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AGENDA

Council meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Monday, 12 December 2016
at 6.00 pm.

Public question time will
commence shortly after 6.00 pm



ACKNOWLEDGEMENT OF DAREBIN'S ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY

**(Council adopted this Acknowledgment on 1 July 2013 in order
to confirm the commitment of Council to the process of
Reconciliation)**

Darebin City Council acknowledges the Wurundjeri people and the Kulin Nations as the traditional landowners and the historical and contemporary custodians of the land on which the City of Darebin and surrounding municipalities are located.

Council recognises, and pays tribute to, the diversity of Darebin's Aboriginal and Torres Strait Islander community, valuing the unique and important role Aboriginal and Torres Strait Islander community members play in progressing reconciliation, respect and the building of mutual understanding across the City, amongst its people, and in the achievement of shared aspirations. Council recognises and pays tribute to, and celebrates, Darebin's long standing Aboriginal and Torres Strait Islander culture and heritage.



Italian

Questo è l'ordine del giorno della riunione del Consiglio Comunale di Darebin per la data che compare sulla prima pagina di questo documento. Se desiderate informazioni in lingua italiana sugli argomenti dell'ordine del giorno, siete pregati di chiamare la Linea Telefonica Multilingue del Comune al 8470 8888.

Greek

Αυτή είναι η ημερήσια διάταξη για τη συνεδρίαση του Δημοτικού Συμβουλίου Darebin, για την ημερομηνία που φαίνεται στο εξώφυλλο αυτού του εγγράφου. Αν θα θέλατε πληροφορίες στα Ελληνικά σχετικά με τα θέματα σ' αυτή την ημερήσια διάταξη, παρακαλούμε καλέστε την Πολυγλωσσική Τηλεφωνική Γραμμή του Δήμου στον αριθμό 8470 8888.

Chinese

這是一份戴瑞濱市議會議程表，其開會日期顯示於此文件之封面。如果您欲索取有關此議程表的中文資料，敬請致電 8470 8888 聯絡市議會的多語種電話專線。

Arabic

هذا هو جدول أعمال اجتماع مجلس بلدية داربيبن والذي سيحدد في التاريخ الوارد في الصفحة الأولى من هذه الوثيقة. إذا أردت الحصول على مزيد من المعلومات في اللغة العربية حول المواضيع المذكورة في جدول الأعمال، فيرجى الاتصال برقم هاتف البلدية المتعدد اللغات
8470 8888

Macedonian

Ова е дневниот ред за состанокот на Општината на Градот Даребин, која ќе биде на датумот покажан на предната корица од овој документ. Ако Вие сакате некои информации на Македонски јазик, за предметите на овој дневен ред, Ве молиме повикајте ја Општинската Повеќејазична Телефонска Линија на 8470 8888.

Vietnamese

Đây là nghị trình cho cuộc họp của Hội đồng Thành phố Darebin; ngày họp có ghi ở trang bìa tài liệu này. Muốn biết thêm về chương trình nghị sự bằng Việt ngữ, xin gọi cho Đường dây Điện thoại Đa Ngôn ngữ của Hội đồng Thành phố qua số 8470 8888.

Bosnian

Ovo je dnevni red za sastanak Gradske općine Darebin čiji je datum održavanja naznačen na prvoj strani ovog dokumenta. Ako želite više informacija o tačkama ovog dnevnog reda na bosanskom jeziku, molimo nazovite općinsku višjejezičnu telefonsku službu na 8470 8888.

Croatian

Ovo je dnevni red sastanka u Darebin City Council za dan koji je naveden na prednjem ovitku ovog dokumenta. Ako želite informacije o tačkama ovog dnevnog reda na hrvatskom jeziku, molimo da nazovete Council Multilingual Telephone Line (Višjejezičnu telefonsku liniju) na 8470 8888.

Portuguese

Esta é a pauta para a reunião da Câmara Municipal de Darebin a ser realizada na data que consta na capa deste documento. Se você deseja informação em Português sobre os itens desta pauta, por favor ligue para a Linha Telefônica Multilíngue da Câmara no 8470 8888.

Serbian

Ово је дневни ред за састанак Darebin City Council-а (Градско веће Darebin) који ће се одржати на дан који је наведен на насловној страни овог документа. Ако желите информације на српском о тачкама дневног реда, молимо вас да назовете Council Multilingual Telephone Line (Вишејезичку телефонску линију Већа), на 8470 8888.

Somali

Kuwani waa qodobada shirka lagaga wada hadli doono ee Degmada Degaanka Darebin ee taariikhda lagu xusey boga ugu sareeya ee qoraalkan. Haddii aad doonysid wararka ku saabsan qodobadan oo ku qoran Af-Somali, fadlan ka wac Khadka Taleefanka Afafka ee Golaha oo ah 8470 8888.

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Agenda

1. MEMBERSHIP

Cr Kim Le Cerf (Mayor) (Chairperson)

Cr Steph Amir

Cr Gaetano Greco (Deputy Mayor)

Cr Tim Laurence

Cr Trent McCarthy

Cr Lina Messina

Cr Susanne Newton

Cr Susan Rennie

Cr Julie Williams

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Recommendation

That the Minutes of the Ordinary Meeting of Council held on 5 December 2016 be confirmed as a correct record of business transacted.

5. PUBLIC QUESTION TIME

PLEASE NOTE: Questions from the public must be submitted prior to the commencement of Council meetings.

- Questions can be submitted online up to 4.00 pm on the day of the meeting:
 - At darebin.vic.gov.au/publicquestiontime; or
 - By email to PQT@darebin.vic.gov.au
 - By mail to PO Box 91, Preston 3072
- Questions can also be submitted in person:
 - At the counter of the Preston Customer Service, 274 Gower Street, Preston until 5.00 pm on the day of the meeting
 - At the Council Chamber from 5.45 pm to 6.00 pm on the day of the meeting (including from residents who seek to directly ask their question from the gallery)

No questions will be accepted after 6.00 pm on the night of the Council meeting. This includes questions from residents who seek to directly ask their questions from the gallery, which must first be submitted to officers for review prior to the meeting.

Questions that:

- Relate to items that are listed on the Agenda; or
- Are of an operational nature; or
- Relate to personnel matters, contractual matters or legal advice; or
- Are aimed at embarrassing a councillor or a member of council staff or is political in nature

will not be responded to.

Further, in accordance with section 54(5) of the Darebin Governance Local Law, a member of the gallery cannot ask more than two (2) questions.

The Mayor, in the first instance, will read questions and provide a response to those submitted online before taking questions from members in the gallery. If a question cannot be answered at the meeting, a written response will be prepared and forwarded to the person raising the question. Any question responded to verbally at the meeting, will not be responded to in writing.

Residents do not need to attend the meeting for a question to be answered.

A period of up to 30 minutes will be set aside to enable the Chairperson to read out the questions submitted by the public in accordance with the above guidelines and to provide responses.

6. CONSIDERATION OF REPORTS

6.1 RENAMING THE FEDERAL ELECTORAL DIVISION OF BATMAN

Author: Manager Families, Diversity and Community

Reviewed By: Director Community Development

Report Background

This Report outlines the process and next steps for progressing the renaming of the Federal Electoral Division of Batman as endorsed by Council on 16 December 2014 and reaffirmed at the Council meeting on 15 February 2016.

Previous Council Resolution

At its meeting on 16 December 2014 Council resolved that:

- (1) *Council notes and supports recent calls by Wurundjeri elders and other local Aboriginal leaders to change the name of the Federal seat of Batman, in the spirit of reconciliation.*
- (2) *Council commits to working with the Wurundjeri Tribe Land and Compensation Council, the Darebin Aboriginal Advisory Committee and the Australian Electoral Commission to develop and advocate for options for consideration by the Australian Electoral Commission.*
- (3) *Council receives a report on the results of consultation with the Wurundjeri Tribe Land and Compensation Council, the Darebin Aboriginal Advisory Committee and the Australian Electoral Commission, along with the process and timeframe for making a submission.*
- (4) *Consultation also occur around other relevant locations such as Batman Park.*

At its meeting on 15 February 2016 Council resolved that:

Council note the report and endorse the proposed revised plan outlined in this report to progress the proposal to change the name of the Federal Seat of Batman and Batman Park.

Previous Briefing(s)

On the 17 November 2015 an E-Bulletin outlined the progress of the preparatory work to date and updated time frames:

1. Agreement sought from Whittlesea, and Yarra Councils and the Member for Batman in relation to renaming of the Federal division (which is scheduled for redistribution in 2017).
2. Re-engagement with Wurundjeri Tribe Land and Compensation Cultural Heritage Council has recently been reactivated both in relation to this project and in relation to development of the Memorandum of Understanding. This has been due to the recent organisational change at the 'Council'.

Council Plan Goal/Endorsed Strategy

Healthy and Connected Community

Darebin Aboriginal Action Plan 2012-2017

Summary

- Advice from the Australian Electoral Commission (AEC) has indicated that the timelines for the next redistribution and renaming of Federal Electoral Divisions in Victoria would commence in February 2017.
- The AEC redistribution timelines are prescribed by legislation and the closing date for renaming submissions closed 30 days after a notice from the Electoral Commissioner is published in the Government Gazette.
- These timelines trigger an urgency to engage with Wurundjeri Land Council to determine their interest in lodging a submission directly and to seek advice regarding naming options.
- The scope and intensity of communications and community engagement required to develop the submission is beyond the organisational capacity of the Wurundjeri Land Council.
- Should the Wurundjeri Land Council seek to make a submission to the Electoral Commissioner, an urgent and concentrated communications and community engagement plan will be required to be designed and implemented by the Darebin, Yarra and Whittlesea Councils.
- There has been some preliminary interest from a coalition of community advocacy groups in using this opportunity to promote and encourage the use of Aboriginal names for any Federal Electoral Divisions earmarked for redistribution.
- Council give in-principle support to officers to undertake the preliminary communication and engagement with the Wurundjeri Council prior to making a formal public statement.

Recommendation

That Council:

- (1) Reaffirms its commitment to working with the Wurundjeri Land Council and other Aboriginal leaders, to change the name of the Federal Electoral Division of Batman.
- (2) Endorses in principle that Darebin Council work in partnership with Yarra City Council and Whittlesea City Council to support Wurundjeri Land Council and other Aboriginal leaders, to change the name of the Federal Electoral Division of Batman.
- (3) Delegate Council officers to gauge the interest and preparedness of the Wurundjeri Council and other Aboriginal leaders to make a submission to the Electoral Commissioner and to suggest an alternative name for the current Federal Seat of Batman.
- (4) Receive a further report in early 2017 regarding the decision of the Wurundjeri Land Council and other Aboriginal leaders and to consider a proposed plan to progress this matter.

Introduction

The Australian Electoral Commission has announced that a redistribution of the Federal electorate division of Batman will occur in early 2017. The name of a Federal electoral division can only be changed as part of the Federal redistribution process.

Through the redistribution process an opportunity arises for the Wurundjeri Land Council and other aboriginal leaders to consider a name change for the current Federal seat of Batman to better reflect the traditional owners.

In addition the process also presents an opportunity for the Darebin Council in partnership with the Yarra City Council and Whittlesea City Council and the broader community in the spirit of reconciliation, to support Wurundjeri Land Council and other aboriginal leaders in the renaming process.

Darebin Council's comprehensive community engagement process during 2016 around the renaming of Batman Park in Northcote also identified a high degree of active community support for the renaming of the Federal Electoral Division of Batman.

Issues and Discussion

Prescriptive Legislative timelines

Under the *Commonwealth Electoral Act 1918*, there are four times when interested persons or organisations can have a say on the name of an electoral division;

1. Period for public submissions
2. Period for comments on public submissions.

The AEC Redistribution Committee will consider the submissions and comments and develop a boundary proposal and name followed by;

3. Period for objections to the proposed name
4. Period for providing comments on the objections.

Submissions for a name change to Federal Electoral Division of Batman close 30 days after the Electoral Commissioner invites written suggestions by way of Notice in the Government Notices Gazette.

This report is based on the assumption (from indications from the Electoral Commission) that the Electoral Commissioner will call for submissions in February 2017 and that a submission will be lodged in March 2017.

Timeframes and timing for making a submission

Should the Wurundjeri Land Council and other aboriginal leaders support making a submission, it may only leave eight weeks to prepare the submission and undertake the extensive and concentrated Division wide communication and community engagement process required to support the submission.

This may be further complicated by the timing of this work during the Christmas and New Year period and the availability of the Wurundjeri land Council and Aboriginal leaders to provide advice and direction.

The role of the three partner Councils

It has been Darebin Council's recent experience that the Wurundjeri Council and Aboriginal leaders do not have the resources or capacity to undertake this additional unplanned work.

The majority of the administrative, communication and community engagement will need to be shared by the three partner Councils of Yarra, Whittlesea and Darebin. There may be some practical support provided by community agencies and interested community members, but the nature and scope of this support is unknown at this point.

A Federal government process open to all agencies and citizens

The renaming of the Federal Electoral Division of Batman is open to all agencies and citizens and is under the jurisdiction of the AEC.

Unlike the Renaming of Batman Park, Darebin Council will not have control of this process. Irrespective of whether the Wurundjeri Land Council's decision to lodge a formal submission to the AEC, Council should anticipate that there may be other submissions lodged of varied quality and 'worthiness'.

Council may be asked to support more than one suitable submission to the AEC.

Status of the Renaming of Batman Park

It was anticipated that the new Darebin Council would be briefed on the proposal to rename Batman Park in early 2017.

However, due to the indicative and prescriptive timelines for redistribution published by the Australian Electoral Commission for the Federal Electoral Division of Batman of early 2017, the Batman Park renaming process will be delayed for a short time.

With the limited capacity within the Wurundjeri Land Council and the aboriginal community, the renaming of the Electoral division will require Council resources to be directed to this project to achieve the indicative timeframes.

A further briefing around the renaming of Batman Park will be provided to Council once the AEC make a final determination on the redistribution and renaming of the Federal Electoral division of Batman.

Options for Consideration

Any options, risks and governance implications associated with the renaming of the Federal Electoral Division of Batman will be provided following the discussions with the Wurundjeri Land Council and other Aboriginal leaders. The decisions made will form the basis of a formal Council report in early 2017 to determine a range of options to progress this matter.

Financial and Resource Implications

This work will be undertaken within current budget parameters.

Support from the three Councils will be primarily in terms of staffing resources and some financial assistance around advertising and communication materials.

Risk Management

Any risks and governance implications associated with the renaming of the Federal Electoral Division of Batman will be documented and options provided to Council following the discussions with the Wurundjeri Land Council and other Aboriginal leaders.

Policy Implications**Economic Development**

There are no Economic Development impacts related to this report.

Environmental Sustainability

There are no Environmental Sustainability impacts related to this report.

Human Rights, Equity and Inclusion

This report has been informed by;

The Darebin Council Plan

The Darebin Equity and Inclusion Policy

The Human Rights Action Plan 2012 – 2015

Darebin Aboriginal Action Plan 2012 – 2015

Future Actions

If Council endorses ongoing support for the renaming of the Federal Electorate Division of Batman, the following steps will be undertaken:

1. Council Officers from Darebin, Yarra and Whittlesea Councils will seek preliminary advice and direction from the Wurundjeri Land Council and other aboriginal controlled organisations about the renaming Federal Electoral Division of Batman.
2. The outcomes of these discussions will form the basis of a Council report to be advised in early December 2016 regarding the decision of the Wurundjeri Land Council and other Aboriginal leaders.
3. Should Wurundjeri Land Council and other aboriginal leaders agree to lodging a submission to the Electoral Commissioner a formal report will be presented to Council seeking their formal endorsement to formally support;
 - a. The submission outlining the proposed name;
 - b. The partnership / governance structure created to support the work; and
 - c. The draft communication and community engagement plan.
4. Should Wurundjeri Land Council and other Aboriginal leaders decide not to lodge a submission to the Electoral Commissioner a formal report will be presented to Council outlining other options.

Consultation and Advocacy

- Yarra Council
- Whittlesea Council
- CEO, Wurundjeri Land Council

Related Documents

- Darebin Equity and Inclusion Policy 2012-2015
- Darebin Aboriginal Action Plan 2012-2015
- Report to Darebin Aboriginal Advisory Committee, February 2014
- Councillor E bulletin – 17 November 2015
- Council Minutes – 14 December 2013, 16 December 2014, 16 December 2014
16 February 2016

Disclosure of Interest

Section 80C of the *Local Government Act* 1989 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

6.2 PROCUREMENT POLICY**Author: Coordinator Procurement and Contracting****Reviewed By: Director Civic Governance and Compliance****Report Background**

In accordance with section 186A (7) of the *Local Government Act 1989* (the Act) there is a requirement for Council, on an annual basis, to review the procurement policy.

The current policy and guidelines were endorsed by Council dated 3 October 2016.

The Council resolution requires the endorsed Procurement Policy 2016 to be presented to the new Council for noting at its first ordinary meeting.

Previous Council Resolution

At its 3 October 2016 meeting Council resolved that:

- (1) *Note the outcomes of the procurement policy review.*
- (2) *Council adopt the City of Darebin Procurement Policy October 2016, as required under section 186A of the Local Government Act 1989, attached as Appendix A to this report with the following amendment:*
 - *On page 9, under 'Local Business Framework', third paragraph, "where practicable to do so, council will seek and obtain quotes from Indigenous companies..."*
- (3) *The Procurement Policy be presented to the new Council for noting at its first ordinary meeting.*

Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

Council Plan Goal/Endorsed Strategy

Goal 6 – Open and Accountable Democracy

Summary

On an annual basis Council is required to review its procurement policy and submit it to Council for approval. The Procurement Policy 2016 was endorsed at the Council Meeting held on October 3, 2016.

Recommendation

That Council:

- (1) Note the endorsed Procurement Policy dated 3 October 2016 with the requested amendment to **Appendix A**.
- (2) Note under legislation the Procurement Policy must be endorsed annually, the next scheduled update presented to Council is October 2017.

Introduction

In accordance with section 186A (7) of the *Local Government Act 1989* (the Act) there is a requirement for Council, on an annual basis, to review the procurement policy.

Issues and Discussion

The attached policy excludes the guidelines, which form a detailed framework for procurement processes across Darebin Council and therefore allows the guidelines to continually evolve as new operational processes are adopted or new systems introduced, without impact on the policy.

