities - \$129K unfavourable variance in Community Infrastructure Management partly due to the reversal of capitalising labour costs in 2017-18 (\$39K)</p>
16	<p><b>Permanent Variance:</b> - \$106K favourable variance in employee costs across the department mainly due to employees on long-term WorkCover and extended leave, as well as some staff vacancies - \$59K favourable variance in Tree Maintenance income, reflecting the number of works done at owners cost</p> <p><b>Timing Variance:</b> - \$346K favourable variance in the mowing contracts within Open Space Maintenance due to a delay in the receipt of invoices from the new contractor - \$235K favourable variance in Tree Maintenance due to a delay in the receipt of invoices from the new contractor - \$128K favourable variance in Fuel costs due to the timing of invoices and the lower use of diesel due to limited use of machinery in weather conditions - \$117K favourable variance in Footpath Maintenance due to scheduling of maintenance activity - \$306K unfavourable variance in Drainage Maintenance Works due to more repair works required following recent weather events - \$149K unfavourable variance in Unsealed Roads Grading Maintenance, mainly due to the purchase of crushed rock for resurfacing gravel roads after recent weather events - \$39K unfavourable variance in Fire Hydrant Maintenance due to the invoicing by South East Water for 2016-17 Council hydrant maintenance</p>



# Statement of Capital Works

for year to date ended 31 December 2018

Description	Notes	Year-to-Date				Full Year		
		Adopted Budget	Actual	Variance Fav/(Unfav)		Adopted Budget	Forecast	Variance Fav/(Unfav)
		\$000'S	\$000'S	\$000'S	%	\$000'S	\$000'S	\$000'S
<b>Expenditure - Capital Works Program</b>								
<b>Property</b>								
Land		0	0	0	0.00%	8,153	8,235	(82)
Buildings	1	16,704	14,188	2,516	15.07%	38,228	39,829	(1,600)
<b>Total Property</b>		<b>16,704</b>	<b>14,188</b>	<b>(2,516)</b>	<b>(15.07%)</b>	<b>46,381</b>	<b>48,064</b>	<b>(1,683)</b>
<b>Plant and Equipment</b>								
Artworks		0	0	0	0.00%	212	216	(4)
Plant, Machinery and Equipment	2	505	1,362	(857)	(169.78%)	2,084	2,984	(900)
Fixtures, Fittings and Furniture		0	0	0	0.00%	664	664	0
Computers and Telecommunications	3	54	726	(672)	(1,236.04%)	9,381	10,933	(1,552)
<b>Total Plant and Equipment</b>		<b>559</b>	<b>2,088</b>	<b>1,529</b>	<b>273.40%</b>	<b>12,342</b>	<b>14,798</b>	<b>(2,456)</b>
<b>Infrastructure</b>								
Roads (including Kerb and Channel)	4	4,879	3,775	1,105	22.64%	8,753	9,598	(845)
Drainage		1,140	963	177	15.55%	3,001	3,271	(270)
Bridges		511	556	(44)	(8.66%)	7,246	1,773	5,473
Footpaths and Cycleways	5	685	1,727	(1,043)	(152.35%)	4,355	4,437	(82)
Off Street Car Parks	6	700	34	666	95.18%	708	708	0
Recreation, Leisure, Parks and Playgrounds	7	5,568	4,441	1,127	20.24%	11,655	14,266	(2,611)
Other Infrastructure		315	334	(18)	(5.74%)	559	822	(263)
<b>Total Infrastructure</b>		<b>13,799</b>	<b>11,829</b>	<b>(1,970)</b>	<b>(14.28%)</b>	<b>36,276</b>	<b>34,875</b>	<b>1,401</b>
<b>Total Expenditure - Capital Works Program</b>		<b>31,062</b>	<b>28,105</b>	<b>2,958</b>	<b>9.52%</b>	<b>94,999</b>	<b>97,736</b>	<b>(2,737)</b>
<b>Represented by:</b>								
Extension / Expansion		4,910	5,845	(935)	(19.04%)	8,070	9,127	(1,057)
Legal Requirements		0	43	(43)	(100.00%)	0	0	0
New		8,592	5,887	2,705	31.48%	33,114	30,572	2,542
Renewal		10,653	12,813	(2,160)	(20.28%)	29,040	35,976	(6,936)
Upgrade		6,907	3,517	3,390	49.08%	24,775	22,062	2,713
<b>Total Expenditure - Capital Works Program</b>		<b>31,062</b>	<b>28,105</b>	<b>2,958</b>	<b>9.52%</b>	<b>94,999</b>	<b>97,736</b>	<b>(2,737)</b>
<b>Funding Source for Capital Works Program</b>								
<b>External Funding</b>								
Contributions - Monetary - Capital	8	65	783	718	1,104.78%	1,190	1,706	516
Grants - Capital		2,963	3,211	248	8.37%	9,105	9,113	7
User Fees - Capital		0	0	0	0.00%	0	0	0
Proceeds from Loan Borrowings		0	0	0	0.00%	34,241	34,241	0
Other Income - Capital		0	146	146	100.00%	0	0	0
<b>Total External Funding</b>		<b>3,028</b>	<b>4,140</b>	<b>1,112</b>	<b>36.73%</b>	<b>44,536</b>	<b>45,059</b>	<b>523</b>
<b>Internal Funding</b>								
Proceeds from Sale of Property, Infrastructure, Plant and Equipment		1,133	734	(400)	(35.26%)	12,257	12,257	0
Reserves	9	6,329	4,374	(1,955)	(30.89%)	18,911	17,052	(1,859)
Rate Funding	10	20,572	18,858	(1,715)	(8.33%)	19,294	23,368	4,074
<b>Total Internal Funding</b>		<b>28,035</b>	<b>23,965</b>	<b>(4,070)</b>	<b>(14.52%)</b>	<b>50,463</b>	<b>52,677</b>	<b>2,214</b>
<b>Total Funding Source for Capital Works Program</b>		<b>31,062</b>	<b>28,105</b>	<b>(2,958)</b>	<b>(9.52%)</b>	<b>94,999</b>	<b>97,736</b>	<b>2,737</b>
Carry forward expenditure from 2017-18							45,219	
Carry forward expenditure to 2019-20							(10,728)	
<b>Movement in carry forward expenditure</b>							<b>34,491</b>	
Indicators of the variances between year to date (YTD) Adopted Budget and Actual results:								
✓ 0% or greater.								
⚠ Less than 0% and greater than negative 10%.								
✗ Negative 10% or less.								