Options for Consideration

Nil

Financial and Resource Implications

The policy will support Council's financial plan by ensuring procurement activities are undertaken in a consistent and appropriate manner. By adopting best practice principles, the policy will enhance the achievement of objectives in value for money which in turn will ensure public monies are spent in the best interest of the community and generating support for the local economy and the wider community.

Risk Management

Nil.

Policy Implications**Economic Development**

The procurement policy continues to include the following, which will be taken into consideration, where appropriate, with all procurement activities.

- Local Business Framework
- Darebin Industry Participation Policy

Environmental Sustainability

The procurement policy continues to include the following, which will be taken into consideration, where appropriate, with all procurement activities.

- Environmental Purchasing Code

Human Rights, Equity and Inclusion

The procurement policy continues to include the following, which will be taken into consideration, where appropriate, with all procurement activities

- Corporate Social Responsibility
- Disability Access and Inclusion Policy

Other

There are no other factors which impact on this report.

Future Actions

There is no future action required

Consultation and Advocacy

Chief Executive
Executive Manager City Plan and Transformation

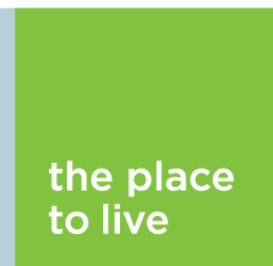
Related Documents

- *Local Government Act 1989*
- Darebin Industry Participation Policy
- Local Business Framework
- Environmental Purchasing Code
- Disability Access and Inclusion Policy
- Contract Guidelines
- Procurement Guidelines
- Excellence in Governance @ Darebin, Code of Conduct
- Council Minutes – 3 October 2016

Disclosure of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.



PROCUREMENT POLICY

October 2016

Document Review Status			
Version	Date	Next review date	Review type
No.1	October 2009	November 2010	Annual review - S186(a) - Compliance requirement
No.2	November 2010	November 2011	Annual review - S186(a) - Compliance requirement
No.3.1	November 2011	November 2012	Annual review - S186(a) - Compliance requirement
No. 4	November 2012	November 2013	Annual review - S186(a) - Compliance requirement
No. 5	November 2013	November 2014	Annual review - S186(a) - Compliance requirement
No. 6	September 2014	September 2015	Annual review- S186(a) - Compliance requirement and Council resolution changes
No. 7	November 2015	November 2016	Annual review- S186(a) Compliance requirement and Council resolution changes
No. 8	October 2016	November 2017	Annual review – S186(a) – Compliance requirement

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1 BACKGROUND

Darebin Council's Procurement policy is made under Section 186A of the *Local Government Act 1989* (the Act). Section 186A of the Act requires the Council to prepare, approve, review annually and comply with a Procurement Policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the Council.

2 APPLICATION

This policy applies to all procurement and contracting activities undertaken by the Darebin City Council (Council) and is binding upon the Council and its officers, temporary employees, contractors and consultants while engaged by the Darebin City Council.

3 POLICY

Council has adopted elements of best practice applicable to Darebin Council procurement, they incorporate:

- Best practice procurement principles, policies, procedures for all goods, services and works by Council, will enhance the achievement of Council objectives set out in the Council Plan;
- Supporting the Council's corporate strategies, aims and objectives including, but not limited to those related to sustainability, protection of the environment and corporate social responsibility;
- Considering economic development to generate and support business in the local and wider community.
- Broad principles covering ethics, value for money, responsibilities and accountabilities;
- Guidelines giving effect to those principles;
- A system of delegations (i.e. the authorisation of officers to approve and undertake a range of functions in the procurement process);
- Procurement processes, with appropriate procedures covering minor, simple procurement to high value, more complex procurement.

3.1 POLICY COMPLIANCE AND CONTROL

All Council officers, temporary employees, contractors and consultants while engaged by Council undertaking procurement activities will do so in an ethical manner and of the highest integrity.

All procurement processes will be undertaken in a Commercial-in-Confidence manner and be able to withstand the closest possible audit scrutiny.

Council, where applicable, will integrate the following into all procurement processes:

- Corporate Social Responsibility;
- Local Business Framework;
- Environmental Purchasing Code;
- Disability Access and Inclusion Policy; and
- Local Industry Participation Policy.

All tender processes, including contract management, shall be conducted in accordance with the requirements of this policy and any associated procedures, relevant legislation, relevant Australian Standards and the Act.

3.2 GIFTS AND HOSPITALITY

Council is committed to being open and transparent in its procurement activities to reduce adverse effect on its public endeavours and to promote trust within the community. Staff responsibilities are:

- At all times be ethical, fair and honest when conducting procurement activities.
- Be accountable and responsible for your actions and ensure methods and processes used to arrive at decisions are beyond reproach and withstand any audit process or proper scrutiny.
- Do not seek, solicit or use your position to obtain gifts or benefits from external organisations or individuals.
- Ensure that a person, company or organisation is not placed in a position to offer gifts or hospitality to secure or retain Council business.
- Report any incidence where a bribe is offered

4 GOVERNANCE

Council has established a framework of policy and general requirements that are applicable to purchasing decisions regardless of the value of the purchase or the particular method selected to procure goods or services. This ensures accountability over the lifecycle of the procurement process and is flexible enough to purchase in a timely manner the diverse range of goods, services and works required by the Council.

To ensure transparency, all contracts awarded over \$100,000 incl. GST will be published on Council's webpage.

4.1 METHODS

The Council's approved standard methods adopted by Council for purchasing goods, services and works shall be by some or all of the following methods:

- Purchase order following a quotation process from suppliers for goods or services that represent best value for money under directed quotation thresholds;
- Under contract following a tender process;
- Using aggregated purchasing arrangements, regardless of value, with other Councils, Victorian Government, or other bodies;
- Through the use of Corporate credit cards; or
- Other arrangements authorised by the Council or the CEO on a needs basis as required by abnormal circumstances such as emergencies.

4.2 PROCUREMENT PROCESS AND THRESHOLDS

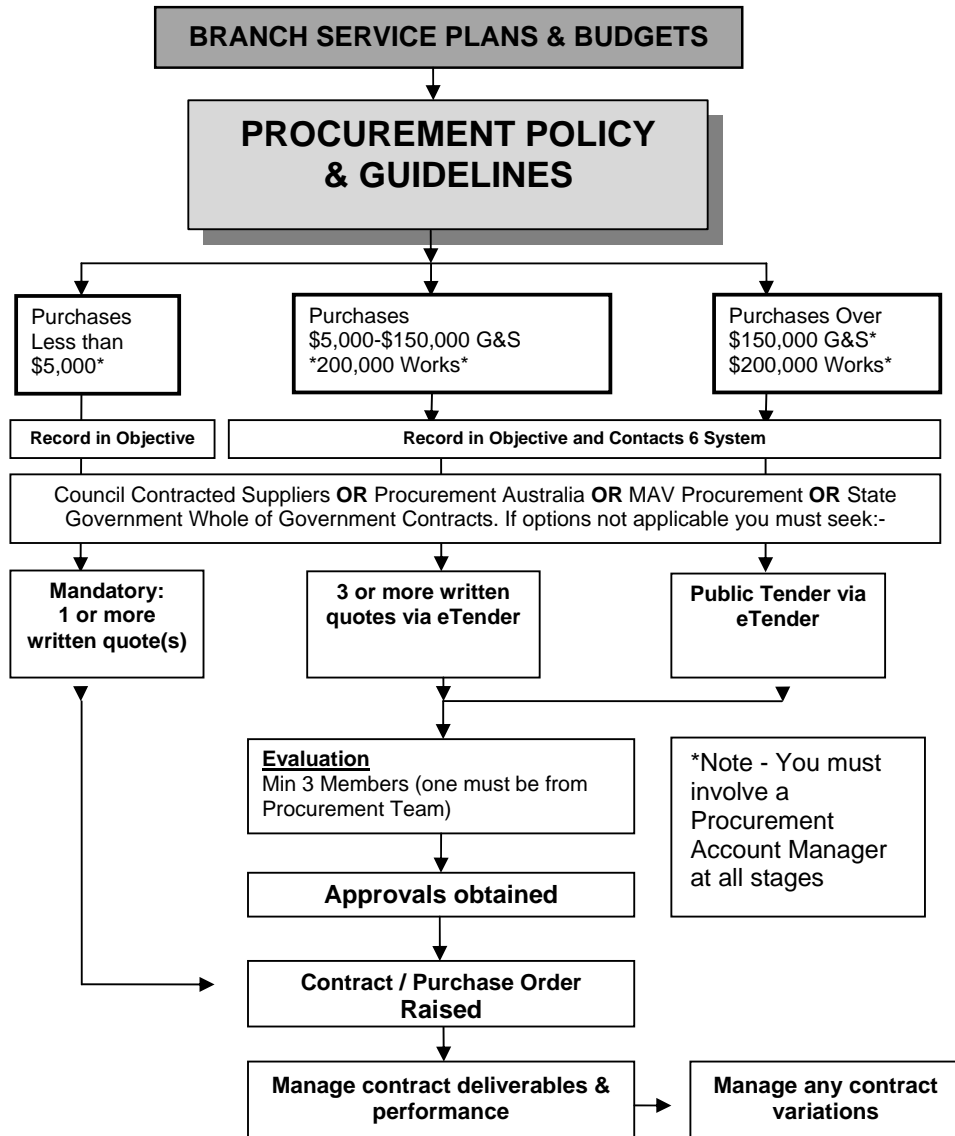
Council procurement processes are based on the following principles:

- Best value
- Open and fair competition

- Accountability
- Risk management
- Probity and transparency

Council has a common Quotation and Tender closing date and time that must be noted on all Expression of Interest, Tender or Quotation documents.

The diagram below summarises the approved purchasing methods and processes, based on the value of the purchase, adopted by Council for all staff to adhere to.



4.3 PURCHASING ACCREDITATION COMMITTEE

Council has established the Purchasing Accreditation Committee (PAC) to provide expert oversight for the procurement processes associated with any purchases equal to or above \$100,000 (incl. GST).

All procurement activities equal to or greater than \$100,000 (incl. GST) must have PAC endorsement prior to financial delegation approval and contract execution.

All procurement activities for purchases equal to or greater than \$500,000 (incl. GST) must have PAC endorsement on all strategic procurement plans, probity plans and tender documents prior to the tender being released.

Any request for exemption from the procurement policy where the value is greater than \$5,000 (incl. GST) and less than the tendering threshold must go through PAC for endorsement prior to seeking quotes and obtaining financial delegation approval.

The Chief Executive can, at his discretion, approve an exemption for an amount under the tendering thresholds, however it does not exempt officers from seeking a quote and undertaking the expenditure approval process.

4.4 CONTRACT VARIATIONS

Approval of a financial variation is the responsibility of the financial delegate, and or in accordance with procedures adopted by Council.

A variation, in excess of the CEO's delegation will require approval by Council.

It is the value of the variation, either a single amount or cumulative amounts, exclusive of the initial contract value, that will determine the process for variation approval. A case for variation approval is to note all cumulative variations. Financial examples include changes to the price/cost, quantity, nature of the deliverables, and term of the contract (which increases the value).

Approval of any change in scope that is deemed an additional asset above \$10,000 is required to be endorsed by PAC and approved by the Chief Executive prior to the implementation of the contract changes.

Only after approval has been given by the appropriate financial delegate is Council in a position to implement the contract changes for which approval was sought.

Approval of an administrative variation, which does not change the financial details of a contract, is the responsibility of the project/contract manager, or in accordance with procedures adopted by Council. Examples include changes to the billing address, personnel assigned to the contract, sequencing of work, delivery schedule, and arrangements permitted by specific contract provisions.

4.5 PURCHASE ORDERS

Council's requirement is for any purchase greater than \$50.00 (incl. GST) to have a purchase order raised unless it falls under one of the following purchase order exemptions:

- Utility charges or reimbursement of gas, water, electricity or telephone usage;
- Newspaper notices through The Age and Leader news publications;
- Postage costs to Australia Post;
- Public Liability payments to 3rd parties, but for Council assets a Purchase Order is to be raised;
- Pre-employment and medical costs relating to workcover;
- Maintenance agreements (copy counts) for photocopiers, but leasing arrangements still require Purchase Order;
- Legal or governance services;
- Civic Amenities Department and Darebin Arts Centre catering purchases, all other departments require a Purchase Order;
- Payments for work placement (eg work experience students);
- Purchases made using a corporate credit card;
- In the event of an emergency;
- Travel and related travel expenses;
- Urgent purchases under \$1,000, and without a purchase order, are required to be approval by the appropriate Director/General Manager;
- Urgent purchases greater than \$1,000, and without a purchase order are required to be approved by the Chief Executive;
- Discretionary purchases under \$1,000 are required to have prior approval from the appropriate Director/General Manager; and
- Discretionary purchases greater than \$1,000 are required to have prior approval, outlining the justification for seeking such approval, from the Chief Executive.

Standard payment conditions for Purchase Orders are 28 Days and matching tolerances have a variance of 10% +/- for Purchase Orders for both quantity and price. If the variance is outside of this tolerance the responsible contact will be notified and a new PO will be raised.

4.6 PROBITY

Conflicts of interest were redefined in the Act in December 2008 and the new legislative provisions impose statutory obligations on Councillors, members of special (and audit) committees, members of Council staff and contractors engaged to provide advice or services to Council.

Under the Act, a conflict of interest arises if a 'relevant person' has a 'direct interest' (as defined in the Act) or an 'indirect interest' (as defined in the Act) in a matter.

One of the key requirements of Probity is to identify and address potential conflicts of interest of any person who will be involved in the Tender process.

It is mandatory for all Council staff involved in a procurement process, including evaluation panel members, to sign a conflict of interest declaration form at the commencement of each quotation or tender process.

A probity advisor and/or probity auditor must be engaged for any major project that is valued at \$1 million or greater.

4.7 PROBITY AWARENESS

It is mandatory at the commencement of any major project of \$1 million or greater, and prior to any Request for Tender or Expression of Interest being released to the public, that a probity awareness session is held for all members of the Decision making Process as outlined in clause 7. This session will be extended to the Executive Management Team and all Councillors, if required.

The awareness session must outline the process for lodging any perceived or known conflict of interest in relation to the Request for Tender or Expression of Interest process.

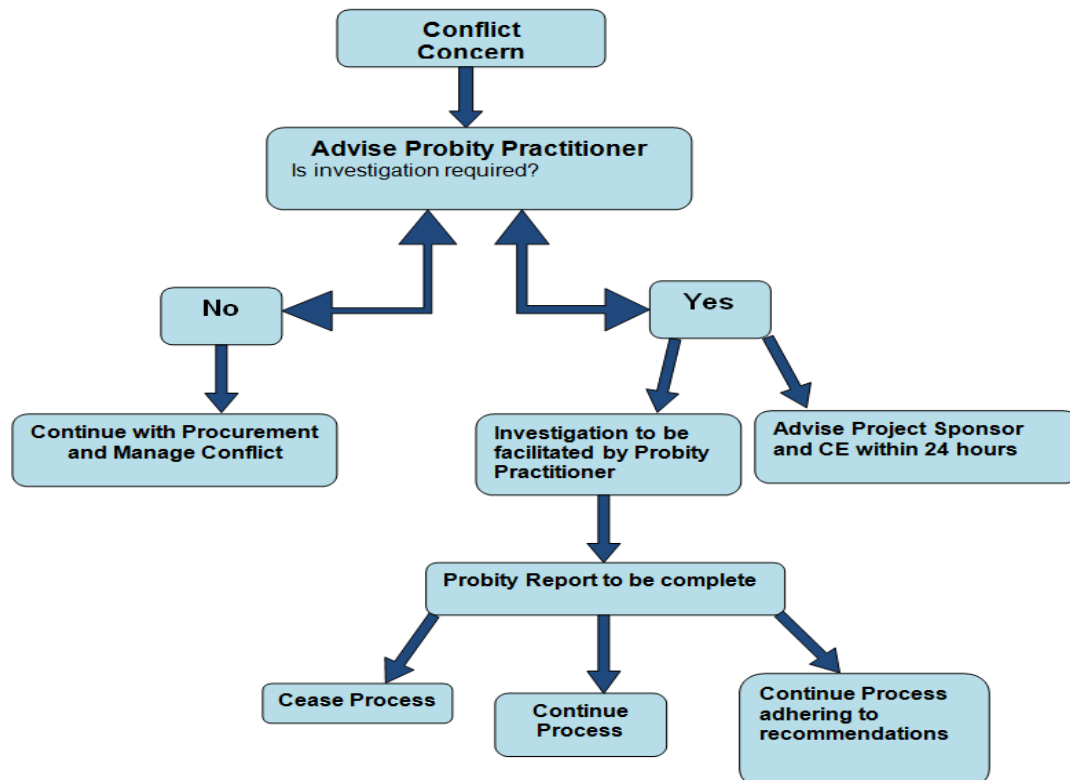
In the first instance any perceived or known conflict of interest must be lodged with the nominated probity practitioner. It is the responsibility of the probity practitioner to determine:

1. Whether a formal investigation is required; if so arrange to undertake
2. Whether the procurement process is put on hold; if so to advise project sponsor and the Chief Executive
3. Whether the procurement process should cease; if so to advise the project manager and the Chief Executive
4. Keep the Project Sponsor informed of any investigation

If a perceived or known conflict of interest is lodged with the Chief Executive or any other member outlined in the Decision Making Process structure, they must within 24 hours arrange to hand over the concern(s) to the probity practitioner for action.

*The Investigation Process, excluding protected or confidential information, must form part of the final Procurement approval documentation/ Council Report.

The Flowchart below outlines the process:



4.8 DELEGATION OF AUTHORITY

In the exercise of power conferred by Section 98 of the Local Government Act 2004 the process is defined for a Council delegating its powers, duties and functions to a member of its staff.

Commitments and processes which exceed the CEO's delegation and which must be approved by the Council are:

- Initial signing and sealing of contract documents;
- Tender recommendations and contract approval for all expenditure that exceed the CEO's delegation for goods and services and works; and
- Financial variations to existing contracts that exceed CEO's delegation or where Council has approved the original engagement and optional extension period(s) are required to be exercised.

5 LOCAL BUSINESS FRAMEWORK

Council recognises it has a role in the economic development of the community and is committed to assisting local industry to do business with Council. Local business in this context means suppliers based within Darebin and the immediate neighboring municipalities (the "Darebin Plus" area) which includes the adjoining Councils of Banyule, Hume, Moreland, Nillumbik, Whittlesea and Yarra.

Council have mandated the requirement to obtain one quote from a local supplier, if available, for any purchase less than \$5,000 and at least one quote from a local supplier where available, for purchases over \$5,000 but less than the tender threshold.