## Statement of Capital Works

for year to date ended 31 December 2018

Notes have been provided for the following variances:

1. Favourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or greater than positive \$500K and equal to or greater than positive 10.00%.
2. Unfavourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or less than negative \$500K and equal to or less than negative 10%.

### Notes:

1	<p><b>Permanent Variance:</b> - \$0.961M unfavourable variance for Early Years Hubs - Bayswater due to utilisation of carry forward funds for the program</p> <p><b>Timing Variance:</b> - Favourable variances mainly relating to Operation Centre Relocation (\$0.869M), Early Years Hubs - Wantirna South (\$0.588M), Modular Building program (\$0.445M), Stamford Park (\$0.331M), Family and Children Services Building and Facilities program (\$0.269M), Egan Lee Reserve Pavilion Upgrade (\$0.195M), The Basin Neighbourhood House project (\$0.150M) and Boronia Precinct</p>
2	<p><b>Permanent Variance:</b> - \$0.857M unfavourable variance mainly due to utilisation of carry forward funds for the purchase of plant and motor vehicles</p>
3	<p><b>Permanent Variance:</b> - \$0.672M unfavourable variance mainly due to utilisation of carry forward funds for the purchase of data storage hardware, Pathway enhancement projects, AV Equipment Enhancements and HR System Upgrade works</p>
4	<p><b>Permanent Variance:</b> - Unfavourable variances due to utilisation of carry forward funds for Bayswater Activity Centre Streetscape (\$0.253M) and Road Reconstruction on Eastgate Court, Wantirna South (\$0.139M)</p> <p><b>Timing Variance:</b> - Favourable variances mainly relating to Parkhurst Drive Road Resurface Rehabilitation (\$0.449M), High Risk Road Failure program (\$0.223M), Selman Avenue, Ferntree Gully (\$0.175M), Anne Road - speed cushions works (\$0.160M) and Forest Road (\$0.125M)</p>
5	<p><b>Timing Variance:</b> - \$1.043M unfavourable variance mainly due to the Footpath Renewal Program - budget profiling for this program has all expenditure in May 2019</p>
6	<p><b>Timing Variance:</b> - \$0.666M favourable variance with the Car Parks Renewal Program - budget profiling for this program has all expenditure in September 2018; construction works for this program is expected to commence after January</p>
7	<p><b>Permanent Variance:</b> - Unfavourable variances due to utilisation of carry forward funds for Playground renewal program (\$0.495M), Knox Gardens Tennis Courts (\$0.281M), works on Talaskia Reserve Masterplan (\$0.273M), Exner Reserve Tennis Court Renewal (\$0.222M) and Knox Athletic Track Hammer Throw Cage work (\$0.140M)</p> <p><b>Timing Variance:</b> - Favourable variances mainly relating to works on Marie Wallace Reserve Masterplan (\$0.622M), Electronic Scoreboards (\$0.310M), Installation of new floodlight at Liberty Avenue Reserve (\$0.245M), Cricket Nets Replacement at Batterham Reserve (\$0.237M), works on Fairpark Reserve Masterplan (\$0.215M), Quarry Reserve, Ferntree Gully (\$0.201M), Renewal of Public Sporting Courts (\$0.150M) and works on Llewelyn Reserve Masterplan (\$0.130M)</p>
8	<p><b>Permanent Variance:</b> - \$0.344M favourable variance for Stamford Park Upgrade contributions for capital work carried out by Council - \$0.179M favourable variance for contributions received for works on New Courts for Knox Regional Sports Park, Building Renewals program and Knox Athletic Track Hammer Throw Cage program</p>
9	<p><b>Permanent Variance:</b> - \$0.561M favourable variance for the transfer from reserves of the early payment of the VGC local roads funding</p> <p><b>Timing Variance:</b> - \$0.763M favourable variance due to utilisation of carry forward funds for the Playground renewal program and works on Talaskia Reserve Masterplan - \$2.783M unfavourable variance due to timing of activities of the Stamford Park Upgrade, Marie Wallace Reserve, Electronic Scoreboards, Modular Building Program, Fairpark Reserve, Quarry Reserve Masterplan, Liberty Avenue Reserve, Egan Lee Reserve Pavilion Upgrade and Llewelyn Reserve Masterplan</p>
10	<p><b>Timing Variance:</b> - Council generates cash from its operating activities which is used as a funding source for the capital works program - It is forecast that \$23.368M will be generated from operations to fund the 2018-19 capital works program (inclusive of projects carried forward into 2018-19)</p>

The 2018-19 Forecast includes \$45.219M in carry forward expenditure from 2017-18 into 2018-19 required for the successful completion and delivery of key capital works projects (including \$0.997M in carry forward expenditure for capital works that is operational in nature). As at 31 December 2018, a total of \$10.728M of approved capital works projects for 2018-19 have been identified as being required to be carried forward into 2019-20.



# Balance Sheet

as at 31 December 2018

Description	Notes	Year-to-Date				Full Year		
		Adopted Budget	Actual	Variance Fav/(Unfav)		Adopted Budget	Forecast	Variance Fav/(Unfav)
		\$000'S	\$000'S	\$000'S	%	\$000'S	\$000'S	\$000'S
<b>Current Assets</b>								
Cash and Cash Equivalents	1	25,666	32,122	6,456	25.15%	51,215	39,429	(11,786)
Other Financial Assets	2	0	10,600	10,600	100.00%	0	18,100	18,100
Trade and Other Receivables		82,140	87,241	5,101	6.21%	11,102	13,554	2,452
Other Current Assets	3	1,329	100	(1,229)	(92.51%)	1,329	1,599	270
Non-Current Assets classified as Held for Sale	4	0	1,718	1,718	100.00%	0	0	0
Inventories		5	11	6	129.20%	5	7	2
<b>Total Current Assets</b>		<b>109,139</b>	<b>131,792</b>	<b>22,652</b>	<b>20.76%</b>	<b>63,651</b>	<b>72,689</b>	<b>9,038</b>
<b>Non-Current Assets</b>								
Investment in Associates		3,981	4,422	441	11.08%	3,981	4,422	441
Property, Infrastructure, Plant and Equipment	5	1,744,967	1,979,046	234,079	13.41%	1,778,077	2,041,051	262,974
Intangible Assets		1,858	1,205	(653)	(35.12%)	1,858	1,441	(417)
<b>Total Non-Current Assets</b>		<b>1,750,806</b>	<b>1,984,673</b>	<b>233,867</b>	<b>13.36%</b>	<b>1,783,916</b>	<b>2,046,915</b>	<b>262,999</b>
<b>Total Assets</b>		<b>1,859,946</b>	<b>2,116,465</b>	<b>256,519</b>	<b>13.79%</b>	<b>1,847,567</b>	<b>2,119,604</b>	<b>272,037</b>
<b>Current Liabilities</b>								
Trade and Other Payables		7,309	7,627	(317)	(4.34%)	10,475	14,894	(4,419)
Trust Funds and Deposits	6	7,490	3,427	4,063	54.25%	7,490	3,830	3,660
Provisions - Employee Costs		15,461	15,465	(4)	(0.03%)	16,339	15,610	729
Defined Benefits Superannuation		0	0	0	0.00%	0	0	0
Provision - Landfill Rehabilitation		1,155	532	623	53.93%	1,155	532	623
Interest-Bearing Loans and Borrowings		0	0	0	0.00%	1,638	1,638	0
Other Provisions		143	0	143	100.00%	143	(527)	670
<b>Total Current Liabilities</b>		<b>31,558</b>	<b>27,051</b>	<b>4,507</b>	<b>14.28%</b>	<b>37,240</b>	<b>35,977</b>	<b>1,263</b>
<b>Non-Current Liabilities</b>								
Provisions - Employee Costs		895	772	123	13.79%	895	792	103
Interest-Bearing Loans and Borrowings		0	0	0	0.00%	32,603	32,603	0
Provision - Landfill Rehabilitation		4,955	3,963	992	20.02%	4,955	3,963	992
Defined Benefits Superannuation		0	0	0	0.00%	0	0	0
Other Provisions		0	0	0	0.00%	0	0	0
<b>Total Non-Current Liabilities</b>		<b>5,850</b>	<b>4,735</b>	<b>1,115</b>	<b>19.07%</b>	<b>38,453</b>	<b>37,358</b>	<b>1,095</b>
<b>Total Liabilities</b>		<b>37,408</b>	<b>31,786</b>	<b>5,622</b>	<b>15.03%</b>	<b>75,693</b>	<b>73,335</b>	<b>2,358</b>
<b>Net Assets</b>		<b>1,822,538</b>	<b>2,084,679</b>	<b>262,142</b>	<b>14.38%</b>	<b>1,771,874</b>	<b>2,046,269</b>	<b>274,395</b>
<b>Equity</b>								
Accumulated Surplus		717,849	709,829	(8,020)	(1.12%)	676,494	680,485	3,991
Asset Revaluation Reserve	7	1,072,093	1,335,986	263,893	24.61%	1,072,093	1,335,986	263,893
Other Reserves	8	32,596	38,865	6,270	19.23%	23,287	29,798	6,511
<b>Total Equity</b>		<b>1,822,538</b>	<b>2,084,679</b>	<b>262,142</b>	<b>14.38%</b>	<b>1,771,874</b>	<b>2,046,269</b>	<b>274,395</b>

Indicators of the variances between year to date (YTD) Adopted Budget and Actual results:

- 🟢 0% or greater.
- 🟡 Less than 0% and greater than negative 10%.
- 🔴 Negative 10% or less.

Notes have been provided for items with the following variances:

1. Favourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or greater than positive \$1M and equal to or greater than positive 10%.
2. Unfavourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or less than negative \$1M and equal to or less than negative 10%.





## Balance Sheet

as at 31 December 2018

Notes:	
1	<p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- \$17.056M variance in the cash and cash equivalents balance (including other financial assets) due to the actual balance as at 30 June 2018 being \$10.625M higher than the forecast figure used for the adopted budget</li> </ul>
2	<p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- Other financial assets are term deposits currently held with an original maturity date of more than 90 days</li> </ul>
3	<p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- Prepayments are taken up at financial year end</li> </ul>
4	<p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- \$1.718M favourable variance for land and buildings that have been agreed to sell</li> </ul>
5	<p><b>Permanent Variance:</b></p> <ul style="list-style-type: none"> <li>- \$255.060M increase in the value of land after revaluation</li> <li>- \$13.593M increase in the value of buildings after revaluation</li> </ul>
6	<p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- Trust funds and deposits primarily reflects the cash holdings for refundable deposits</li> <li>- This includes \$1.110M collected for the fire services levy; this amount is payable to the State Revenue Office by the 28th March 2019</li> </ul>
7	<p><b>Permanent Variance:</b></p> <ul style="list-style-type: none"> <li>- \$255.060M increase in the value of land after revaluation</li> <li>- \$13.593M increase in the value of buildings after revaluation</li> </ul>
8	<p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- \$5.130M variance in Other Reserves in part due to the actual balance as at 30 June 2018 being \$4.085M higher than the forecast figure used for the adopted budget</li> <li>- \$2.783M favourable variance due to timing of activities of the Stamford Park Upgrade, Marie Wallace Reserve, Electronic Scoreboards, Modular Building Program, Fairpark Reserve, Quarry Reserve Masterplan, Liberty Avenue Reserve, Egan Lee Reserve Pavilion Upgrade and Llewelyn Reserve Masterplan</li> <li>- \$0.570M favourable variance for Public Open Space Contributions; income of this nature is unpredictable and is directly contingent on Developer activities in the municipality</li> </ul>