Where practicable to do so, Council will seek and obtain quotes from Indigenous companies and corporations so as to assist and encourage our Indigenous community to do business with Council.

In addition, a minimum tender evaluation weighting of 10% will be assigned for local business where a weighting evaluation criteria is used.

6 SOCIAL PROCUREMENT

Social Procurement involves using procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works. Social procurement builds on the initiatives already undertaken by Council in enhancing sustainable and strategic procurement practice, enabling procurement to effectively contribute to building stronger communities and meeting the social objectives of Council.

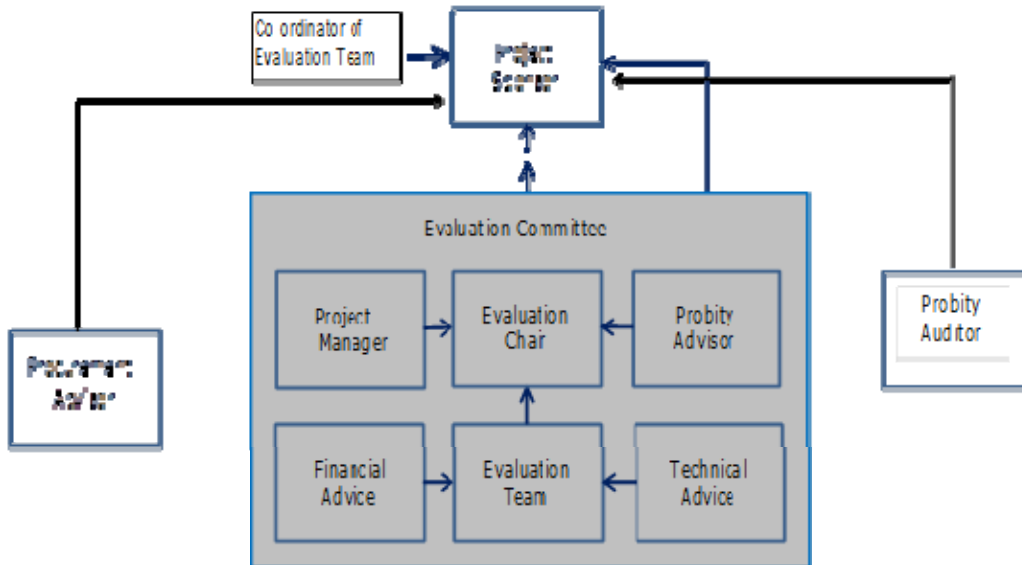
Where practicable to do so, Council will strive to in the first instance to purchase ethical and fair trade goods to support local industries, national and international trade, engage in procurement with Social Enterprises and create local employment opportunities through clauses and specifications in council contracts.

7 REVIEW PROCESS

Council endeavours to continually improve its procurement performance such that all relevant policies, guidance and training are continually reviewed and updated to ensure there is continuity in meeting Council's wider strategic objectives.

8 DECISION MAKING PROCESS

The organisational structure for the project is outlined in the following chart:



**This chart can be altered depending on project and in consultation with the Procurement and Contracting Team*

Responsibilities

Chair:

The Chairperson is responsible for:

- chairing meetings of the Evaluation Team, signing all documents issued on behalf of the team
- advising successful tenderer(s) of their success in winning the tender
- advising unsuccessful tenderers of their lack of success and debriefing them on the reasons when requested
- ensuring there is financial approval for the contracts

Some of the above roles can be delegated to other team members with the team's consent.

Procurement Advisor:

The Procurement Advisor is responsible for:

- ensuring records are kept of all meetings, significant decisions and events
- ensuring the security of all EOI/RFT documents
- maintaining files for all documents arising out of the Evaluation Team's activities
- acting as the single channel of communication between the team and other parties

- ensuring all Evaluation Team members have signed conflict of interest statements and confidentiality agreements where appropriate

All team members:

All team members are responsible for:

- Establishing a probity plan for the tender process
- Preparing a tender process plan identifying key tasks and deadlines for the team
- Establishing a checklist, spreadsheets and other tools to evaluate responses including the evaluation criteria and method of evaluation in the RFT
- Endorsing all RFT documents before referring to the Procurement Accreditation Committee for final endorsement and before inviting offers
- Ensuring that there is a process for the proper receipt and recording of offers, and dealing with late tenders
- Ensuring that the process and procedures will withstand public scrutiny and all decisions and activities resulting from the evaluation and selection are auditable and defensible
- maintaining confidentiality and high ethical standards at all times
- Observing all policies and procedures applying to tendering and contracting
- Advising of any potential conflict of interest during the evaluation process as soon as it arises
- Checking compliance of tenders with the RFT
- Selecting a short list of tenderers to be interviewed where necessary
- Evaluating and scoring responses to the tender, including analysis of cost
- Where a probity auditor is appointed, ensure that the auditor
 - Endorses the probity plan
 - Sets out his or her expectations in detail; and
 - Sets out what he or she regards as potential problems
- Participating in interviews and contract negotiations with short listed tenderers.
- Identifying important problems or issues arising throughout the tender process and document how and by whom they are to be dealt with
- Arranging for conducting referee checks of tenderers where appropriate
- Maintaining file notes for any significant communications with people outside the team

Project Manager:

The Project Manager as a team member is responsible for the additional duties detailed below:

- Ensuring contract administration procedures or manuals are prepared for users
- Undertaking the post award tasks such as arranging the execution of a contract, issuing contract management guidelines, obtaining certificates of insurance and financial securities
- Using Council endorsed systems to monitor and manage the life of the contract

9 CENTRALISED PROCUREMENT

Effective 1 August 2014, Council implemented a centralised approach to all procurement and contracting, where the value is equal to or greater than \$5,000 incl. GST. This includes the requirement for the Procurement and Contracts team to either undertake or assist Business Units in the undertaking of all procurement steps up to and including contract execution.

- Any procurement equal to or greater than \$5,000 (incl. GST) must be in conjunction with a member from the Procurement and Contracting Team
- Includes all process up to contract execution but does not include the management of the Contract
- Non-compliance with the centralised system will not be tolerated, and will be considered a failure to comply with the Excellence in Governance Employee Code of Conduct.

A centralised procurement model will deliver the following advantages for the organisation:

- Significantly minimise risk around non-compliance with Section 186 of the Local Government Act 1989
- Allow more accurate monitoring and reporting on:
 - Contract Spend
 - Contract Dates/Contract Extensions
 - Monitor Insurance
 - Contracts entered into by Council
- Streamlined approach to procurement
- Capture of smaller engagements consistently with the same provider
- Allow for a range of Panel arrangements to be established and used across Council
- Potential to identify services that could be tendered for with other Councils surrounding the municipality
- Greater buying power resulting in savings
- Value for money

6.3 MARRIAGE EQUALITY**Author: Manager Families, Diversity and Community****Reviewed By: Director Community Development****Report Background**

This report presents discussion and recommended statements from the Sexuality, Sex and Gender Diversity Advisory Committee held on 15 November 2016.

Previous Council Resolution

At its meeting held on 6 July 2015, Council resolved that:

- (1) *Council notes that the Australian Human Rights Commission 'considers that the fundamental human rights principle of equality means that civil marriage should be available, without discrimination, to all couples, regardless of sex, sexual orientation or gender identity'.*
- (2) *In line with previous Council resolutions in support of human rights and marriage equality, the Acting Mayor writes to neighbouring Councils advising them of this motion and request that they consider support for this important human rights issue.*
- (3) *Through its various communication channels, Council actively encourages the Darebin community to support the Marriage Equality campaign.*

Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

Council Plan Goal/Endorsed Strategy

- Council Plan 2013-2017 Goal 2: Healthy and Connected Community
- Equity and Inclusion Policy 2012-2017
- Sexuality, Sex and Gender Diversity Action Plan 2012-2017

Summary

A proposed plebiscite on marriage equality has generated much public debate in recent months. While the plebiscite has at this stage been blocked by the Senate of the Australian government, the adverse impact on the lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) community engendered by the debate surrounding this issue is still present, as are the risks associated with a possible future plebiscite.

Following discussion at Council's Sexuality, Sex and Gender Diversity Advisory Committee (SSGDAC) meeting on 15 November 2016, for Council to reaffirm their commitment to marriage equality and would ensure the elevation of key concerns of Darebin's local LGBTIQ communities to key decision makers and Ministers at the Federal level of government.

Recommendation**That Council:**

- (1) Note the statements recommended by the Sexuality, Sex and Gender Diversity Advisory Committee as detailed in this report.
- (2) Demonstrates support for Darebin's LGBTIQ community by endorsing statements recommended by the Sexuality, Sex and Gender Diversity Advisory Committee as detailed in this report.

Introduction

In the wake of the Federal elections in July 2016, the issue of holding a plebiscite on marriage equality has generated much public debate. Since July the debate has often used divisive rhetoric that has called into question the value and worth of the personal and family relationships of many Australians and exposing LGBTIQ Australians, particularly vulnerable young Australians, to the potential risk of mental harm.

The plebiscite legislation was blocked by the Senate on 7 November 2016.

Issues and Discussion**Human Rights Commission**

The Australian Human Rights Commission 'considers that the fundamental human rights principle of equality means that civil marriage should be available, without discrimination, to all couples, regardless of sex, sexual orientation or gender identity'.

Conducting a Plebiscite

There are many issues associated with the idea of holding a plebiscite (that would be non-binding) to decide on marriage equality:

- It is not customary (and counter to precedents in Australian political and legal history), to hold a plebiscite on issues affecting human rights, notably the rights of a minority group.
- There are financial implications, with the cost of running the nationwide campaign, estimated at \$160 million.
- Most LGBTIQ groups, key marriage equality campaigners and the majority of the LGBTIQ population strongly oppose a plebiscite¹.
- The Irish referendum on marriage equality in 2015 although successful created an atmosphere of fear and divisiveness.

Recent studies² have highlighted that there were "significant social and psychological detriment from holding a nation-wide debate [on marriage equality]." And that "the impact of the *no* campaign was more than a fleeting experience or something that could be simply undone through a win for marriage equality". Young LGBTIQ people and children in LGBTIQ-parented families were also found to have been particularly affected by the debate.

¹ Just equal and PFLAG. *What do Australian LGBTIQ people think about a marriage equality plebiscite?* Survey findings 2016

² Dane, S., Short, L., and Healy, G. (2016). *Swimming with sharks: The negative social and psychological impacts of Ireland's marriage equality referendum 'NO' campaign*. School of Psychology Publications. The University of Queensland, Australia

Research demonstrates that the majority of LGBTIQ people “lead happy, healthy, fulfilling lives”, however the Beyondblue organisation cite that “studies have found that non-heterosexual people face up to twice as much abuse or violence (including physical, mental, sexual or emotional) than their heterosexual counterparts. This prejudice and discrimination adds an additional layer of risk on top of biological, social, environmental and psychological factors which can lead to depression, anxiety and suicide”.

Darebin is one of the most diverse municipalities in Australia, home to a sizeable, strong, active and engaged LGBTIQ community. Council, through many long-standing commitments and policies, recognises that any community requires advocacy and support at times. As such Council has fully supported the rights of LGBTIQ residents and their families to legal and social equality.

Sexuality, Sex and Gender Diversity Advisory Committee

At the Committee meeting held on 15 November 2016 Council's Sexuality, Sex and Gender Diversity Advisory Committee recommended a number of statements be presented to Council for consideration. These statements request Council to reaffirm its support for marriage equality for Darebin LGBTIQ residents and staff and express its wish to see the issue resolved through a free vote in Parliament.

The statements are:

1. Reaffirm its support for marriage equality for all Australians through a direct free vote in Parliament;
2. Reaffirm its commitment to stand by our Darebin LGBTIQ residents and staff and “stand up against homophobia, biphobia and transphobia. Always”;
3. Acknowledge and commend the work of marriage equality campaigners, the LGBTIQ community, leading mental health professionals and other people of goodwill in opposing a plebiscite on this issue and raising public awareness of the risks a plebiscite carries of harming LGBTI Australians, particularly vulnerable young Australians;
4. Promote this commitment through its various communication channels.

Options for Consideration

For Council to demonstrate support to our LGBTIQ community by reiterating its support to marriage equality and calling for a free vote in Parliament to decide on the issue.

Financial and Resource Implications

This report has no financial or resource implications.

Risk Management

This recommendation is aligned with and builds on many of Council's policies and commitments and as such bears no specific risk.

Policy Implications

Economic Development

There are no factors in this report which impact upon economic development.

Environmental Sustainability

There are no factors in this report which impact upon environmental sustainability.

Human Rights, Equity and Inclusion

The current debate on marriage equality has a clear impact on human rights, equity and inclusion. Reaffirming Council's support to marriage equality and our LGBTIQ residents demonstrates Council commitment to our human rights obligations (promoting freedom from discrimination and equality before the law) and our equity and inclusion principles, commitments and policies, including the *Equity and Inclusion Policy* and *Sexuality, Sex and Gender Diversity Action Plan*.

Other

There are no other factors which impact on this report.

Future Actions

- Reaffirm Council's commitment to marriage equality (see recommendation)
- Further promote, and communicate on, Council's support to marriage equality
- Continue to support Darebin LGBTIQ residents
- Continue to advocate for our LGBTIQ residents as the need arises

Consultation and Advocacy

Sexuality, Sex and Gender Diversity Advisory Committee

Diversity Policy Officer

Human Rights Officer

Coordinator Equity and Diversity

Related Documents

- Equity and Inclusion Policy 2012-2017
- Sexuality, Sex and Gender Diversity Action Plan 2012-2017
- Council Minutes – 3 June 2013, 6 July 2015, 7 December 2015

Disclosure of Interest

Section 80C of the *Local Government Act* 1989 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

6.4 PROVISIONS OF AD-HOC CATERING SERVICES**Author: Senior Procurement Officer****Reviewed By: Director Civic Governance and Compliance****Report Background**

Council's current Ad-hoc Catering Services Panel expires on 31 December 2016. An online Customer Satisfaction Survey was conducted to identify potential savings and gain better value for money. The internal Strategic Procurement Plan and Request for Tender (**RFT**) documentation was prepared based on the survey and approved for distribution via a full RFT process. An evaluation panel has assessed all compliant proposals and this phase is now complete. This report describes each phase in detail and provides a recommendation for Council's consideration.

Previous Council Resolution

A similar Panel arrangement was the subject of a previous Council resolution. At its meeting held on 16 December 2013 Council resolved to:

- (1) *Enter into a contract for the provision of ad-hoc catering services with fourteen (14) caterers from 1 January 2014 to 31 December 2014 at a capped amount of \$219,201 (incl. GST) plus an optional two (2) by one (1) year extension periods at a capped amount of \$438,401 (incl. GST) bringing the total expenditure approval to \$657,602 (incl. GST).*
- (2) *Approve the Chief Executive to finalise and execute the contracts on behalf of Darebin Council.*
- (3) *Authorises the Chief Executive to approve the optional extension periods, subject to satisfactory performance.*
- (4) *Note an annual report will be submitted to Council on the progress of the agreements, prior to the approval of any extension period.*

Previous Briefing(s)

This report has not previously been to a Councillor briefing.

Council Plan Goal/Endorsed StrategyBusiness Development and Employment Strategy 2012-2015

"Darebin will have a positive and connected business environment with a dynamic and diverse economy that has sustainable growth and operations and generates local employment opportunities".

Environmental Purchasing Code

"Darebin will demonstrate to the community our purchasing decisions can enhance ecological sustainability, be resource responsible and improve markets for environmentally preferred products".

Summary

More importantly, Ad-hoc catering purchases across Council was identified as an area for potential savings and a means to improve the equality of services across the municipality and deliver better value for money for Council and the broader Darebin community.

It is proposed to appoint a panel of local caterers capable of providing a healthy and nutritious range of light meals, snacks, corporate style lunches and occasional breakfasts; and:

- Provide Council officers the flexibility to choose from a number of caterers;
- Focus on local business contribution;
- Obtain value for money catering services; and
- Reduce all forms of waste.

This arrangement is for the entire Council to utilise, including such locations as Northcote Town Hall, Darebin Arts and Entertainment Centre, North East Community Hub, Intercultural Centre, Keon Park Children's Hub, Darebin Libraries, Preston Town Hall.

Recommendation

That Council:

- (1) Resolves to enter into a contract for the provision of ad-hoc catering services with the following twelve (12) caterers from 1 January 2017 to 31 December 2017 at a capped amount of \$456,670 (incl. GST) plus an optional two (2) by one (1) year extension periods at a capped amount of \$913,340 (incl. GST) bringing the total expenditure approval to \$1,370,000 (incl. GST).

265 Lakes Cafe	A1 Bakery Fairfield	Beauty and the Feast
Caffe Rustico	Cedar Bakery	Cultural Catering
Graceful Living (Pomona)	Miss Margaret	Northcote Bakeshop
Plenty of Everything	Roll'd	Silk Thai

- (2) Approve the Chief Executive to finalise and execute the contracts on behalf of Darebin Council.
- (3) Authorises the Chief Executive to approve the optional extension periods, subject to satisfactory performance.

Introduction

The Procurement and Contracting (**PandC**) team continually analyse Council spend to identify Council wide tendering opportunities to achieve efficiencies through value for money outcomes by aggregating demand and awarding organisational wide Agreements.

The Agreements will set out rates for services which are fixed for the initial term of the agreement and reviewed just prior to each additional term extension. The extent and quantity of Council's catering requirements are difficult to accurately project and quantify as requirements vary from week to week.

Assuming the Agreement period of one year fixed, with two one-year optional extensions, the estimated value of this panel arrangement will be capped at \$1,370,000 (incl. GST) over the three year period. This capped amount is based on a 3 year spend of \$500,000 for ad-hoc catering for Council office meetings and a 3 year spend of \$870,000 (incl. GST) for catering events at Darebin Arts and Entertainment Centre (**DAEC**).

Issues and Discussion

The Agreements will be established to support the Council's objective of achieving value for money through aggregating demand throughout the Council, considering local business contribution and allow Council offers the flexibility to choose from a number of caterers.

Pre-Tender Release Process – Internal Customer Satisfaction Survey

PandC conducted an internal survey to seek feedback from staff members in preparation for a new tendering process. The objective was to gain a better understanding of:

- Staff awareness of the Catering Panel and the Service Providers;
- Staff expectations – what worked, what didn't;
- Staff impression in the delivery of quantity/quality vs. price; and
- Staff satisfaction – including suggested improvements.

On 7 July 2016 the survey was distributed to all staff via email and the 'staff to staff' newsletter. A total of 70 responses were received and collated. An overview of the results collated identified the following aspects for consideration in preparing for the tender:

- Supporting more local businesses – including smaller businesses;
- Overall happy with quantity and quality of food;
- Prefer more nutritious, sustainable local and ethical menu choices;
- Prefer bigger range of gluten free, vegan, vegetarian options; and
- More variety that meet the needs of diverse communities without breaking the budget.

Pre-Tender Release Process – External Information Sessions

Prior to the release of the Request for Tender (RFT) the Procurement and Contracting unit (with assistance from the Business Economic and Health and Urban Protection units) collated a list of catering businesses within the Darebin municipality. The directory included businesses such as cafes, event management services, restaurants and specialised caterers with an indigenous influence (for example those offering Halal, Middle Eastern, European, Thai cuisine).

On the 10 October 2016 (2 days after the RFT was released), invitations (231 letters and 464 emails) were delivered to all 695 catering businesses. Each invitation included a link where they could register their attendance at one of 2 information sessions being offered. The following table provides a breakdown of the number of registered attendees for each session at Preston Council Chambers (refer Table 1):

Table 1:

Date	Time	No. Registered Attendees
19 October 2016	3pm – 4pm	53
19 October 2016	5.30pm – 6.30pm	33

Note: To ensure that every Darebin catering business had an opportunity to receive the same information, the invitation also offered a face to face meeting (Mon – Frid, 8am – 5pm) for those who could not attend at Council Chambers, up until the week the RFT closed on 3 November 2016. Procurement and Contracting unit received 7 requests for face-to-face meetings.

Services

It is proposed that the twelve (12) caterers will provide ad-hoc catering services to one or more of the following eight (8) categories:

Category 1: Morning Service;

Category 2: Luncheon Service;

Category 3: Afternoon Service;

Category 4: Evening Service;

Category 5: Culturally Diverse; and

Category 6: General Items (ie: hire items like crockery, cutlery, glassware etc)

Caterers had an opportunity to submit a quotation for any singular category, multiple categories or across all categories.

Note: These proposals are not applicable to special nationality function days held at the Intercultural Centre or Civic type events such as Council meals and Civic functions.

Procurement Process

In line with the *Local Government Act 1989* tender requirements and to ensure there was an open and transparent process undertaken, a publicly advertised RFT (CT201620) was released via Council's online tender website and advertised in The Age newspaper on Saturday 8 October 2016. The RFT was open for a period of 26 days and closed on Thursday, 3 November 2016.

The RFT process had the potential to be a high risk project. To mitigate any risks and to alleviate any perceived preference, prejudice or discrimination throughout the project, Council engaged an independent and qualified probity advisor, to oversee the entire procurement process.

At the time of closing the following thirty three (33) caterers submitted a tender proposal (refer Table 2):

Table 2:

Supplier	Supplier Location	Darebin/Darebin +
265 Lakes Café	Reservoir	Darebin
A1 Bakery Fairfield	Fairfield	Darebin
Beauty and the Feast	Thornbury	Darebin
Breadtop Preston	Preston	Darebin
Breadwinner	Dandenong	Non Darebin/Darebin+
Brown Bear Café	Preston	Darebin
Burger Edge	Northland, Preston	Darebin
Caffe Rustico	Preston	Darebin
Carbones Place	MacLeod	Darebin
Catering Café	Alphington	Darebin+
Cedar Bakery	Preston	Darebin
CJ Café	Preston	Darebin
Cultural Catering	Reservoir	Darebin

Supplier	Supplier Location	Darebin/Darebin +
Da Pasquale	Fairfield	Darebin
El Rivoli	Brunswick	Darebin+
Graceful Living P/L (Pomona)	Preston	Darebin
Greenleaf Catering	Bundoora (outside borderline)	Darebin+
IQ Café and Catering	Heidelberg	Darebin+
Miss Margaret	Preston	Darebin
Mr Churros and A Sweet Escape	Preston	Darebin
Northcote Bakeshop	Northcote	Darebin
Pizza and Pasta on Broadway	Reservoir	Darebin
Plenty and More Cafe	Preston	Darebin
Plenty of Everything	Preston	Darebin
Radfords Place	Reservoir	Darebin
Rolld	Northland, Preston	Darebin
Silk Thai	Preston	Darebin
Stylish Catering	Yarraville	Non Darebin/Darebin+
Subway	Preston	Darebin
Tasties	Preston	Darebin
The Cakemen Pty Ltd	Reservoir	Darebin
The Catering Company	Kensington	Non Darebin/Darebin+
Yoghurt Culture	South Yarra	Darebin+

Evaluation Panel

An evaluation panel (**Panel**) was established and comprised of one Council staff member from each of the following units:

- Health and Compliance;
- Procurement and Contracting;
- Economic Development and Civic Compliance;
- Community Wellbeing;
- Darebin Arts and Entertainment Centre;
- Environment and Community Outcomes (Adviser, non-scoring member)

Prior to the closing date and time the Panel agreed that the evaluation process would consist of the following two phases:

- Short-list proposals based on compliance with RFT specifications; and
- Evaluation of all short-listed proposals.

All compliant proposals were evaluated against the following key selection criteria. The weightings for each criterion were included in the Tender documentation to assist respondents in preparing their proposal and to demonstrate Council's commitment to supporting local businesses. The following evaluation criterion and weighting were adopted by the Panel prior to tender closing date and time (refer Table 3).

Table 3:

Selection Criteria	Weighting
Price/Value For Money	30%
Local Business Content	40%
1. Services Offered (incl. healthy menu options and sustainability choices) 2. Customer Focus and Responsiveness	20%
Previous Experience	10%
Capability 1. Valid Public Liability 2. Valid Quality Assurance Food Registration Certificates	unweighted (Fair or Pass)

Please refer to the 'Confidential' documents for the different phases of the evaluation process.

Financial and Resource Implications

- Under the current Ad-hoc Catering Panel arrangement (CT201315) the total monies spent over 3 years is \$500,000 (incl. GST).
- Darebin Arts and Entertainment Centre (**DAEC**) will be accessing this panel for a majority of events held onsite. DAEC's estimated spend for catering per annum is \$290,000 (incl. GST) or \$870,000 (incl. GST) over 3 years.
- Therefore the combined spend for this panel is estimated to be \$1,370,000 incl. GST) over the full 3 year contract period.
- It should also be noted that catering spend for DAEC is recouped as part of the venue hire arrangements.

Risk Management

A Risk Management Plan has been developed and is appended (refer Confidential **Appendix A**).

The risk factors included in the Risk Management Matrix are set as the baseline, and ongoing analysis and treatment planning will be taken to deal with risks and issues will be reviewed and assessed within the ongoing context throughout the whole of contract term.

Policy Implications

Economic Development

In 2012 Council endorsed a Business Development and Employment Strategy (**BDES**) which vision outlines *'Darebin will have a positive and connected business environment with a dynamic and diverse economy that has sustainable growth and operations and generates local employment opportunities'*

One of the objectives within the BDES is to create 1000 jobs within three years by providing effective support to businesses in Darebin. Another is to assist businesses and industry to diversify and maximise opportunities for business development. Providing all Darebin hospitality/catering businesses the opportunity to respond to the ad-hoc catering requirements of Council is a direct response to these objectives. It also shows that Council is willing to work with local businesses and operators to increase their capabilities and opportunities to compete.

Environmental Sustainability

The tenderers were informed that Council intends to lead by recognising and rewarding caterers who source ethically and sustainably produced, seasonal and local food/ingredients, to meet high standards of animal welfare and minimise the water and energy used to produce and transport the food.

As part of the tender process tenderers were requested to explain and/or provide evidence of sustainable practices and how they have been implemented into their daily operations. Council's Health Promotions and Sustainable Food Officers will work with the successful Service Providers in the provision of healthy food selections and to help reduce our environmental impact.

Human Rights, Equity and Inclusion

There are no factors in this report which impact on human rights, equity and inclusion other than the information provided under 'Economic Development'.

Other

The tender process described in this report is in accordance with Council's Procurement Policy (2015), the relevant provision of the *Local Government Act 1989 (Vic)* and section 208 (Best Value Principles).

Council recognised its role in the economic development of the community and was committed to assisting local industry to do business with Council. Council is committed to buying locally and supporting the business community and encouraging its involvement in procurement processes.

Consultation with local traders (including Public Forums and one-on-one sessions) were held at Preston Council offices to ensure that local caterers were given an opportunity to better understand the RFT documentation and the ability to submit a response with confidence.

Future Actions

- Appoint the twelve Service Providers;
- Unsuccessful companies will be notified; and
- Communicate list of catering companies to all Council staff.

Consultation and Advocacy

- Director, Civic Governance and Compliance
- Acting Manager Health and Compliance
- Business Development Coordinator
- Coordinator Procurement and Contracting

Related Documents

- Evaluation Phase (**Confidential Appendix A**)
- Evaluation Matrix (**Confidential Appendix B**)
- Evaluation Result (**Confidential Appendix C**)
- Procurement Policy (November 2015)
- Procurement Guidelines
- Strategic Procurement Plan (ref: A3831380)

- Engagement of Probity Advisor (ref: A3794427)
- CT201620 – Request for Tender Documentation (ref: A3682731)
- Council Minutes – 16 December 2013

Disclosure of Interest

Section 80C of the *Local Government Act* 1989 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

6.5 SLOPE REMEDIATION PROJECT - INTERSECTION OF WALKER STREET AND MCLACHLAN STREET, NORTHCOTE: CONTRACT AWARD

Author: Coordinator Project Management

Reviewed By: Director City Futures and Assets

Report Background

An inspection of the Rushall Station Footbridge (Merri Creek Bridge) in 2012 commissioned by Metro Trains identified a potential landslip at the road intersection of Walker and McLachlan Streets in Northcote. This study noted that the road intersection close to the north abutment of the bridge had sunk 500mm due to the settlement and compaction of the 6m thick clay fill that it was built on in the 1920's. The main structure of the bridge has not suffered major movement or stress, but the road surface has been re-sheeted (in 1983) and sealed (in 2009) by Darebin Council due to cracks that had appeared on the road which are related to the settlement of the intersection.

In light of the road movement and risks, and following a competitive tender process, Council engaged Coffey Geotechnics (the consultant) in 2013 to undertake geotechnical investigations into the stability of the slope supporting the road intersection and the north abutment of the Rushall Station Footbridge.

The project had been divided into two main parts: Investigation Phase (Part 1) and Detailed Design Phase (Part 2). Based on the findings of the investigation phase in 2013 (see list of related documents below), Coffey made recommendations to Council for the remedial works and advised that there was a three to five year window before the works become critical. This followed observations that, between 2011 and 2013, the displacement of the north abutment of the bridge was 32mm downwards further.

The study by Coffey also found that there were damaged sewage and drainage pipes that had been propagating the ground movement by releasing water. Both pipes have already been fixed by Yarra Valley and Darebin Council respectively.

In 2015, Council provided a brief for the civil re-design of the intersection given that McLachlan Street and the Merri Creek Bridge are a link to a major bicycle path: The Merri Creek Trail. The consultant completed the documentation phase (Phase 2 – Detail Design Phase) for this project in July 2016 (see list of related documents below).

Previous Council Resolution

This matter is not the subject of a previous Council resolution

Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

Council Plan Goal/endorsed Strategy

This project relates to the Sustainable and Resilient Neighbourhoods and Excellent Service Council Plan goals

Summary

The document prepared by Coffey after the investigation in 2013 found that the slope is unstable and has the potential to fail. The report provides a risk assessment highlighting the risks associated with landslides. If the slope was to fail it would cause major damage to the intersection, the bridge, private properties, and council assets, as well as posing a high risk on people's lives.

A budget of \$550,000 GST inclusive (based on the designer's estimate for the works) has been allocated to undertake the works as part of the 2016-2017 Capital Works Program.

From the investigation proposed works include the removal of existing pavement and associated road and drainage infrastructure, removal of up to 2.5m of fill, installation of lightweight foam blocks to retain the slope, backfilling the excavation, and reconstruction of road and drainage infrastructure.

A tender process has been conducted to select a civil contractor to carry out the designed works. Details of the tender process including tender responses, and tender evaluation and assessment processes are contained in the body of this report. Risks associated to the Slope Remediation Project are also provided.

This report recommends the award of contract CT201632 to a suitably experienced civil contractor.

Recommendation

That Council:

- (1) Awards Contract No. CT201632 for the Slope Remediation Project intended to CDN Constructors Pty Ltd for the contract sum of five hundred and thirty five thousand six hundred and eighty five dollars and eight cents (\$535,685.08) GST inclusive
- (2) Authorises the Chief Executive to finalise and execute the contract documentation on behalf of Council.
- (3) Authorises additional budget for Slope Remediation Project (6810) of \$53,000 from Road Resurface Program (5228) being approximate 10% of the contract amount, to be used if required on contract CT201632 for any unforeseen risks such as those identified in this report.

Introduction

Since the identification of a potential landslip near the Merri Creek Bridge in 2012, Darebin City Council has assigned resources to investigate the issue. After engaging an experienced consultant to undertake geotechnical investigations, provide reports, identify risks, and propose solutions to the road movement and settlement, Council has allocated budget to undertake the works. Consequently, a competitive tender process commenced in October 2016 in order to select a suitably qualified civil contractor to carry out the designed solution.

Council received three proposals that included estimated costs, proposed methodologies, timeframes, local business involvement, an OH&S questionnaire, and a history of past performance in similar projects.

An Evaluation Panel was formed in order to analyse the proposals, score each submission, and select a contractor based on the evaluation criteria included in the tender documentation.

The tender assessment and subsequent contract award process is the subject of this report and referenced as contract number CT201632.

Discussion

Tender documentation

Coffey Geotechnics provided the full design documentation for this project. Their design for the remediation works include:

- The *Design Report Remediation of the intersection of Walker Street and mclachlan Street, Northcote*, that contains design drawings, and
- The *Remediation of the intersection of Walker Street and mclachlan Street, Northcote. Technical Specification for remediation design*, that provides details of specific construction requirements.

These documents have been used as part of the tender documentation, together with requirements by a number of Authorities with assets on-site (see list below). Council's requirements and technical specifications have also been included in the documentation.

Tender Process

The goal of the tender process was to seek and select a qualified and experienced contractor to provide construction services for this project on the basis of:

- Achieve value for money through a competitive tender process
- Quality and fitness for use through the engagement of an experience contractor
- Compliance with local government policies by following Darebin's Procurement policies and guidelines

In accordance with Council's procurement policies and guidelines, Council publicly advertised the tender (CT201632 – Provision of Construction Services for Slope Remediation Works - Intersection Walker and McLachlan Streets, Northcote) on its website as well as on The Age newspaper on the 15 October 2016. Tender respondents were required to download the documentation and submit their proposals through Council's e-tender system.

Financial and Resource Implications

Embankment stabilisation – Walker and McLachlan Street Northcote

Budget 2016/2017 – Council source funds	\$0.00
Budget 2016/2017 – Roads to Recovery funds	\$500,000.00
Tendered price GST exclusive	<u>\$486,986.44</u>
Balance	<u>\$13,013.56</u>

The preferred tender is close to pre-tender estimates and within the allocated budget for this project of \$550,000 GST inclusive. This amount was allocated for the 2016/2017 capital works program (6810).

It is recommended that a contingency amount equivalent to 10% of the cost (\$53,000) be allocated to the project budget. This amount will only be used in the event that the project risks need to be addressed once construction commences on site and will be sourced from the Road Resurface Program (5228).

If a contract is awarded to CDN Constructors Pty Ltd at the end of 2016 and they commence works in accordance with the proposed works program in early February including allowances for inclement weather delays, the completion for the construction works is estimated to be in April 2016.

RISK MANAGEMENT

The following risks have been identified for the Slope Remediation Project (see **Appendix C**).

- Slope failure
- Damage to Metro Trains Bridge
- Damage to Authorities' assets
- Unexpected soil conditions
- Failure of temporary batters/excavation
- Work delays due to weather conditions
- Community and Bridge user's risks
- Complaints from residents adjacent to the works

In order to manage the identified risks, the following controls will be put in place before and during construction:

- Given that the consultant advised Council to undertake the works within a three to five year window after the identification, works will need to commence as soon as possible in order to minimise the risks to people, properties and assets.
- Excavation works will be restricted within one meter from the bridge abutment, and any possible movements of the bridge will be monitored during construction.
- A list of conditions and processes has been provided by the Authorities with assets within the site boundary, and has been included in the tender documentation. They need to be followed by the contractor before, during, and after construction.
- There is a low risk of finding a high level of contaminated soil on site based on Coffey's geotechnical investigation. However, the contractor was asked to provide a provisional sum if contaminated soil needs to be removed and disposed of from the site.
- The design documentation proposes a progressive and staged progress for the excavation works to minimise the risk of failure of the excavation. If during the progress of the works it is found that the proposed excavation needs to be altered, safe trench conditions and secure access must be provided by the contractor in consultation with Coffey and Council's Project Manager.
- It is critical that the proposed works are undertaken during dry months (between January and April as planned) as wet weather could impose additional risks to the slope, excavation works, temporary batters, and the timeline of the project.
- Given the risks associated with the remediation and excavation works highlighted above, it has been proposed to close the bridge and footpaths during construction to minimise the risk to bridge users.

- A notification process has started including letters, signs on site, local newspaper advertisement and notifications on Council's website. Approximately 400 properties in Northcote have been notified of the works by letterbox drop. The project manager will also hold a meeting with the selected contractor and the residents close to the construction site to explain the project and note any concerns that residents may have.

Policy Implications**Economic Development**

There are no factors in this report which impact upon economic development.

Environmental Sustainability

A letter by Melbourne Water (Authority responsible for the management of the Merri Creek) on 7 September 2015 to Council provides a number of conditions in relation to Environmental Sustainability (see **Appendix D**).

It is responsibility of the contractor to comply with those requirements. This information has been provided on the tender documentation, and the selected contractor will need to submit the approval by Melbourne Water to Council's Project Manager before the commencement of the works.

There are no other factors in this report which impact upon environmental sustainability.

Human Rights, Equity and Inclusion

There are no factors in this report which impact on human rights, equity and inclusion.

Other

There are no other factors which impact on this report.