# Cash Flow Statement

for year to date ended 31 December 2018

Description	Notes	Year-to-Date				Full Year		
		Adopted Budget	Actual	Variance Fav/(Unfav)		Adopted Budget	Forecast	Variance Fav/(Unfav)
		\$000'S	\$000'S	\$000'S		\$000'S	\$000'S	\$000'S
<b>Cash Flows from Operating Activities</b>								
<b>Receipts</b>								
Rates and Charges		48,965	47,214	(1,750)	(3.57%)	113,201	113,796	595
Statutory Fees and Fines	1	1,470	1,987	517	35.18%	3,022	3,250	228
User Fees	2	6,952	8,389	1,437	20.67%	15,789	15,386	(403)
Grants - Operating	3	7,499	8,534	1,035	13.80%	20,185	20,948	763
Grants - Capital		2,605	2,840	235	9.01%	9,103	9,121	17
Contributions - Monetary	4	3,313	4,700	1,388	41.89%	8,403	8,889	487
Interest Received		645	519	(126)	(19.52%)	1,293	1,293	0
Other Receipts		551	840	289	52.43%	1,072	1,068	(5)
Net Movement in Trust Deposits		147	(256)	(403)	(274.36%)	147	147	0
Employee Costs		(35,631)	(34,699)	932	2.62%	(69,189)	(69,384)	(194)
Materials and Services		(29,661)	(27,716)	1,945	6.56%	(66,038)	(72,524)	(6,486)
Contributions and Donations	5	(4,228)	(5,979)	(1,751)	(41.41%)	(5,819)	(5,823)	(4)
Other Payments		(657)	(533)	124	18.95%	(1,394)	(1,441)	(46)
<b>Net Cash Provided by / (Used in) Operating Activities</b>		<b>1,968</b>	<b>5,841</b>	<b>3,873</b>	<b>196.73%</b>	<b>29,775</b>	<b>24,725</b>	<b>(5,050)</b>
<b>Cash Flows from Investing Activities</b>								
Payments for Property, Infrastructure, Plant and Equipment		(31,062)	(28,105)	2,958	9.52%	(78,684)	(77,945)	739
Proceeds from Sales of Property, Infrastructure, Plant and Equipment		1,133	734	(399)	(35.24%)	12,257	12,257	0
Payments for investments	6	0	(10,600)	(10,600)	(100.00%)	0	(18,100)	(18,100)
Proceeds from sale of investments	7	39,100	46,600	7,500	19.18%	39,100	46,600	7,500
<b>Net Cash Used in Investing Activities</b>		<b>9,171</b>	<b>8,629</b>	<b>(542)</b>	<b>(5.91%)</b>	<b>(27,327)</b>	<b>(37,188)</b>	<b>(9,861)</b>
<b>Cash Flows from Financing Activities</b>								
Proceeds of Borrowings		0	0	0	0.00%	34,241	34,241	0
Repayment of Borrowings		0	0	0	0.00%	0	0	0
Finance costs		0	0	0	0.00%	0	0	0
<b>Net Cash Provided by / (Used in) Financing Activities</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00%</b>	<b>34,241</b>	<b>34,241</b>	<b>0</b>
<b>Net increase / (decrease) in Cash and Cash Equivalents</b>		<b>11,140</b>	<b>14,470</b>	<b>(3,331)</b>	<b>(29.90%)</b>	<b>36,689</b>	<b>21,778</b>	<b>(14,911)</b>
Cash and Cash Equivalents at the Beginning of the Financial Year		14,526	17,651	3,125	21.51%	14,526	17,651	3,125
<b>Cash at the End of the Year</b>		<b>25,666</b>	<b>32,122</b>	<b>6,456</b>	<b>25.15%</b>	<b>51,215</b>	<b>39,429</b>	<b>(11,786)</b>

Indicators of the variances between year to date (YTD) Adopted Budget and Actual results:

- ✓ 0% or greater.
- ⚠ Less than 0% and greater than negative 10%.
- ✗ Negative 10% or less.

Notes have been provided for items with the following variances:

1. Favourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or greater than positive \$500K and equal to or greater than positive 10%.
2. Unfavourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or less than negative \$500K and equal to or less than negative 10%.



## Cash Flow Statement

for year to date ended 31 December 2018

Notes:	
1	<p><b>Permanent Variance:</b></p> <ul style="list-style-type: none"> <li>- \$0.517M favourable variance mainly due to \$0.298M for Summons Cost Recovered income for rates debt recovery and higher than expected parking enforcement fine income (\$0.135M variance)</li> </ul>
2	<p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- Prepayments have reduced from \$1.168M at 30 June 2018 to nil at 31 December 2018</li> </ul>
3	<p><b>Permanent Variance:</b></p> <ul style="list-style-type: none"> <li>- \$0.191M favourable variance due to grant for Social Housing Investment Planning program and Women Health Victoria program</li> <li>- \$0.136M favourable variance due to a one-off recycling grant from Department of Environment, Land, Water and Planning</li> </ul> <p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- \$0.604M favourable variance due to early payment of quarterly grant income from State and Federal Government for Active Ageing and Disabilities programs</li> </ul>
4	<p><b>Permanent Variance:</b></p> <ul style="list-style-type: none"> <li>- \$0.343M favourable variance for Stamford Park Upgrade contributions for capital work carried out by Council</li> </ul> <p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- \$0.570M favourable variance for Public Open Space Contributions; income of this nature is unpredictable and is directly contingent on Developer activities in the municipality</li> <li>- \$0.179M favourable variance for contributions received for works on New Courts for Knox Regional Sports Park, Building Renewals program and Knox Athletic Track Hammer Throw Cage program</li> <li>- \$0.115M favourable variance for Football Federation Victoria pitch replacement agreement which is expected to be received in January</li> </ul>
5	<p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- \$1.045M unfavourable variance in the Library Contribution due to the third quarter contribution to Eastern Regional Libraries Corporation being budgeted for January 2019 but paid in December 2018</li> <li>- Trade and Other Payables have reduced from \$14.690M at 30 June 2018 to \$7.627M at 31 December 2018</li> </ul>
6	<p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- Payments for investments are term deposits with a maturity of greater than 90 days that have been invested during the 2018-19 financial year and have yet to mature</li> </ul>
7	<p><b>Timing Variance:</b></p> <ul style="list-style-type: none"> <li>- Proceeds from the sale of investments are term deposits held at 30 June 2018 with a maturity of greater than 90 days that have matured during the 2018-19 financial year</li> </ul>