Future Actions

- Award Contract CT201632 for the Slope Remediation Project to CDN Constructors Pty Ltd
- Continue the communication process with the community
- Prepare and provide documentation and information for the contractor
- Commence construction works in early February 2017
- Inspect construction works and follow progress (Council's Project Manager and Coffey)
- End of Defect Liability period is for 12 months from the date of Practical Completion

Consultation and Advocacy

As noted previously in this report a notification process has commenced with letters, signs on site, local newspaper advertisement and notifications on Council's website. Other consultation was undertaken with the following people and organisations.

- Coordinator of Infrastructure Planning
- Manager of Assets and Properties
- Senior Procurement Officer
- Coordinator Project Management

- Team Leader Transport Strategy
- Transport Engineering
- Sustainable Transport Officer
- Senior Communications Advisor
- Coffey Geotechnics
- City of Yarra
- Metro Trains
- PTV
- APA Group
- Powercor
- City West Water
- Melbourne Water
- Heritage Insight

Related Documents

- Slope Remediation Project Works - **Appendices A – D**
- Tender Evaluation Process (**Confidential Appendix E**)
- Bridge Inspection and Assessment Report Merri Creek Footbridge, prepared by Pitt & Sherry for Metro Trains Melbourne. March 2013
- Heritage Assessment at the Corner of Walker and McLachlan Streets, Northcote, prepared by heritage insight. April 2013
- Slope Stability Investigation and Landslide Risk Assessment, Corner Walker Street and McLachlan Street, Northcote, prepared by Coffey Geotechnics. October 2013
- Design Report Remediation of the Intersection of Walker Street and McLachlan Street, Northcote, prepared by Coffey. July 2016
- Technical Specification for remediation design, prepared by Coffey. July 2016
- Request for Tender CT201632

Disclosure of Interest

Section 80C of the *Local Government Act* 1989 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

Attachment A
Slope Remediation Project, Intersection of Walker Street and McLachlan Street Northcote,
Contract Award – Cracks on the road





Attachment B
Slope Remediation Project, Intersection of Walker Street and McLachlan Street Northcote,
Contract Award – Project Location and proposed construction site



Attachment C
Slope Remediation Project, Intersection of Walker Street and McLachlan Street Northcote,
Contract Award – Risk identification and analysis

Slope failure

Based on Phase 1 of the project – Investigation Phase in 2013, Coffey advised that Council had a three to five year window to undertake the works. The consultant tested various failure scenarios for likelihood, consequence and risk to property and life using accepted Australian industry guidelines for landslide risk management. It was found that the south facing slope (near Walker Street) has a moderate risk to property. The west facing slope (near McLachlan Street) has a moderate to high risk to property. Risk to life is considered unacceptable. Therefore the works need to be undertaken in order to minimise the risks to people, properties and assets.

Metro Trains Bridge damage

The investigation found that the abutment of the bridge has sunk 500mm since it was built in the 1920's and has continued to sink at a rate of 1-2mm per month. If this earth movement continues at this rate, there is a potential to permanent damage to the Merri Creek Bridge.

Construction will be undertaken near the abutment of the bridge which also exposes the bridge to damage. However, the consultant has provided measures that will be taken during construction in order to avoid interference with the north abutment such as limiting excavation works within one meter from the bridge and monitoring any possible movements of the bridge. The Council's project manager held a meeting on-site with Metro Trains' representatives (owner of the bridge) to discuss the consultant's design and proposals for construction. It was agreed that limiting the excavations to one meter away from the abutment, as suggested by the consultant, was the most appropriate measure to avoid damage to the bridge.

Construction risks

There are common risks associated to excavation works including unexpected soil conditions like contaminated soil or water, failure of temporary batters, and damage to Authorities' assets such as pipes.

During the investigation and design phases, the Authorities with assets within the site boundary were identified and contacted by Coffey to provide requirements to work near their assets before undertaking the works. They provided a list of conditions and processes that need to be followed by the contractor to avoid damage to those assets which have been documented in the design and included in the tender documentation. The companies contacted are listed in Table 7.

Coffey recommended that there is a low risk of finding a high level of contaminated soil on site based on their geotechnical investigation. However, the contractor was asked to provide a provisional sum if contaminated soil needs to be removed and disposed of from the site. The design documentation proposes a progressive stripping and removal of existing materials at the intersection. It provides a staged progress for the excavation works to minimise the risk of failure of the excavation. If during the progress of the works it is found that the proposed excavation needs to be altered, safe trench conditions and secure access must be provided by the contractor in consultation with Coffey and Council's Project Manager.

It is critical that the proposed works are undertaken during dry months (between January and April as planned) as wet weather could impose additional risks to the slope, excavation works, temporary batters, and the timeline of the project.

Community and bridge user's risks

The Merri Creek Bridge that connects Northcote with Rushall Railway Station is mostly used by bicycle riders and public transport users. Given the risks associated with the remediation and excavation works highlighted above, it has been proposed to close the bridge and footpaths during construction to minimise the risk to bridge users.

This decision may be inconvenient but needed to avoid injury to members of the community. A notification process by Council's Project Manager has started to inform the community and other stakeholders through different channels including newspaper ads, letters, signs on site, and notifications on Council's website. Yarra City Council (on the South side of the creek) and Metro Trains have also been notified of the closure of the bridge and will notify residents and users respectively. A map with alternative routes has been prepared by Council officers and will be provided to the residents and sign posted on-site.

Complaints from residents adjacent to the works

Approximately 400 properties in Northcote will be notified of the works by letterbox drop.

Properties immediately adjacent to the works may suffer noise and may not have vehicular access to their properties for part of the construction period. These residents will be notified about the works through a letter. The project manager will also hold a meeting with the selected contractor and the residents to explain the project and note any concerns that residents may have. Noise and vehicular access will need to be managed by the Council and the selected contractor. Working days and times will be discussed with the contractor and are likely to be between business hours on weekdays.

**Slope Remediation Project, Intersection of Walker Street and McLachlan Street Northcote,
Contract Award – Melbourne Water Letter**

7 September 2016

Paul Wansbrough
paul.wansbrough@darebin.vic.gov.au

Dear Paul,

RE: SLOPE REMEDIATION WORKS APPROVAL
LOCATION: Walker & McLachlan Streets, Northcote (Merri Creek)
MW REFERENCE: 213887
YOUR REFERENCE: GEOTABTF09227AB-AD; GEOTABTF09227AB-AE

Thank you for your email/application and attached plans received 17 August 2016.

Melbourne Water **does not object** to the proposed slope remediation works near Melbourne Water's Merri Creek (as per the submitted reports/drawings) subject to the following conditions:

1. A copy of this correspondence **must** be kept on site at all times.
2. Prior to the commencement of works Melbourne Water requires a site meeting to be arranged to establish a clear understanding of Melbourne Water's requirements. Please contact Melbourne Water's Asset Services Inspector Phil Douglas on 0429 223 638, providing at least 5 working days notice.
3. Prior to undertaking any works on or near a Melbourne Water asset, the contractor must be in receipt of a Melbourne Water Permit to Work. Please contact Asset Services Inspector Phil Douglas.

A Permit to Work can only be issued subject to the contractor performing Melbourne Water's recipient training. Please email recipient.training@melbournewater.com.au with the participant's full name and return email address to complete the online training. For any further queries regarding training, please call 9325 2600.

4. **Prior to commencement of construction, a Site Environmental Management Plan (SEMP) must be produced and adopted on-site. The SEMP must address the following:**

- Sediment and silt management controls
- Vegetation management techniques
- Access tracks
- Spoil stockpiling
- Machinery/Plant locations
- Exclusion fencing around native vegetation/habitat

5. Prior to commencement of construction, a Work Method Statement and a Task Risk Assessment must be produced and adopted on-site.

The statement must address the following:

- OH&S measures in place to reduce risk
 - Safe work practices
 - Process for machinery to access the creek
 - Diversion of flows for low and high flows
 - Evacuation procedure during times of high flows and fire danger periods
6. Spoil resulting from excavation works must be stockpiled in an area as directed by the Asset Services Inspector. Any stockpile of spoil on site should be bordered with appropriate silt controls.
 7. The cross sectional area of the waterway must be maintained post works. From this information provided, it is unclear if any fill within the flood extent will be taking place and, if so, to what extent. If fill is to be placed within the floodplain, cross sectional information will need to be provided to Melbourne Water so that the effect of this on flood levels/velocities can be determined.
 8. Melbourne Water must maintain unobstructed access to the area at all times for operational and maintenance purposes. The works area must be kept to a minimum and clearly defined on-site, thus creating a clear path for Melbourne Water to access the reserve/waterway.
 9. Any damage caused to Melbourne Water's assets due to the proposed work shall be borne by the applicant/responsible party.
 10. The extent of the works area must be discussed with the nominated Asset Services Inspector to ensure minimal impact to the waterway. Disturbed areas must be reinstated as close as practicable to their former condition, which may include levelling, compaction, topsoiling and re-grassing.
 11. The manhole/pit located on Melbourne Water's sewer must not be covered over by the proposed works.
 12. Any disturbance to areas along a declared waterway reserve, drainage easement/reserve or private property shall be kept to a minimum and reinstated as near as practicable to its former condition.

Reinstatement will include but not be limited to the following:

- Backfill, levelling and compaction
- Clean-up of site;
- Regrading the access track; and
- Topsoiling and seeding of grassed areas (only if disturbed).

No vegetation may be cleared from the site without approval from Melbourne Water's Asset Services Inspector.

13. The works on the waterway and reinstatement of the affected area shall be carried out to the satisfaction of Melbourne Water. Please contact the nominated Asset Services Inspector to arrange a Practical Completion inspection. Upon inspection, Melbourne Water's Asset Services Inspector may order additional work/protection/reinstatement of the bank(s) as necessary. Any additional costs shall be borne by the applicant/developer/owner.

Please note that this inspection is not a final inspection. Instead, a final inspection will be carried out no sooner than three months after the works have been deemed practically completed. This period will serve as a defects liability period, thus ensuring the proposed works withstand the variable conditions induced by the natural elements of rain and creek flows.

Please contact the relevant Asset Services Inspector to make the final inspection. Once the final inspection has been made by the Asset Services Inspector, the owner/agent shall complete the enclosed End of Defects Liability Form and return it to Melbourne Water.

14. A **\$5000.00** Security Deposit is to be paid to Melbourne Water **PRIOR** to any works commencing as a bond for the reinstatement of the reserve and bank/waterway protection works. **This amount will be refunded no sooner than three months from the completion of works as determined by a final inspection.** Any Asset Protection Bond not claimed within 3 years from the date of this letter shall be forfeited, unless written notification is provided and agreed upon by Melbourne Water.

Please note that the Security Deposit will not accrue interest whilst it is held at Melbourne Water. Additionally, an inspection fee of ***\$256.00** is made payable to Melbourne Water Corporation **PRIOR** to the commencement of works. Payment must be accompanied by the enclosed Remittance Form and sent to:

**Melbourne Water Corporation
Asset Services
PO Box 4342
MELBOURNE VIC 3001**

***Additional charges may apply in the recovery of fees. Please note that GST does not apply to this charge.**

15. Lodgement of the above amount with Melbourne Water and/or making arrangements to proceed shall be deemed acceptance of these conditions.
16. Melbourne Water is indemnified from any public liability claims arising from the proposed works.
17. Work must commence within 12 months from the date of this letter, after which this approval will lapse, and Melbourne Water will reserve the right to either grant an extension of time or impose additional conditions.
18. Please note the proposed works may trigger approval requirements concerning environmental, biodiversity and cultural heritage controls. Accordingly, you are advised to consult with the following authorities and agencies: Department of Environment, Land, Water and Planning (DELWP), Office of Aboriginal Affairs Victoria (OAAV), Heritage Victoria and Municipal Council.

You are advised that under the Water Act penalties apply for unauthorised interference with waterways under Melbourne Water's control.

Please note that our consent to your proposal does not affect the rights of any other parties over the area in question.

Should you wish discussing this matter, please do not hesitate to contact the undersigned on 9679 6614 or email assetservices@melbournewater.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Theoharakos', followed by a horizontal line.

Peter Theoharakos
Asset Services

REMITTANCE FORM

This completed form must accompany payment

Property: Slope Remediation Works - Walker & McLachlan Streets, Northcote (Merri Creek)
Your Ref: GEOTABTF09227AB-AD; GEOTABTF09227AB-AE
Offer (Ref): 213887ST
Date of Offer: Wednesday, 7 September 2016

Amount Payable:	\$5256.00
------------------------	------------------

(This is a GST exempt supply)

As payer for the works at the above property, I/we agree to the conditions outlined in Melbourne Water's letter of offer.

Name of payer:

Signature of payer: Date: / /

Postal Address of payer:

.....

If signing on behalf of a company, please print your name and position:

.....

Please tick appropriate payment option box:

ELECTRONIC BANK TRANSFER

Bank Name: **WESTPAC**

Bank Account Name: **MELBOURNE WATER CORPORATION DRAWINGS ACCOUNT**

BSB No: **033-000**

Account No: **295655**

***Please note: When depositing funds please include the following:**

Melbourne Water Reference No. 213887ST, Company Name, Contact Name & Phone No.

*Email AR@melbournewater.com.au the completed remittance form

INTERNET / CREDIT CARD (up to \$10,000)

Pay by credit card at www.melbournewater.com.au by selecting **online payments**.

Note: ensure that Offer Ref. No. 213887ST and amount payable of \$5256 is provided when entering online payment details.

OFFICE USE ONLY:

	\$	CENTRE No.	ACCOUNT No.
Security Deposit	5000	1	5292
Connection/Inspection Fee	256	D20303	1165

ACCEPTANCE FORM – SLOPE REMEDIATION WORKS / A
TO BE SUBMITTED AT LEAST 5 WORKING DAYS PRIOR TO COMMENCEMENT OF WORKS
DETAILS OF APPLICANT

I, (Name in full)
 (Applicant/Agent) (If a corporation, company, partnership, or other body, state full registered name)

of (Full address)
 Suburb Ph No:.....

being the applicant of the works proposed at the property situated at

.....

agree to the conditions outlined in Melbourne Water’s letter of offer and hereby accept that the Contractor listed below will carry out the necessary works and that all Melbourne Water correspondence in relation to the subject works has been forwarded to the Contractor and inspection fees/bonds paid.

Applicant’s Signature Date / /

(Agent)

Print Name Position Held:

(If a corporation, company, partnership, or other body, print in full, the name of the signatory and the position held by the signatory in such body)

DETAILS OF CONTRACTOR

I, (Name in full)
 (If a corporation, company, partnership, or other body, state full registered name)

of (Full address)
 Suburb Phone:

Certify that:

1. The work shall comply with:
 - Melbourne Water Standards and shall be subject to random auditing
 - the requirements outlined in Melbourne Water’s Letter of Approval.
2. If any defect is found in the work carried out within a period of twelve months from the date of completion, and the defect is attributed to faulty workmanship, I shall undertake to rectify the defect and cover all associated expenses incurred by Melbourne Water Corporation.
3. I am an agent of the owner described above and shall not admit any liability on behalf of Melbourne Water Corporation.

Contractor’s Signature Date / /

Commencement Date of Work / /

This form must be forwarded to Asset Services at least 5 working days prior to commencement. It may be lodged via email at assetservices@melbournewater.com.au.

This form must not be reproduced for future projects

PRACTICAL COMPLETION FORM / B
TO BE SUBMITTED AFTER THE WORKS HAVE BEEN COMPLETED TO MELBOURNE
WATER'S SATISFACTION
CHECKLIST FOR WORKS

Prior to commencement of construction	Contractor has copy of this letter	
	Site Environmental Management Plan submitted	
	Acceptance Forms submitted	
	Payment of applicable fees	
	Pre-commencement site meeting with Asset Services Inspector	
	Sediment/Silt Control Measures prepared and in place	
	Obtained 'Permit to Work' from MWC Asset Services Inspector	
During Construction	Photos of Works submitted to Melbourne Water, indicating completed works, revegetation and silt control measures undertaken	
Post Construction	Debris, Building Materials, Silt Removed	
	Sediment/Silt Control Measures monitored/removed	
	Practical Completion site meeting with Melbourne Water's Asset Services Inspector	

DETAILS OF CONTRACTOR

Property Address:.....

I, (Name in full).....
 (If a corporation, company, partnership, or other body, state full registered name)

of (Full address).....

Suburb Phone No.

hereby certify that the works on the subject waterway have been completed in accordance with Melbourne Water's letter of approval and standards.

Consultant..... / /

Contractor..... / /

SIGN-OFF WORKS COMPLETED TO ASSET SERVICES INSPECTOR'S SATISFACTION:

Signature.....Asset Services Inspector..... / /

This form must not be reproduced for future projects

**FINAL INSPECTION
END OF DEFECTS LIABILITY DECLARATION / C
TO BE SUBMITTED AFTER THE FINAL INSPECTION BY THE ASSET SERVICES
INSPECTOR & CONSULTANT/CONTRACTOR**

Property Address:.....

Suburb..... Post Code.....

I, (Name in full)
(If a corporation, company, partnership, or other body, state full registered name)

of (Full address)

Suburb..... Post Code

hereby certify that the works on the subject waterway/drain have satisfactorily withstood the variable conditions induced by the natural elements of rain and creek flows in the three months from date of Practical Completion and request the return of the Security Deposit.

Owner's (Agent's) Signature Date/...../.....

Owner's (Agent's) Full Name

**SIGN-OFF WORKS COMPLETED TO ASSET SERVICES INSPECTOR'S
SATISFACTION:**

Signature..... Asset Services Inspector..... / /

Date of Practical Completion of Works...../...../.....

Date of Final Inspection...../...../.....

This form is to be submitted via mail or facsimile only;

- 3 months AFTER the works have been completed to Melbourne Water's satisfaction, as specified and signed off by the Asset Services Inspector
- After a final inspection by the Asset Services Inspector

This form must not be reproduced for future projects



SECURITY REFUND FORM

Please note that the refund process can take up to 14 working days

ELECTRONIC BANK TRANSFER	
<i>Australian Bank Only</i>	
Bank Name:	_____
Bank Account Name:	_____
BSB No:	_____
Account No:	_____

By signing this form I authorise Melbourne Water to refund my security deposit to the above account.

Name:
Signature:
Address:
Melbourne Water Reference Number: 213887ST
Phone Number:
Date:

Please email a copy of the completed form to:
assetservices@melbournewater.com.au

OR

Post in the mail to:
PO Box 4342
MELBOURNE VIC 3001

6.6 DELEGATIONS OF POWER, DUTIES AND FUNCTIONS TO COUNCIL STAFF

Author: Coordinator Council Business

Reviewed By: Director Civic Governance and Compliance

Report Background

This report is to seek recommendation from Council to approve an updated Instrument of Delegation from Council to various positions within the organisation.

Previous Council Resolution

At its meeting held on 6 June 2016:

'That 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, Darebin 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 to members of Council staff, the powers, duties and functions set out in that Instrument attached as Appendix A, subject to the conditions and limitations specified in that Instrument.*
- (2) The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.*
- (3) On the coming into the force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.*
- (4) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.'*

Previous Briefing(s)

This report is not subject to any previous Councillor briefings.

Council Plan Goal/Endorsed Strategy

Open and Accountable Democracy

Summary

This report takes into account recent legislation amendments and seeks approval by Council for the revised *Instrument of Delegation*.

Recommendation

That 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*, Darebin 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 to members of Council staff*, the powers, duties and functions set out in that Instrument attached as **Appendix A**, subject to the conditions and limitations specified in that Instrument.
- (2) The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
- (3) On the coming into the force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
- (4) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Introduction

From time to time amendments are made to legislation pertaining to such Acts as the *Domestic Animal Act 1994*, *Environment Protection Act 1970*, and the *Planning and Environment Act 1987*. When amendments are made there is a requirement for all Councils to update delegations conferred on various positions within the organisation by Council to ensure officers are operating and enforcing under the current legislation.

Issues and Discussion**Delegations from Council to other members of Council staff**

Councils have a raft of powers, duties and functions under the *Local Government Act 1989*, *Planning and Environment Act 1987*, *Building Act 1993*, *Road Management Act*, *Domestic Animals Act*, *Emergency Management Act 1986* and many more. Most powers, duties and functions are therefore performed by members of Council staff with formal powers delegated by the Council, either directly or through the Chief Executive Officer (by sub-delegation).

This *Instrument of Delegation* to members of Council staff refers specifically to the delegation of (statutory) powers under various Acts and Regulations which (because of the terms of the particular legislation) require a delegation direct from the Council to the nominated members of Council staff.

These include:

- *Domestic Animals Act 1994*
- *Environment Protection Act 1970*
- *Food Act 1984*
- *Planning and Environment Act 1987*
- *Road Management Act 2004*

The *Instrument of Delegation* describes in each case the power, duty or function being delegated, the source of power and lists the position to which the delegation is to be conferred.

The delegations provide the necessary authority for day-to-day planning, health and road management matters.

Options for Consideration

There are no options associated with this information.

Financial and Resource Implications

Nil.

Risk Management

If Council does not confer updated delegation on positions within the organisation officers will not be able to fulfil the obligations of their roles especially in relation to enforcement.

Policy Implications

Economic Development

There are no factors in this report which impact upon economic development.

Environmental Sustainability

There are no factors in this report which impact upon environmental sustainability.

Human Rights, Equity and Inclusion

There are no factors in this report which impact on human rights, equity and inclusion.

Other

The delegation of Council powers to the members of Council staff is a long established practice facilitated and regulated by the *Local Government Act 1989* to enable day to day statutory and operational decisions to be made. The proposed *Instrument of Delegation* is based on the model developed by Maddocks Lawyers and used by a majority of Victorian councils.

Future Actions

- The signed copy of this *Instrument of Delegation* to be included in the Register of Delegations available for inspection by the public.
- This *Instrument of Delegation* be reviewed as required to address changes in legislation.

Consultation and Advocacy

- Chief Executive Officer, relevant Directors, Managers and Coordinators
- Maddocks Lawyers

Related Documents

- Proposed Instrument of Delegation to members of Council staff – **Appendix A**
- Delegations and Authorisations Service – Maddocks Lawyers
- Council Minutes – 6 June 2016

Disclosure of Interest

Section 80C of the *Local Government Act* 1989 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.



Darebin City Council

Instrument of Delegation

to

Members of Council Staff



INSTRUMENT OF DELEGATION

MEMBERS OF COUNCIL STAFF

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. record that a reference in the Schedule are as follows:

Acronym		Title
Admin – CDB	means	All Administration Staff – City Development Branch
BSO(B&P)	means	Business Support Officer (Business and Performance)
BSO(HP)	means	Business Support Officer (Health Protection)
CCC	means	Coordinator Civic Compliance
CEO	means	Chief Executive Officer
CEnvO	means	Coordinator Environmental Operations
CHO	means	Chief Health Officer
CIM&S	means	Coordinator Infrastructure Maintenance and Support
CIP	means	Coordinator Infrastructure Planning
CSP	means	Coordinators Statutory Planning
CSTP	means	Coordinator Strategic Planning
DCF&A	means	Director City Futures and Assets
DCG&C	means	Director Civic Governance and Compliance
DCS	means	Director Corporate Services
DO&E	means	Director Operations and Environment
EMCP&T	means	Executive Manager City Plan and Transformation

Acronym		Title
HPO	means	Health Protection Officer
MBS	means	Municipal Building Surveyor
MCD&SP	means	Manager City Design and Strategic Planning
MCW&C	means	Manager City Works and Contracts
ME&CO	means	Manager Environment and Community Outcomes
MH&C	means	Manager Health and Compliance
MI&CD	means	Manager Infrastructure and Capital Delivery
MP&B	means	Manager Planning and Building
MSAM	means	Manager Strategic Asset Management
MT&PP	means	Manager Transport and Public Places
PAA	means	Planning Appeals Advocate
PIO	means	Planning Investigation Officer
PSP	means	All Principal Statutory Planners
SCTM	means	Senior Coordinator Transport Management
SLLIO	means	Senior Local Laws Investigation Officer
SO	means	Subdivision Officer
SP	means	All Statutory Planners
SPA	means	Statutory Planning Assistants
SPIO	means	Senior Planning Investigation officer
SSP	means	All Senior Statutory Planners
STP	means	All Strategic Planners
Service Manager or Coordinator	means	The Manager or Coordinator responsible for Council service or facility
TLB&P	means	Team Leader Business and Performance

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 12 December 2016; 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) strategy
 - (c) adopted by Council; or
 - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of 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.

Date: / / 2016

The COMMON SEAL of)
DAREBIN CITY COUNCIL)
was affixed on)
with the authority of the Council:)

Rasiah Dev
Chief Executive

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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.41A(1)	power to declare a dog to be a menacing dog	DCG&C, MH&C, CCC, SLLIO	Council may delegate this power to an authorised officer

ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53M(3)	power to require further information	Not applicable	<i>Note – Part IXB of the Act refers to septic tank systems.</i>
s.53M(4)	duty to advise an applicant that an application is not to be dealt with	Not applicable	
s.53M(5)	duty to approve plans, issue a permit or refuse a permit	Not applicable	refusal must be ratified by council or it is of no effect
s.53M(6)	power to refuse to issue a septic tank permit	Not applicable	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)	Not applicable	refusal must be ratified by council or it is of no effect

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	MH&C, HPO	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	MH&C, HPO	If section 19(1) applies.
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	MH&C	If section 19(1) applies.
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	HPO	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	MH&C, HPO	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).	MH&C, HPO	Where Council is the registration authority.
s.19AA(4)(c)	power to direct, in an order made under section 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	Not delegated.	Note: the power to direct the matters under section 19AA (4) (a) and (b) is not capable of delegation and so such directions must be made by a Council resolution
s.19AA(7)	duty to revoke order issued under section 19AA and give written notice of revocation, if satisfied that that order has been complied with	MH&C, HPO	Where Council is the registration authority.
s.19CB(4)(b)	power to request a copy of records	MH&C, HPO	Where Council is the registration authority.
s.19E(1)(d)	power to request a copy of the food safety program	MH&C, HPO	Where Council is the registration authority.
s.19GB	power to request a proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	MH&C, HPO	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	MH&C, HPO	Where Council is the registration authority.
s.19NA(1)	power to request food safety audit reports	MH&C, HPO	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	MH&C	

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19UA	power to charge fees for conducting a food safety assessment or inspection	MH&C	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	MH&C, HPO	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	MH&C, HPO	Where Council is the registration authority.
s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	MH&C, HPO	Where Council is the registration authority.
Various	power to register, renew or transfer registration	MH&C	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	Not delegated.	Where Council is the registration authority. Fees are determined by Council in the annual budget process.
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)	MH&C	Where Council is the registration authority.
s.38A(4)	power to request a copy of a completed food safety program template	MH&C, HPO	Where Council is the registration authority.
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	MH&C, HPO	Where Council is the registration authority.
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	MH&C, HPO	Where Council is the registration authority.
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	MH&C, HPO	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	MH&C, HPO	Where Council is the registration authority.
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	MH&C, HPO	Where Council is the registration authority.
s.38D(3)	power to request copies of any audit reports	MH&C, HPO	Where Council is the registration authority.

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38E(2)	power to register the food premises on a conditional basis (*)	MH&C,	Where Council is the registration authority. (*) Not exceeding the prescribed time limit defined under sub-section (5).
s.38E(4)	duty to register the food premises when conditions are satisfied	MH&C, HPO	Where Council is the registration authority.
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	MH&C, HPO	Where Council is the registration authority.
s.39A	power to register, renew or transfer food premises despite minor defects	MH&C	Where Council is the registration authority. Only if the delegate is satisfied of matters in sub-section (2) (a) to (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>	MH&C	Where Council is the registration authority.
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	MH&C	Where Council is the registration authority.
s.40D(1)	power to suspend or revoke the registration of food premises	MH&C	Where Council is the registration authority. In consultation with the DCF&A. Action must be ratified by Council.
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	MH&C, HPO	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	MH&C, HPO	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	MH&C	Where Council is the registration authority. In consultation with the MED&CC and DCF&A.

HERITAGE ACT 1995			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(2)	power to sub-delegate the Executive Director's functions	MP&B	Must obtain the Executive Director's written consent first. "Executive Director" means the Executive Director of Heritage Victoria.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4B	power to prepare an amendment to the Victoria Planning Provisions	MP&B	If authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	DCF&A, MP&B	
s.4H	duty to make amendments to the Victoria Planning Provisions available	MP&B, MCD&SP, CSTP, STP	
s.4I	duty to keep the Victoria Planning Provisions and other documents available	MP&B, MCD&SP, CSTP	
s.8A(2)	power to prepare an amendment to the planning scheme where the Minister has given consent under section 8A	MP&B, MCD&SP, CSTP	
s.8A(3)	power to apply to the Minister to prepare an amendment to the planning scheme	DCF&A, EMCP&T, MP&B, MCD&SP, CSTP	
s.8A(5)	function of receiving notice of the Minister's decision	DCF&A, EMCP&T, MP&B, CSTP	
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	MP&B, MCD&SP, CSTP	
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.	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MP&B, MCD&SP, CSTP	
s.12A(1)	duty to prepare a municipal strategic statement (including the power to prepare a municipal strategic statement under section 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	MP&B, MCD&SP, CSTP	
s.12B(1)	duty to review the planning scheme	MP&B, MCD&SP, CSTP	
s.12B(2)	duty to review the planning scheme at the direction of the Minister	MP&B, MCD&SP, CSTP	
s.12B(5)	duty to report the findings of a review of the planning scheme to the Minister without delay	MP&B, MCD&SP, CSTP	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	MP&B, MCD&SP, CSP, CSTP	
s.17(1)	duty of giving a copy of an amendment to the planning scheme	MP&B, MCD&SP, CSTP, STP, Admin - CDB	
s.17(2)	duty of giving a copy of a section 173 agreement	MP&B, MCD&SP, CSP, PSP, SSP, SP, CSTP, STP	
s.17(3)	duty of giving a copy of an amendment, explanatory report and relevant documents to the Minister within 10 business days	DCF&A, MP&B, CSP, PSP	
s.18	duty to make an amendment etc. available	MP&B, MCD&SP, CSTP, STP	
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	MP&B, MCD&SP, CSTP	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19	function of receiving notice of preparation of an amendment to a planning scheme	DCF&A, EMCP&T, MP&B, MCD&SP, CSTP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s.20(1)	power to apply to the Minister for exemption from the requirements of section 19	DCF&A, EMCP&T, MP&B, MCD&SP, CSTP	
s.21(2)	duty to make submissions available	MP&B, MCD&SP, CSTP, STP	Relates to planning scheme amendments
s.21A(4)	duty to publish notice in accordance with the section	MP&B, MCD&SP, CSTP, STP	
s.22	duty to consider all submissions	Not delegated.	Council/Planning Committee decision required.
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	MP&B, MCD&SP, CSTP	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	MP&B, MCD&SP, CSTP, STP	
s.24	function to represent Council and present a submission at a panel hearing (including a hearing referred to in section 96D)	MP&B, MCD&SP, CSP, PSP, SSP, SP, CSTP, STP	
s.26(1)	power to make a report available for inspection	MP&B, MCD&SP, CSP, PSP, SSP, SP, CSTP, STP	
s.26(2)	duty to keep the report of the panel available for inspection	MP&B, MCD&SP, CSTP, STP	
s.27(2)	power to apply for exemption if the panel's report is not received	MP&B, MCD&SP, CSTP	
s.28	duty to notify the Minister if abandoning an amendment	DCF&A, EMCP&T, MP&B MCD&SP,	Note: the power to make a decision to abandon an amendment cannot be delegated.

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.30(4)(a)	duty to say if an amendment has lapsed	MP&B, MCD&SP, CSTP, STP	
s.30(4)(b)	duty to provide information in writing upon request	MP&B, MCD&SP, CSTP, STP	
s.32(2)	duty to give more notice if required	MP&B, MCD&SP, CSTP, STP	
s.33(1)	duty to give more notice of changes to an amendment	MP&B, MCD&SP, CSTP, STP	
s.36(2)	duty to give notice of approval of amendment	MP&B, MCD&SP, CSTP, STP	
s.38(5)	duty to give notice of revocation of an amendment	MP&B, MCD&SP, CSTP, STP	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with a determination by VCAT	MP&B, MCD&SP, CSTP, STP	
s.40(1)	function of lodging copy of approved an amendment	MP&B, MCD&SP, CSTP, STP	
s.41	duty to make an approved amendment available	MP&B, MCD&SP, CSTP, STP	
s.42	duty to make a copy of the planning scheme available	MP&B, MCD&SP, CSTP, STP	
s.46AS(ac)	power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	DCF&A, EMCP&T, MP&B, MCD&SP,	
s.46GF	duty to comply with directions issued by the Minister	DCF&A, EMCP&T, MP&B, MCD&SP, CSTP	
s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	MP&B, CSP, SO, SSP, SP, PSP, PAA, SPA	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	MP&B	where council is a collecting agency
s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	MP&B, MSAM	where council is a collecting agency
s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	MP&B, MSAM	where council is a collecting agency
s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the Planning and Environment Act 1987	MP&B, MSAM	must be done in accordance with Local Government Act 1989.
s.46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	MP&B	
s.46GI(3)	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	MP&B	
s.46GI(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the Planning and Environment Act 1987 if satisfied that the development is not to proceed	MP&B	
s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	MP&B	
s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	MP&B	where council is a collecting agency
s.46GM	duty to prepare report and give a report to the Minister	DCF&A, MP&B	where council is a collecting agency or development agency
s.46N(1)	duty to include a condition in a permit regarding payment of a development infrastructure levy	MP&B, CSP, PSP, SSP	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46N(2)(c)	function of determining the time and manner for receipt of development contributions levy	MP&B, MCD&SP, CSP, CSTP	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	MP&B, MCD&SP, CSP, CSTP	
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	MP&B, MCD&SP, CSP, MBS, CSTP	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	MP&B, MCD&SP, CSP, CSTP	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	MP&B, MCD&SP, CSP, CSTP	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	MP&B	
s.46Q(1)	duty to keep proper accounts of levies paid	MP&B	
s.46Q(1A)	duty to forward to the development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	MP&B, CSP	
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.	MP&B, MCD&SP, CSP, MSAM, MI&CD, CSTP	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	MP&B, MCD&SP, CSP, MSAM, MI&CD, CSTP	Only applies when levy is paid to Council as a 'development agency'
s.46Q(4)(c)	duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the council or for the provision by the council of works, services or facilities in an area under s.46Q(4)(a)	MP&B, CSP	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	DCF&A, EMCP&T, MP&B, MCD&SP, CSTP	Must be done in accordance with Part 3.

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s46Q(4)(e)	duty to expend that amount on other works etc.	MP&B, MSAM, MI&CD	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	MP&B	
s.46QD	duty to prepare report and give a report to the Minister	DCF&A, MP&B	where council is a collecting agency or development agency
s.46V(3)	duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	Not applicable	
s.46Y	duty to carry out works in conformity with the approved strategy plan	Not applicable	
s.47	power to decide that an application for a planning permit does not comply with that Act	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	
s.49(2)	duty to make the register available for inspection	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	
s.50(4)	duty to amend applications	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.50(5)	power to refuse to amend an application	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.50(6)	duty to make note of an amendment to an application in the register	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	
s.50A(1)	power to make an amendment to an application	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.50A(3)	power to require an applicant to notify the owner and make a declaration that notice has been given	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.50A(4)	duty to note an amendment to an application in the register	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin – CDB	
s.51	duty to make a copy of an application available for inspection	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	
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	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
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	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
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	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.52(3)	power to give any further notice of an application where appropriate	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(1)	power to require the applicant to provide more information	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.54(1B)	duty to specify the lapse date for an application	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.55(1)	duty to give copy application, <i>together with the prescribed information</i> to every referral authority specified in the planning scheme	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	MP&B, CSP, PAA, PSP	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	
s.57(5)	duty to make available for inspection a copy of all objections	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	
s.57A(4)	duty to amend an application in accordance with applicant's request, subject to section 57A(5)	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.57A(5)	power to refuse to amend an application	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.57A(6)	duty to note amendments to applications in the register	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57B(1)	duty to determine whether and to whom notice should be given	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.57C(1)	duty to give copy of an amended application to a referral authority	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	
s.58	duty to consider every application for a permit <i>except for a development assessment committee application</i>	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.58A	power to request advice from the Planning Application Committee	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.60	duty to consider certain matters	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s60(1A)	power to consider certain matters	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.61(1)	power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	In accordance with Council's Planning Committee Charter. The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of a permit	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without the Minister's consent	Not applicable	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	Not applicable	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.62(1)	duty to include certain conditions in deciding to grant a permit	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.62(2)	power to include other conditions	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
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	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
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	MP&B, CSP, PAA, PSP	
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)	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	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	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	This provision applies also to a decision to grant an amendment to a permit – see section 75.