## Financial Performance Indicators

as at 31 December 2018

The following table highlights Council's current and forecasted performance across a range of key financial performance indicators. These indicators provide a useful analysis of Council's financial position and performance and should be interpreted in the context of the Council's objectives.

Indicator	Calculation of Measure	Expected Bands	Full Year		Notes
			Adopted Budget	Forecast	
<p><b>Operating Position - Measures whether a council is able to generate an adjusted underlying surplus.</b></p> <p><b>Adjusted Underlying Result</b></p> <p>Indicator of the broad objective that an adjusted underlying surplus should be generated in the ordinary course of business. A surplus or increasing surplus suggests an improvement in the operating position. The adjusted underlying surplus and the adjusted underlying revenue exclude the following types of income: grants - capital (non-recurrent), contributions - monetary (capital) and contributions - non-monetary.</p>					
	[Adjusted Underlying Surplus (Deficit) / Adjusted Underlying Revenue] x 100	(20%) to 20%	2.44%	(1.36%)	✘ 1
<p><b>Liquidity - Measures whether a council is able to generate sufficient cash to pay bills on time.</b></p> <p><b>Working Capital</b></p> <p>Indicator of the broad objective that sufficient working capital is available to pay bills as and when they fall due. High or increasing level of working capital suggests an improvement in liquidity. According to Victorian Auditor - General's Office's risk assessment criteria, result above 100% indicates low risk.</p>					
	[Current Assets / Current Liabilities] x 100	100% - 400%	170.92%	202.04%	⚠ 2
<p><b>Unrestricted Cash</b></p> <p>Indicator of the broad objective that sufficient cash which is free of restrictions is available to pay bills as and when they fall due. High or increasing level of unrestricted cash suggests an improvement in liquidity.</p>					
	[Unrestricted Cash / Current Liabilities] x 100	10% - 300%	86.91%	115.71%	⚠ 3
<p><b>Obligations - Measures whether the level of debt and other long term obligations is appropriate to the size and nature of the Council's activities.</b></p> <p><b>Loans and Borrowings</b></p> <p>Indicator of the broad objective that the level of interest bearing loans and borrowings should be appropriate to the size and nature of a council's activities. Low or decreasing level of loans and borrowings suggests an improvement in the capacity to meet long term obligations.</p>					
	[Interest Bearing Loans and Borrowings / Rate Revenue] x 100	0% - 70%	30.15%	29.99%	⚠ 4
<p><b>Debt Commitments</b></p> <p>Defined as interest and principal repayments on interest bearing loans and borrowings as a percentage of rate revenue.</p>					
	[Interest and Principal Repayments / Rate Revenue] x 100	0% - 20%	0.00%	0.00%	⚠ 5
<p><b>Indebtedness</b></p> <p>Indicator of the broad objective that the level of long term liabilities should be appropriate to the size and nature of a Council's activities. Low or decreasing level of long term liabilities suggests an improvement in the capacity to meet long term obligations</p>					
	[Non Current Liabilities / Own Source Revenue] x 100	2% - 70%	27.37%	26.51%	⚠ 6



## Financial Performance Indicators

as at 31 December 2018

Indicator	Calculation of Measure	Full Year			Notes
		Expected Bands	Adopted Budget	Forecast	
<b>Asset Renewal</b> Indicator of the broad objective that assets should be renewed as planned. High or increasing level of planned asset renewal being met suggests an improvement in the capacity to meet long term obligations	[Asset Renewal Expenditure / Depreciation] x 100	40% - 130%	105.27%	122.45% <span style="color: green;">✔</span>	7
<b>Stability - Measures whether a council is able to generate revenue from a range of sources.</b>  <b>Rates Concentration</b> Indicator of the broad objective that revenue should be generated from a range of sources. High or increasing range of revenue sources suggests an improvement in stability.	[Rate Revenue / Adjusted Underlying Revenue] x 100	30.00% - 80.00%	69.56%	69.43% <span style="color: orange;">!</span>	8

✔ Forecasts improvements in Council's financial performance / financial position indicator compared to the Adopted Budget position.  
! Forecasts that Council's financial performance / financial position indicator will be reasonably steady and is within Expected Bands.  
✘ Forecasts deterioration in Council's financial performance / financial position indicator compared to the Adopted Budget position.