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.64(5)	duty to give each objector a copy of an exempt decision	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	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	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	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 <i>person who objected under section 57</i>	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to <i>relevant determining</i> referral authorities	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	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	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	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	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	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	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	
s.69(1A)	function of receiving application for extension of time to complete development	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.69(2)	power to extend time	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.70	duty to make copy permit available for inspection	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	
s.71(1)	power to correct certain mistakes	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.71(2)	duty to note corrections in register	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	
s.73	power to decide to grant amendment subject to conditions	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	In accordance with Council's Planning Committee Charter.
s.74	duty to issue amended permit to applicant if no objectors	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	
s.76A(1)	duty to give <i>relevant determining</i> referral authorities a copy of an amended permit and a copy of the notice	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	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	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	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

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	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 the Minister to issue an amended permit	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.83	function of being a respondent to an appeal	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.83B	duty to give or publish notice of an application for review	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	In accordance with Council's Planning Committee Charter.
s.84(2)	duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.84(3)	duty to tell the Principal Registrar if Council decides to grant a permit after an application is made for review of its failure to grant a permit	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	"Principal Registrar" means the Principal Registrar of VCAT.
s.84(6)	duty to issue a permit on receipt of advice within 3 working days	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.86	duty to issue a permit at order of the Tribunal within 3 working days	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	MP&B, CSP, PAA, PSP	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	MP&B, CSP, PAA, PSP, SPIO, PIO	
s.91(2)	duty to comply with the directions of VCAT	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.91(2A)	duty to issue amended permit to owner if the Tribunal so directs	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.93(2)	duty to give notice of a VCAT order to stop development	MP&B, CSP, PAA, PSP, SSP, SP, SPIO. PIO	
s.95(3)	function of referring certain applications to the Minister	DCF&A, MP&B, CSP	
s.95(4)	duty to comply with an order or direction	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	Relevant Service Manager	In consultation with the DCF&A and MSAM.
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	Relevant Service Manager	In consultation with the DCF&A and MSAM.
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	MP&B, MCD&SP, CSP, CSTP	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	MP&B, MCD&SP, CSP, CSTP, PAA, PSP, SSP, SP, SO, SPA	
s.96F	duty to consider the panel's report under section 96E	MP&B	
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>)	MP&B, MCD&SP, CSP, CSTP, PAA, PSP, SSP, SP, SO, SPA	
s.96H(3)	power to give notice in compliance with the Minister's direction	MP&B, MCD&SP, CSP, CSTP	
s.96J	power to issue permit as directed by the Minister	MP&B, MCD&SP, CSP, CSTP, PAA, PSP, SSP, SP, SO, SPA	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96K	duty to comply with direction of the Minister to give notice of refusal	MP&B, MCD&SP, CSP, CSTP, PAA, PSP, SSP, SP, SO, SPA	
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	DCF&A, MP&B	
s.97C	power to request the Minister to decide the application	DCF&A, MP&B, CSP	
s.97D(1)	duty to comply with directions of the Minister to supply any document or assistance relating to application	MP&B, MCD&SP, CSP, CSTP, PAA, PSP, SSP, SP, SO, SPA	
s.97G(3)	function of receiving from the Minister a copy of a notice of refusal to grant a permit or copy of any permit granted by the Minister	MP&B, CSP	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	MP&B, CSP, PSP, SSP, SP, PAA, SO, SPA, Admin-CDB	
s.97L	duty to include Ministerial decisions in a register kept under section 49	MP&B, CSP, PSP, SSP, SP, PAA, SO, SPA, Admin-CDB	
s.97MH	duty to provide information or assistance to the Planning Application Committee	MP&B, CSP, PSP, PAA	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	MP&B, CSP	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	MP&B, CSP, PAA, PSP, SSP, SP, SO, SPA	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
s.97Q(4)	duty to comply with directions of VCAT	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin - CDB	
s.98(1)&(2)	function of receiving a claim for compensation in certain circumstances	DCF&A, MP&B	The owner or occupier may claim compensation from the Planning Authority for financial loss resulting from certain planning matters.
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	DCF&A, MP&B	
s.101	function of receiving a claim for expenses in conjunction with the claim	DCF&A, MP&B	
s.103	power to reject a claim for compensation in certain circumstances	DCF&A, MP&B	
s.107(1)	function of receiving a claim for compensation	DCF&A, MP&B	
s.107(3)	power to agree to extend the time for making a claim	DCF&A, MP&B	
s.114(1)	power to apply to the VCAT for an enforcement order	MP&B, CSP, PAA, PSP, SSP, SP, SPIO, PIO, CHU&UP	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	MP&B, CSP, PAA, PSP, SSP, SP, SPA	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	MP&B, CSP, PAA, SPIO, PIO, CHU&UP	
s.123(1)	power to carry out work required by enforcement order and recover costs	MP&B, CSP, PAA	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	Not delegated.	Except Crown land. Council resolution required.
s.129	function of recovering penalties	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SPIO, PIO, Admin – CDB, MH&C, TLB&P, BSO(B&P)	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.130(5)	power to allow person served with an infringement notice further time	MP&B, CSP, PAA, PSP, SPIO, PIO, MH&C	
s.149A(1)	power to refer a matter to the VCAT for determination	MP&B, CSP, PAA	
s.149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a section 173 agreement	MP&B, CSP, PSP	
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)	MP&B, MCD&SP, CSTP, STP	Duty of council as the relevant planning authority.
s.171(2)(f)	power to carry out studies and commission reports	MP&B, MCD&SP, CSTP, STP	
s.171(2)(g)	power to grant and reserve easements	MP&B, CSP	
s.173	power to enter into an agreement covering the matters set out in section 174	CEO, DCF&A, MP&B	
---	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	MP&B, CSP, PAA, PSP	
---	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	MP&B, CSP, PAA, PSP	
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	CEO, DCF&A, MP&B	
s.178	power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DCF&A, MP&B	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178A(1)	function of receiving application to amend or end an agreement	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO, Admin – CDB	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under section 178A(1)	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	
s.178A(5)	power to propose to amend or end an agreement	MP&B, CSP, PSP, PAA, SP, SO, SPA	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	
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	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	
s.178C(4)	function of determining how to give notice under section 178C(2)	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	
s.178E(1)	duty not to make a decision until after 14 days after notice has been given	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	If no objections are made under section 178D. The delegate must consider matters in section 178B.
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	If no objections are made under section 178D. The delegate must consider matters in section 78B.
s.178E(2)(c)	power to refuse to amend or end the agreement	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	If no objections are made under section 178D. The delegate must consider matters in section 178B.

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	After considering objections, submissions and matters in section 178B
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	After considering objections, submissions and matters in section 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	MP&B, CSP, PAA	After considering objections, submissions and matters in section 178B.
s.178E(3)(d)	power to refuse to amend or end the agreement	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	After considering objections, submissions and matters in section 178B
s.178F(1)	duty to give notice of its decision under section 178E(3)(a) or (b)	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	
s.178F(2)	duty to give notice of its decision under section 78E(2)(c) or (3)(d)	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	
s.178F(4)	duty not to proceed to amend or end an agreement under section 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	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	
s.178G	duty to sign an amended agreement and give a copy to each other party to the agreement	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	
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	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	
s.179(2)	duty to make available for inspection copy agreement	MP&B, CSP, PAA, PSP, SSP, SP, SPA, Admin – CDB, SO	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	MP&B, CSP, PSP, PAA, SSP, SP, SO, SPA	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	MP&B, CSP, PSP, PAA, SSP, SP, SO, SPA	
s.182	power to enforce an agreement	MP&B, CSP, PAA , PIO	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	MP&B, CSP, PAA, PSP, SSP, SP, SPA, SO	
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	MP&B, CSP, PSP, PAA, SSP, SP, SO, SPA	
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	MP&B, CSP, PSP, SSP, PAA, SSP, SP, SO, SPA	
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	MP&B, CSP, PSP, SSP, PAA, SSP, SP, SO, SPA	
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	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA, Admin-CDB	
s.184G(2)	duty to comply with a direction of the Tribunal	MP&B, CSP, PSP, SSP, PAA, SP, SO, SPA	
s.184G(3)	duty to give notice as directed by the Tribunal	MP&B, CSP, PSP, SSPM, PAA, SP, SO, SPA, Admin-CDB	
s.198(1)	function to receive applications for planning certificate	Not applicable	In the metropolitan area, planning certificates are issued by the Department of Transport, Planning and Local Infrastructure.
s.199(1)	duty to give planning a certificate to the applicant	Not applicable	In the metropolitan area, planning certificates are issued by the Department of Transport, Planning and Local Infrastructure.

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.201(1)	function of receiving an application for a declaration of underlying zoning	Not applicable	
s.201(3)	duty to make a declaration	Not applicable	
-	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	MP&B, CSP, PAA, PSP, SSP, SP, SPA	
	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	MP&B, CSP, PAA, PSP, SSP, SP, SPA	
	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	MP&B, CSP, PAA, PSP, SSP, SP, SPA	
-	power to give written authorisation in accordance with a provision of a planning scheme	MP&B, CSP, PAA, PSP, SSP, SP, SPA	
s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	Not applicable.	Darebin is not in a "growth area" as defined.
s.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	Not applicable.	Darebin is not in a "growth area" as defined.

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.33	duty to comply with a direction of the Safety Director under this section	DO&E, MCW&C, MI&CD, MT&PP, SCTM	Where Council is a utility under section 3 <i>Note - Safety Director means the Director, Transport Safety within the meaning of section 3 of the Transport Integration Act 2010.</i>
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	DO&E, MCW&C, MI&CD, MT&PP, SCTM	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)	DO&E, MCW&C, MI&CD, MT&PP, SCTM	Where Council is a utility under section 3.
s.34C(2)	function of entering into safety interface agreements with the rail infrastructure manager	DO&E, DCF&A,	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	DO&E, MCW&C, MI&CD, MT&PP, SCTM	Where Council is the relevant road authority.
s.34D(2)	function of receiving written notice of opinion	DO&E, MCW&C, MI&CD, MT&PP, SCTM	Where Council is the relevant road authority.
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	DO&E, DCF&A	Where Council is the relevant road authority.
s.34E(1)(a)	duty to identify and assess risks to safety	DO&E, MCW&C, MI&CD, MT&PP, SCTM	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)	DO&E, MCW&C, MI&CD, SCTM	Where Council is the relevant road authority.
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DO&E, MI&CD, SCTM	Where Council is the relevant road authority.
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	DO&E, MCW&C, MI&CD, SCTM	Where Council is the relevant road authority.

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
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)	DO&E, MCW&C, MI&CD, MT&PP, SCTM	Where Council is the relevant road authority.
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DO&E, MI&CD, MT&PP, SCTM	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)	DO&E, MCW&C, MI&CD, MT&PP, SCTM	Where Council is the relevant road authority.
s.34I	function of entering into safety interface agreements	DO&E, DCF&A	Where Council is the relevant road authority.
s.34J(2)	function of receiving notice from the Safety Director	DO&E, MCW&C, MI&CD, MT&PP, SCTM	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)	DO&E, DCF&A, MCW&C, MI&CD, MT&PP, SCTM	Where Council is the relevant road authority.
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	DCF&A, MI&CD, MT&PP, SCTM	Where Council is the relevant road authority.

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142D	function of receiving notice regarding an unregistered rooming house	MH&C, HPO, BSO(HP)	
s.142G(1)	duty to enter required information in the Rooming House Register for each rooming house in municipal district	MH&C, HPO, BSO(HP)	
s. 142G(2)	power to enter certain information in the Rooming House Register	MH&C, HPO, BSO(HP)	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	MH&C, HPO, BSO(HP)	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	MH&C	Where Council is the landlord.
s.262(1)	power to give tenant a notice to vacate rented premises	MH&C	Where Council is the landlord.
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	MH&C, HPO	Where Council is the landlord.
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	MH&C, HPO	
s.522(1)	power to give a compliance notice to a person	MH&C, HPO	<i>Note - The Act applies to caravan parks and rooming houses.</i>
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	DCG&C	
s.525(4)	duty to issue identity card to authorised officers	MH&C	
s.526(5)	duty to keep record of entry by authorised officer under section 526	MH&C, BSO(HP)	
s.526A(3)	function of receiving report of inspection	MH&C, HPO, BSO(HP)	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	MH&C	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	DCF&A, MSAM	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 the Victoria Government Gazette	Not delegated.	Council resolution required
s.11(9)(b)	duty to advise the Registrar	DCF&A, MSAM	<i>Note – “Registrar” refers to the Registrar of Titles.</i>
s.11(10)	duty to inform Secretary to Department of Environment, Land Water and Planning of a declaration etc.	DCF&A, MSAM	clause subject to section 11 (10A) <i>Note – “Secretary” refers to the Secretary of the Department of Transport, Planning and Local Infrastructure.</i>
s.11(10A)	duty to inform the Secretary to Department of Environment, Land Water and Planning or nominated person	DCF&A, MSAM	Where Council is the coordinating road authority. Clause subject to section 11(10A).
s.12(2)	power to discontinue road or part of a road	Not delegated.	Where Council is the coordinating road authority. Council resolution required.
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	DCF&A, MSAM	Power of the coordinating road authority where it is the discontinuing body. Unless subsection (11) applies.
s.12(5)	duty to consider written submissions received within 28 days of notice	DCF&A, MSAM	Duty of the 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	DCF&A, MSAM	Function of coordinating road authority where it is the discontinuing body. Unless subsection (11) applies.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(7)	duty to fix the day, time and place of meeting under subsection (6) and to give notice	DCF&A, MSAM	Duty of the coordinating road authority where it is the discontinuing body. Unless subsection (11) applies.
s.12(10)	duty to notify (*) of the decision made	DCF&A, MSAM	Duty of the 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. (*) _submitters must be notified.
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	DCF&A, MSAM	Power of the coordinating road authority to obtain consent under section 13(3) and section 13(4) as appropriate.
s.14(4)	function of receiving notice from VicRoads	DCF&A, MT&PP, SCTM	
s.14(7)	power to appeal against a decision of VicRoads	DCF&A, MT&PP, SCTM	
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	DCF&A	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DCF&A	
s.15(2)	duty to include details of arrangement in the public roads register	DCF&A, MSAM	
s.16(7)	power to enter into an arrangement under section 15	DCF&A	
s.16(8)	duty to enter details of determination in the public roads register	DCF&A, MSAM	
s.17(2)	duty to register public road in the public roads register	DCF&A, MSAM	Where Council is the coordinating road authority.
s.17(3)	power to decide that a road is reasonably required for general public use	DCF&A, MSAM	Where Council is the coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(3)	duty to register a road reasonably required for general public use in the public roads register	DCF&A, MSAM	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	DCF&A, MSAM	Where Council is the coordinating road authority.
s.17(4)	duty to remove road no longer reasonably required for general public use from the public roads register	DCF&A, MSAM	Where Council is the coordinating road authority.
s.18(1)	power to designate ancillary area	Not delegated.	Where Council is the coordinating road authority, and obtains consent in the circumstances specified in section 18(2). Council resolution required.
s.18(3)	duty to record designations in the public roads register	DCF&A, MSAM	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	DCF&A, MSAM	
s.19(4)	duty to specify details of a discontinuance in the public roads register	DCF&A, MSAM	
s.19(5)	duty to ensure public roads register is available for public inspection	DCF&A, MSAM	
s.21	function of replying to a request for information or advice	DCF&A, MSAM, CIP	The delegate must obtain consent in the circumstances specified in section 11(2).
s.22(2)	function of commenting on a proposed direction	DCF&A	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	DCF&A	
s.22(5)	duty to give effect to a direction under this section.	DCF&A	
s.40(1)	duty to inspect, maintain and repair a public road.	DO&E, MCW&C	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.40(5)	power to inspect, maintain and repair a road which is not a public road	DO&E, DCF&A, MCW&C, MSAM	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	MSAM,MCW&C	
s.42(1)	power to declare a public road as a controlled access road	DCF&A, MT&PP, SCTM	Power of the coordinating road authority. Schedule 2 also applies.
s.42(2)	power to amend or revoke a declaration by notice published in the Victoria Government Gazette	DCF&A	Power of the coordinating road authority. Schedule 2 also applies.
s.42A(3)	duty to consult with VicRoads before a road is specified	DCF&A, MT&PP, SCTM	Where Council is the coordinating road authority. If the road is a municipal road or part thereof.
s.42A(4)	power to approve the Minister's decision to specify a road as a specified freight road	Not delegated.	Where council is the coordinating road authority. If the road is a municipal road or part thereof and where the road is to be specified a freight road. Council resolution required.
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)	DO&E, DCF&A, MT&PP, SCTM, MCW&C	Where Council is the responsible road authority, infrastructure manager or works manager.
s.48M(3)	function of consulting with the Secretary for purposes of developing guidelines under section 48M	DCF&A, MT&PP, SCTM	
s.48N	duty to notify the relevant authority of the location of the bus stopping point and the action taken by council	DCF&A, MT&PP, SCTM	
s.49	power to develop and publish a road management plan	Not delegated	The power remains with the Council.
s.51	power to determine standards by incorporating the standards in a road management plan	Not delegated	The power remains with the Council.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53(2)	power to cause notice to be published in the Victoria Government Gazette of the amendment etc of a document in the road management plan	DO&E, DCF&A	
s.54(2)	duty to give notice of a proposal to make a road management plan	DO&E, DCF&A	
s.54(5)	duty to conduct a review of the road management plan at prescribed intervals	DO&E, DCF&A	
s.54(6)	power to amend a road management plan	DO&E, DCF&A	
s.54(7)	duty to incorporate the amendments into the road management plan	DO&E, DCF&A	
s.55(1)	duty to cause notice of a road management plan to be published in the Victoria Government Gazette and newspaper	DO&E, DCF&A	
s.63(1)	power to consent to the conduct of works on a road	DO&E, DCF&A, MCW&C, MI&CD	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	DO&E, DCF&A, MCW&C, MI&CD, CIM&S	Where Council is the infrastructure manager.
s.64(1)	duty to comply with clause 13 of Schedule 7	DO&E, DCF&A, MI&CD, MCW&C	Where Council is the infrastructure manager or works manager.
s.66(1)	power to consent to a structure etc	DO&E, DCF&A, MI&CD, MT&PP, SCTM	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	DCF&A, DCG&C, MI&CD, MT&PP, SCTM, MH&C	Where Council is the coordinating road authority.
s.67(3)	power to request information	DCF&A, DCG&C, MI&CD, MT&PP, SCTM, MH&C	Where Council is the coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.68(2)	power to request information	DCF&A, DCG&C, MI&CD, MT&PP, SCTM, MH&C	Where Council is the coordinating road authority.
s.71(3)	power to appoint an authorised officer	CEO	
s.72	duty to issue an identity card to each authorised officer	EMCG&P	
s.85	function of receiving a report from an authorised officer	DCF&A, DO&E	
s.86	duty to keep a register regarding section 85 matters	DCF&A, DO&E	
s.87(1)	function of receiving complaints	DCF&A, DO&E	
s.87(2)	power to investigate complaints and provide a report	DCF&A, DO&E	
s.112(2)	power to recover damages in court	DCF&A	
s.116	power to cause or carry out inspections	DO&E, DCF&A, MCW&C, MI&CD	Relates to inspection following notice of a proposal to commence Court proceedings in relation to an incident arising out of a public road or infrastructure.
s.119(2)	function of consulting with VicRoads	DO&E, DCF&A, MI&CD, MT&PP, SCTM	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	DO&E, DCF&A, MI&CD, MCW&C	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	DO&E, DCF&A, MI&CD, MCW&C	
s.121(1)	power to enter into an agreement in respect of works	DO&E, DCF&A, MI&CD, MCW&C, CIM&S	
s.122(1)	power to charge and recover fees	DO&E, DCF&A, MI&CD, MCW&C, CIM&S, MT&PP, SCTM	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.123(1)	power to charge for any service	DO&E, DCF&A, MI&CD, MCW&C, CIM&S, MT&PP, SCTM	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	DO&E, DCF&A, MI&CD, MCW&C, CIM&S, MT&PP, SCTM	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	DCF&A, MT&PP, SCTM	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	DCF&A, MT&PP, SCTM	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	DCF&A, MT&PP, SCTM	
Schedule 2 Clause 5	duty to publish notice of a declaration	DCF&A, MT&PP, SCTM	
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	DO&E, DCF&A, MI&CD, SCTM, MCW&C, MT&PP, CIM&S	Where Council is the infrastructure manager or works manager.
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	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	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	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	Where Council is the infrastructure manager or works manager.
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	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	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	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7 Clause 12(5)	power to recover costs	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7, Clause 13(1)	duty to notify the relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	Where Council is the works manager.
Schedule 7 Clause 13(2)	power to vary a notice period	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7, Clause 13(3)	duty to ensure the works manager has complied with the obligation to give notice under Schedule 7, Clause 13(1)	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	Where Council is the infrastructure manager.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 16(1)	power to consent to proposed works	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7 Clause 16(4)	duty to consult	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	Where Council is the coordinating road authority, responsible authority or infrastructure manager. The clause provides that if an application for consent is made by an infrastructure manager, the coordinating road authority must consult with the infrastructure manager and the responsible road authority before determining the application.
Schedule 7 Clause 16(5)	power to consent to proposed works	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent for proposed works	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7 Clause 16(8)	power to include consents and conditions for proposed works	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	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 for proposed works	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7 Clause 18(1)	power to enter into an agreement in relation to proposed works	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	Where Council is the coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	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	DO&E, DCF&A, MI&CD, MT&PP, SCTM, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7A Clause 2	power to cause street lights to be installed on roads	DCF&A, ME&CO	Power of the 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 the road is not an arterial road	DCF&A, ME&CO	Where Council is the responsible road authority.
Schedule 7A Clause 3(1)(e)	duty to pay installation and operation costs of street lighting – where the road is a service road on an arterial road and adjacent areas	DCF&A, ME&CO	Where Council is the responsible road authority.
Schedule 7A Clause (3)(1)(f),	duty to pay installation and a percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	DCF&A, ME&CO	Duty of Council as the responsible road authority that installed the light (re: installation costs) and where Council is the relevant municipal council (re: operating costs).