**Notes:**

1	<b>Timing Variance:</b> - The adjusted underlying result ratio is within expected bands - The decrease in the ratio is due to the carry forward of operational expenses and capital works projects from 2017-18 into 2018-19
2	<b>Timing Variance:</b> - The working capital ratio is within expected bands
3	<b>Timing Variance:</b> - The unrestricted cash ratio is within expected bands - The decrease in the ratio is due to the increase in restricted reserves, particularly the Open Space Reserve
4	<b>No Variance:</b> - The loans and borrowings ratio is within expected bands
5	<b>No Variance:</b> - The debt commitments ratio is within expected bands
6	<b>Timing Variance:</b> - The indebtedness ratio is within expected bands
7	<b>Timing Variance:</b> - Forecast asset renewal is within the expected band - The anticipated increase in the ratio is due to the carry forward of capital works from 2017-18 in to 2018-19
8	<b>No Variance:</b> - The rates concentration ratio is within the expected bands

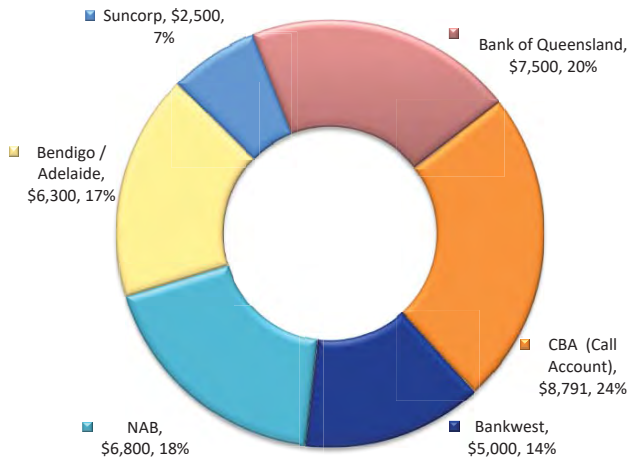


# Investment Analysis

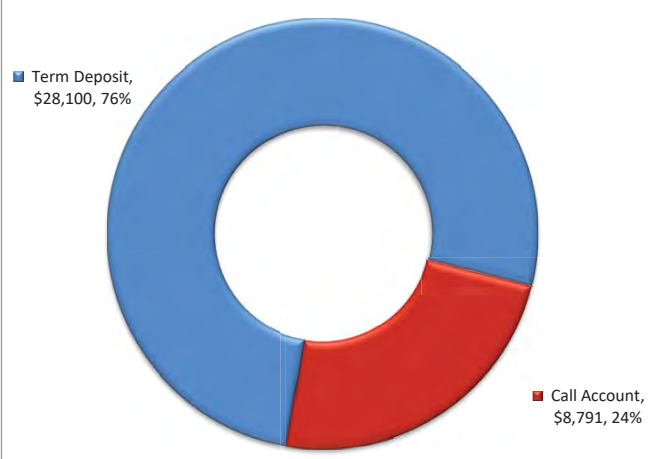
as at 31 December 2018

A total amount of \$36.891 million in funds were invested with various financial institutions as at 31 December 2018

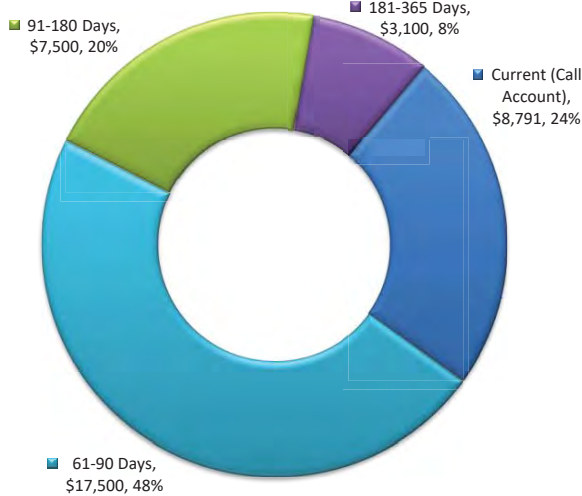
## Investment Institutions (\$'000)



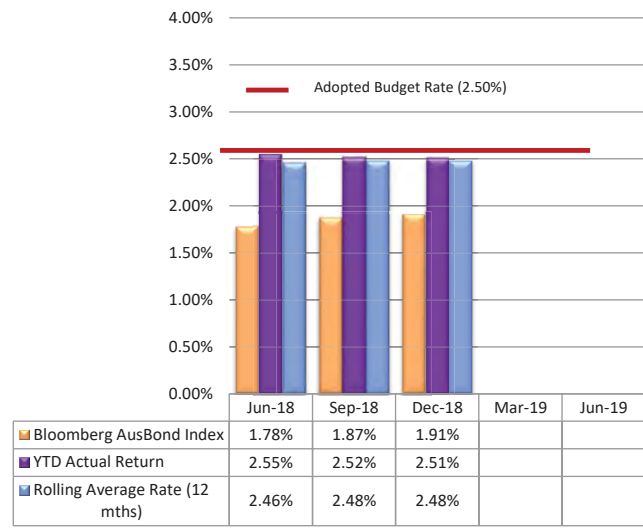
## Investment Products (\$'000)



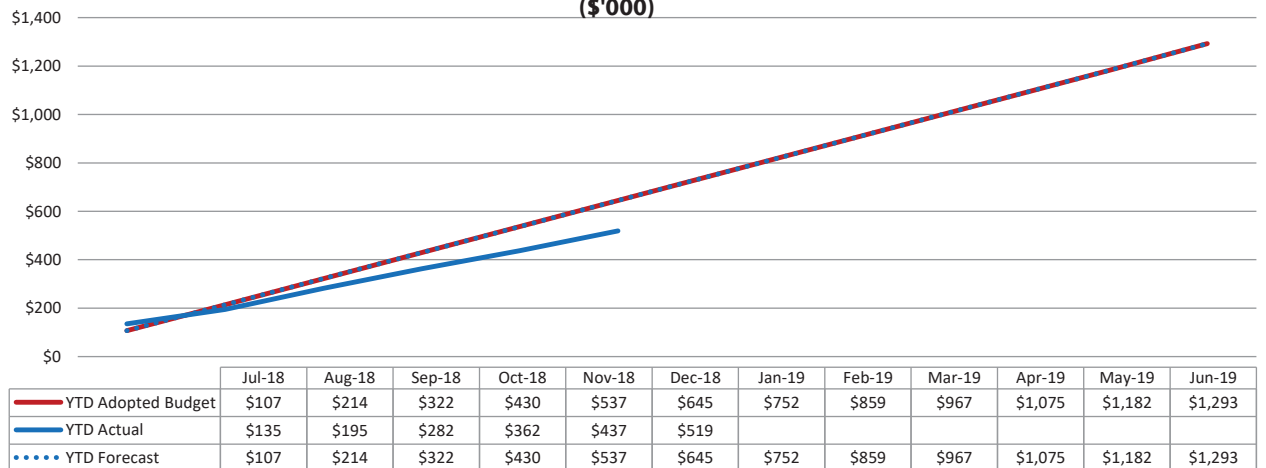
## Investment Term (\$'000)



## Investment Benchmark Indicator



## Investment Income (\$'000)



## 10.7 Call Up Item - Social Media Engagement

**SUMMARY:** Manager Governance and Strategy, Phil McQue

The Council considered a Call Up Item in August 2018 and resolved to request that a draft Social Media Strategy be prepared for its consideration, to be presented to an Issues Briefing and Council Meeting in February 2019 and March 2019 respectively.

There has been considerable research and work undertaken in developing the draft strategy to date however partly through the limited availability of time on February Issues Briefings agendas and partly to ensure sufficient time to fully develop the draft strategy, it is recommended that Council agree to the draft Social Media Strategy now being presented to the first available Issues Briefing scheduled for 18 March 2019 and the subsequent Council Meeting scheduled for 29 April 2019.

### RECOMMENDATION

That Council note that the draft Social Media Strategy will be presented to the Issues Briefing scheduled for 18 March 2019 and the Council Meeting scheduled for 29 April 2019.

### 1. INTRODUCTION

The Council resolved the following Call Up Item in August 2018:

*That Council prepare for the February 2019 Issues Briefing and subsequent Ordinary Council meeting in March 2019:*

*A report and draft Social Media Strategy, covering elements as outlined in the approved Communications Plan, the policies requiring development and specifically including:*

- *How Council could work with community groups via our social media channels in particular our main page, to assist in promoting their activities that fit within the criteria of our Council goals.*
- *How Council could engage further with the community via our social media channels when it comes to planning applications/matters across the Knox municipality.*

Council's 'Call Up Item and Council Meeting Policy' provides that any Call Up Item requiring more than 3 days work or \$5,000 in costs will be referred to the next budget deliberation with a supporting case for funding.

In this instance however, whilst this scope of work is beyond three days, it was agreed that this Call Up Item would be progressed as it is a key action of Council's 'Communications Plan 2018-2021'.

### 2. DISCUSSION

The communication function of Council is critical to informing, educating, engaging and conversing with our community. Rapidly evolving technology has transformed methods of interaction and communicating with the community, presenting many new cost effective opportunities with some new risks, which need to be strategically managed.

Council's 'Communication Plan 2018-2021' was endorsed by Council in April 2018. The plan recognizes the importance of social media as a tool for interacting with the community and includes the action of "developing a Social Media Strategy and framework that aligns social media activity to the Council's communications objectives"

There has been considerable work undertaken to date in researching and developing the Social Media Strategy including desktop research and extensive stakeholder consultation. The development of the strategy includes the elements detailed in the August Call Up Item.

There are a number of items already scheduled for presentation at Issues Briefings in February and March, with the first available date being the Issues Briefing scheduled for 18 March 2019 and the subsequent Council Meeting scheduled for 29 April 2019. To ensure that a comprehensive and effective draft strategy is presented to Councillors for consideration, it is recommended that the Council agree to the draft Social Media Strategy being slightly deferred for presentation.

### **3. CONSULTATION**

Nil.

### **4. ENVIRONMENTAL/AMENITY ISSUES**

Nil.

### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

Nil.

### **6. SOCIAL IMPLICATIONS**

A comprehensive social media strategy will enhance and facilitate Council's communication and engagement with its community.

### **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

#### **Goal 7 - We are inclusive, feel a sense of belonging and value our identity**

Strategy 7.3 - Strengthen community connections

### **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author - Manager Governance and Strategy, Phil McQue - In providing this advice as the Author, I have no disclosable interests in this report.



Officer Responsible – Director Corporate Services, Michael Fromberg - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

## **9. CONCLUSION**

To ensure that a comprehensive and effective draft strategy is presented to Councillors for consideration, it is recommended that the Council agree to the draft Social Media Strategy being presented to the Issues Briefing scheduled for 18 March 2019 and the Council Meeting scheduled for 29 April 2019.

## **10. CONFIDENTIALITY**

There are no items of a confidential nature in this report.

**Report Prepared By:                   Manager Governance and Strategy, Phil McQue**

**Report Authorised By:            Director Corporate Services, Michael Fromberg**

## **Attachments**

Nil

## 11 Items for Information

### 11.1 Assemblies of Councillors

**SUMMARY: Manager, Governance and Strategy, Phil McQue**

**This report provides details of Assembly of Councillors for the period 4 December 2018 to 18 December 2018, as required under section 80A(2) of the Local Government Act.**

#### **RECOMMENDATION**

**That Council:**

- 1. Note the written record of Assemblies of Councillors as attached to this report.**
- 2. Incorporate the records of the Assemblies into the minutes of the meeting.**

#### **1.INTRODUCTION**

Under section 80A(2) of the Local Government Act, the Chief Executive Officer must present a written record of an Assembly of Councillors to an ordinary meeting of Council as soon as practicable after an Assembly occurs. This written record is required to be incorporated into the minutes of the meeting.

**Report Prepared By: Manager, Governance and Strategy, Phil McQue**

**Report Authorised By: Director, Corporate Services, Michael Fromberg**

#### **Attachments**

- 1. Assemblies of Councillors - Appendix A [11.1.1]**



## Record of Assembly of Councillors

(Section 80A Local Government Act)

### Complete this Section

**Date of Assembly:** 4/12/2018

**Name of Committee or Group (if applicable):** Combined Knox Multicultural Advisory Committee and Knox Interfaith Network

**Time Meeting Commenced:** 6.30pm

**Name of Councillors Attending:**

Cr Peter Lockwood

**Name of Members of Council Staff Attending:**

Joan Pepi

Alison Treeby

Merran Graf

Elissa Pachacz

**Matters Considered:**

1. National Disability Insurance Scheme
2. Cultural Diversity in Knox Council Festivals and Events
3. Knox Interfaith Network Presentation
4. Reports from Knox Multicultural Advisory Committee
5. Knox City Council Community Access and Equity Implementation Plan Report

**Any conflict of interest disclosures made by a Councillor attending: \* Nil**

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **
			Yes/No
			Yes/No

**Name of Person Completing Record:** Joan Pepi

\* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.

\*\* Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.



## Record of Assembly of Councillors

(Section 80A Local Government Act)

### Complete this Section

**Date of Assembly:** 4/12/2018

**Name of Committee or Group (if applicable):** Knox Disability Advisory Committee

**Time Meeting Commenced:** 6.30pm

**Name of Councillors Attending:**

Cr Nicole Seymour

**Name of Members of Council Staff Attending:**

Peter Johnston

Michelle Penney

Belinda Carney

Zara Ariarta

Joy Temple

Lou Zarro

**Matters Considered:**

1. Introduced New Disability Staff
2. Disability Service Sector Analysis
3. Municipal Disability Leadership Plan Update

**Any conflict of interest disclosures made by a Councillor attending: \*Nil**

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **
			Yes/No
			Yes/No
			Yes/No

**Name of Person Completing Record:** Peter Johnston

\* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.

\*\* Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.



## Record of Assembly of Councillors

(Section 80A Local Government Act)

### Complete this Section

**Date of Assembly:** 5/12/2018

**Name of Committee or Group (if applicable):** ICT Governance Committee

**Time Meeting Commenced:** 5.37pm

#### Name of Councillors Attending:

Cr Jake Keogh, Mayor

Cr Peter Lockwood

Cr Darren Pearce

#### Name of Members of Council Staff Attending:

Tony Doyle

Paul Barrett

Ian Bell

Julian Adler

Michael Fromberg

Damian Watson

Ellen Lee

Andrew Dowling

Lucinda Taylor

#### Matters Considered:

1. Confirmation of Minutes of Previous Meeting
2. ICT Program Status
3. HR System Enhancements Business Case
4. Asset Management Information System Project Scope
5. IT Penetration Test Remediation
6. Disaster Recovery Planning

#### Any conflict of interest disclosures made by a Councillor attending: \* Nil

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **
			Yes/No
			Yes/No

**Name of Person Completing Record:** Ellen Lee

\* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.

\*\* Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.



## Record of Assembly of Councillors

(Section 80A Local Government Act)

### Complete this Section

**Date of Assembly:** 10/12/2018

**Name of Committee or Group (if applicable):** Special Issues Briefing

**Time Meeting Commenced:** 7.29pm

#### Name of Councillors Attending:

Cr Jake Keogh, Mayor

Cr Tony Holland

Cr Peter Lockwood

Cr Lisa Cooper

Cr John Mortimore

Cr Darren Pearce

Cr Adam Gill

Cr Nicole Seymour

#### Name of Members of Council Staff Attending:

Tony Doyle

Phil McQue

Ian Bell

Bronwyn Commandeur (Item 3)

Steven Dickson

Robyn Sommers (Item 4)

Michael Fromberg

Daniel Clark (Item 5)

Tanya Clark

#### Matters Considered:

1. Knox Design and Development Excellence Awards
2. Early Years Hubs Update
3. Contract No. 2350 – Management and Operation of Knox Leisureworks
4. Citizenship Ceremonies
5. Update on Modular Buildings Program
6. Minor Grants
7. Partnership Agreement – Knox City Council and Melbourne Basketball Pty Ltd (Melbourne Boomers)

#### Any conflict of interest disclosures made by a Councillor attending: \* Nil

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **
			Yes/No
			Yes/No

**Name of Person Completing Record:** Andrew Dowling

\* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.

\*\* Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.



## Record of Assembly of Councillors

(Section 80A Local Government Act)

### Complete this Section

**Date of Assembly:** 3/12/2018

**Name of Committee or Group (if applicable):** Knox Arts and Culture Advisory Committee

**Time Meeting Commenced:** 6.30pm

### Name of Councillors Attending:

Cr Peter Lockwood

### Name of Members of Council Staff Attending:

Elissa Pachacz

Amy Prenc

Ellen Ramsay

### Matters Considered:

1. Reflection on 2018: Knox Arts and Culture Advisory Committee Achievements
2. Knox Festival 2019: Planning and Participation
3. Pop Up Cinema Event: Planning and Partnerships

### Any conflict of interest disclosures made by a Councillor attending: \* Nil

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **
			Yes/No
			Yes/No

**Name of Person Completing Record:** Elissa Pachacz

\* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.

\*\* Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.



## Record of Assembly of Councillors

(Section 80A Local Government Act)

### Complete this Section

**Date of Assembly:** 18/12/2018

**Name of Committee or Group (if applicable):** Knox Regional Sports Park Working Group

**Time Meeting Commenced:** 9.30am

### Name of Councillors Attending:

Cr Adam Gill

Cr Lisa Cooper

### Name of Members of Council Staff Attending:

Peter Gore

Bronwyn Commandeur

Jude Whelan

Ron Crawford

Kate Innocenti

### Matters Considered:

Knox Regional Sports Park:

- Is a sign required?
- Is the proposed sign the appropriate sign for the park?
- Do we wait for the precinct development or continue with process to get a sign on site?

### Any conflict of interest disclosures made by a Councillor attending: \* Nil

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **
			Yes/No
			Yes/No

**Name of Person Completing Record:** Kate Innocenti

\* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.

\*\* Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.



12 Motions for Which Notice has Previously Been Given

13 Supplementary Items

14 Urgent Business

14.1 Urgent Business

14.2 Call Up Items

15 Questions Without Notice

16 Confidential Items