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.6	Function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme.	MP&B, MCD&SP, CSTP, STP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	MP&B, MCD&SP, CSP, PSP, SSP, SP, CSTP, STP	
r.25(a))	duty to make copy of matter considered under section 60 (1A)(g) available for inspection free of charge	MP&B, MCD&SP, CSP, PSP, PAA, SSP, SO, SP, SPA, CSTP, STP	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	MP&B, MCD&SP, CSP, PSP, PAA, SSP, SO, SP, SPA, CSTP, STP, admin - CDB	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	MP&B, MCD&SP, CSTP, STP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.

PLANNING AND ENVIRONMENT INTERIM (FEES) INTERIM REGULATIONS 2015

Note: these Regulations expire on 14 October 2016

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.16	power to waive or rebate fee other than a fee relating to an amendment to a planning scheme	MP&B, CSP	
r.17	power to waive or rebate fee relating to an amendment to a planning scheme	MP&B, CSP	
r.18	duty to record matters taken into account and which formed the basis of the decision to waive or rebate a fee under regulation 16 or 17	MP&B, CSP	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.7	function of entering into a written agreement with a caravan park owner	MH&C, HPO	
r.11	function of receiving application for registration	MH&C, HPO	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	MH&C, HPO	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	MH&C, HPO	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MH&C	
r.13(4) & (5)	duty to issue certificate of registration	MH&C, HPO, BSO(HP)	
r.15(1)	function of receiving notice of transfer of ownership	MH&C, HPO	
r.15(3)	power to determine where notice of transfer is displayed	MH&C, HPO	
r.16(1)	duty to transfer registration to new caravan park owner	MH&C, HPO	
r.16(2)	duty to issue a certificate of transfer of registration	MH&C, HPO, BSO(HP)	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	MH&C	
r.18	duty to keep register of caravan parks	MH&C, HPO, BSO(HP)	
r.19(4)	power to determine where the emergency contact person's details are displayed	MH&C, HPO	
r.19(6)	power to determine where certain information is displayed	MH&C, HPO	
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	MH&C, HPO	
r.22A(2)	Duty to consult with relevant emergency services agencies	MH&C, HPO	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	MH&C, HPO	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	MH&C, HPO	
r.25(3)	duty to consult with relevant floodplain management authority	MH&C, HPO	
r.26	duty to have regard to any report of the relevant fire authority	MH&C, HPO	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	MH&C	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MH&C, HPO	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MH&C	
r.40(4)	function of receiving installation certificate	MH&C, HPO, BSO(HP)	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MH&C	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	MH&C. HPO	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.8(1)	duty to conduct reviews of the road management plan	DO&E, MCW&C	
r.9(2)	duty to produce a written report of the review of the road management plan and make the report available	DO&E, MCW&C	
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)		where council is the coordinating road authority
r.10	duty to give notice of an amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	DO&E, MCW&C	
r.13(1)	Duty to publish notice of amendments to road management plan		where council is the coordinating road authority
r.13(3)	duty to record on the road management plan the substance and date of effect of any amendment	DO&E, MCW&C	
r.16(3)	power to issue a permit	MI&CD, MCW&C, CIM&S	Where Council is the coordinating road authority.
r.18(1)	power to give written consent regarding damage to road	DCF&A, MT&PP, SCTM	Where Council is the coordinating road authority.
r.203(2)	power to make a submission to the Tribunal	DCF&A, DCG&C, DCS, MT&PP, SCTM, MH&C, CCC	Where Council is the coordinating road authority. Relates to hoardings and advertisements.
r.23(4)	power to charge a fee for application under section 66(1) of the Road Management Act	DCF&A, DCG&C, DCS, MT&PP, SCTM, MH&C, CCC	where council is the coordinating road authority
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on a road	MCW&C, CEnvO, MH&C, CCC	Council is the responsible road authority.
r.25(2)	power to sell or dispose of things removed from a road or part of a road (after first complying with regulation 25(3))	MCW&C, CEnvO, MH&C, CCC	Where Council is the responsible road authority.

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.25(5)	power to recover in the Magistrates' Court, expenses from the person responsible	MCW&C, CEnvO, MH&C, CCC	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MI&CD	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	MI&CD	where council is the coordinating road authority

**7. CONSIDERATION OF RESPONSES TO NOTICES OF MOTION
AND GENERAL BUSINESS**

Nil

8. NOTICES OF MOTION

8.1 ELECTRIC CARS IN DAREBIN

NOTICE OF MOTION NO. 318 CR.STEPH AMIR

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

'That Councillor's receive a preliminary scoping report by 28 February 2017 regarding possible strategies and options to increase uptake of electric cars in Darebin in the medium term, giving consideration to likely future trends. Strategies should include but not be limited to:

- *Inclusion of electric cars in the council car fleet, and*
- *Installation of electric carpark rapid-charge stations in high-use locations such as Preston Market and La Trobe University.'*

Notice Received: 29 November 2016

Notice Given to Councillors: 5 December 2016

Date of Meeting: 12 December 2016

8.2 RIVOLI THEATRE – GILBERT ROAD, PRESTON

NOTICE OF MOTION NO. 319 CR. STEPH AMIR

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

'That Officers prepare a report exploring the feasibility of purchasing the former Rivoli Theatre site at 71-75 Gilbert Road Preston for the community, with options including the creation of a:

- *Multicultural Arts Centre*
- *Community arts hub for local artists*
- *Performance, teaching and gathering space for nearby primary schools, and/or*
- *Intercultural Centre.'*

Notice Received: 29 November 2016

Notice Given to Councillors: 5 December 2016

Date of Meeting: 12 December 2016

8.3 EDWARDS LAKE BOAT HOUSE**NOTICE OF MOTION NO. 320 CR. GAETANO GRECO**

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

'That Council receive an options report at the Council meeting on 13 February 2017 on how to best progress the future utilisation of the Boat House at Edwards Park Lake for community use.'

Notice Received: 29 November 2016**Notice Given to Councillors: 5 December 2016****Date of Meeting: 12 December 2016****8.4 REVIEW OF DAREBIN PLANNING SCHEME****NOTICE OF MOTION NO. 321 CR. GAETANO GRECO**

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

'That Council:

- (1) Sets up a Darebin Planning Scheme Task Team to review and improve aspects of Darebin's current MSS. The task team will be chaired by the Mayor and include Councillors _____ (to be nominated at the Council meeting).*
- (2) The task team will meet on a regular basis over the next few months and be supported by relevant officers.*
- (3) The task team will provide a progress report to Council on proposals to improve Council's current planning scheme in March 2017.'*

Notice Received: 29 November 2016**Notice Given to Councillors: 5 December 2016****Date of Meeting: 12 December 2016**

8.5 COMMUNITY CONSULTATION REGARDING RESERVOIR RAIL CROSSING**NOTICE OF MOTION NO. 322 CR. GAETANO GRECO**

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

That Council:

- (1) *Undertakes broad and socially inclusive community consultations by the end of March to gain community feedback on whether the proposed Reservoir Rail crossing should be above or below ground.*
- (2) *Officers to provide a briefing paper to Councillors regarding the consultation strategy in February 2017.*
- (3) *Officers provide a report to Council in late April of the outcome of the community consultations.'*

Notice Received: 29 November 2016

Notice Given to Councillors: 5 December 2016

Date of Meeting: 12 December 2016

8.6 COUNCIL'S MULTILINGUAL LANGUAGE SERVICES**NOTICE OF MOTION NO. 323 CR. GAETANO GRECO**

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

That Council:

- (1) *Receives a Council report on 13th February 2017 regarding Council's multilingual language services.*
- (2) *Without limiting the scope of the report it could include information on:*
 - a) *A breakdown of inquiries by language*
 - b) *The nature of the inquiries in different languages*
 - c) *The number of inquiries assisted by internal bilingual staff verses external interpreters services*
 - d) *The bilingual skill set of our customer service team*
 - e) *What strategies are in place to increase the bilingual skill set of our customer service team.*
 - f) *How does Council currently promote the availability of multilingual communication services?'*

Notice Received: 29 November 2016

Notice Given to Councillors: 5 December 2016

Date of Meeting: 12 December 2016

8.7 FUTURE INFRASTRUCTURE AND SERVICES**NOTICE OF MOTION NO. 324 CR. TRENT MCCARTHY**

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

'That Council establishes a Future Infrastructure AND Services Working Group to further develop Council proposals for Intergenerational infrastructure projects and expanded and sustainable services for our diverse and growing community, as announced by the Mayor during her recent acceptance speech.

The Working Group will comprise the Mayor and Councillors _____ (Councillors to be named at the meeting) and will be supported by relevant Council officers. The Working Group will meet on a regular basis over coming months to develop proposals for Council's consideration at a meeting in March 2017.'

Notice Received: 29 November 2016

Notice Given to Councillors: 5 December 2016

Date of Meeting: 12 December 2016

8.8 DONATH AND DOLE MASTERPLAN REPORT**NOTICE OF MOTION NO. 325 CR. SUSANNE NEWTON**

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

'That Council requests officers to bring a report to a Council meeting in February 2017 that Council:

- a) Explores ways to facilitate funding of the Donath and Dole Reserves Master Plan for consideration as part of the 2017/18 budget process.*
- b) Sets terms of reference regarding the establishment of a Donath and Dole Community Reference Group '*

Notice Received: 29 November 2016

Notice Given to Councillors: 5 December 2016

Date of Meeting: 12 December 2016

8.9 AMENITY CONCERNS IN KEON PARK**NOTICE OF MOTION NO. 326 CR. SUSANNE NEWTON**

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

'That Council requests for Mayor Le Cerf to write to Whittlesea Council about amenity concerns in the Keon Park area of Reservoir that borders Whittlesea Council, with a view of seeing their collaboration in addressing their concerns.'

Notice Received: 29 November 2016**Notice Given to Councillors: 5 December 2016****Date of Meeting: 12 December 2016****8.10 NEIGHBOURHOOD RESIDENTIAL ZONES IN KEON PARK****NOTICE OF MOTION NO. 327 CR. SUSANNE NEWTON**

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

'That Requests an officer report at a February 2017 Council meeting to consider options for the protection of the neighbourhood character of Keon Park through reviewing Neighbourhood Residential Zones and/or other planning mechanisms.'

Notice Received: 29 November 2016**Notice Given to Councillors: 5 December 2016****Date of Meeting: 12 December 2016**

9. URGENT BUSINESS

10. GENERAL BUSINESS

11. PETITIONS

12. RECORDS OF ASSEMBLIES OF COUNCILLORS

12.1 ASSEMBLIES OF COUNCILLORS HELD

An Assembly of Councillors is defined in section 3 of the *Local Government Act 1989* to include Advisory Committees of Council if at least one Councillor is present or, a planned or scheduled meeting attended by at least half of the Councillors and one Council Officer that considers matters intended or likely to be the subject of a Council decision.

Written records of Assemblies of Councillors must be kept and include the names of all Councillors and members of Council staff attending, the matters considered, any conflict of interest disclosures made by a Councillor attending, and whether a Councillor who has disclosed a conflict of interest leaves the assembly.

Pursuant to section 80A (2) of the Act, these records must be, as soon as practicable, reported at an ordinary meeting of the Council and incorporated in the minutes of that meeting.

An Assembly of Councillors record was kept for:

- Councillor Induction – 9 November 2016
- Darebin Environmental Reference Group (DERG) – 23 November 2016
- Darebin Disability Advisory Committee – 5 December 2016

Recommendation

That the record of the Assembly of Councillors held on 9 and 23 November and 5 December 2016 be noted and incorporated in the minutes of this meeting.



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Darebin Environmental Reference Group (DERG)
	Date:	Wednesday 23 November 2016
	Location:	Rooftop Room, Northcote Town Hall
PRESENT:	Councillors:	Cr. Kim Le Cerf, Cr. Trent McCarthy (arrived at 8.05pm at item 4)
	Council Staff:	Libby Hynes, Sam Green
	Other:	Darebin Environmental Reference Group members -
APOLOGIES:		Darebin Environmental Reference Group members

The Assembly commenced at 7.00 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1.	Microplastics and plastic pollution and its impact on the marine environment	No disclosures were made
2.	Darebin Environmental Reference Group membership nominations and renewal	No disclosures were made
3.	Climate Change Action Plan review	No disclosures were made
4.	Review of topics discussed by Darebin Environmental Reference Group in 2016	No disclosures were made
5.	Discussion of general issues mentioned in recent Council minutes and Environment and Community Outcome team project updates: <ul style="list-style-type: none"> • Ammonia spill in Darebin Creek • Waterwatch / Merri Creek Management Committee and Council's MoU / funding agreement • Sustainability Awards • Launch of Sylvester Hive garden • Submission to parliamentary committee looking at community energy 	No disclosures were made

The Assembly concluded at 8.45 pm

RECORD COMPLETED BY:	Officer Name:	Samantha Green
	Officer Title:	Environmental Education and Promotions Officer



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Councillor Induction
	Date:	Wednesday 9 November 2016
	Location:	Conference Room Darebin Civic Centre
PRESENT:	Councillors:	Cr. Steph Amir, Cr. Kim Le Cerf, Cr. Lina Messina, Cr. Susan Newton, Cr. Susan Rennie, Cr. Julie Williams, Cr. Tim Laurence (from 9.20 am).
	Council Staff:	Rasiah Dev, Katrina Knox, Libby Hynes, Steve Hamilton, Jacinta Stevens, Andrew McLeod, Abdullahi Ahmed.
	Other:	
APOLOGIES:		Cr. Trent McCarthy, Cr. Gaetano Greco.

The Assembly commenced at 9.10 am

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1.	Council Induction: <ul style="list-style-type: none"> • Our Organisation • Darebin Building Assets • Roads and Transport • Budget and Rate Capping • Service Delivery • Councillor Information • Meeting and Briefing Cycle 	No disclosures were made. Cr. Laurence absent from 9.30am to 9.50am Cr. Williams left the meeting at 11.25am Cr. Newton left the meeting at 12.30pm

The Assembly concluded at 12.55 pm

RECORD COMPLETED BY:	Officer Name:	Katrina Knox
	Officer Title:	Director Community Development



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Darebin Disability Advisory Committee
	Date:	Monday 5 December 2016
	Location:	Function Room, Darebin Civic Centre
PRESENT:	Councillors:	Cr. Julie Williams and Cr. Susanne Newton
	Council Staff:	Shadi Hanna, Marian Myers-Braun, Christine Mulholland and Nicola Johnson
	Other:	Representative of Encompass House, representative of Melbourne Polytechnic and community representatives.
APOLOGIES:		

The Assembly commenced at 11am

ASSEMBLY OF COUNCILLORS – PUBLIC RECORD (CONT)

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1.	Introduce new Councillors	No disclosures were made
2.	Present and apologies	No disclosures were made
3.	Matters arising from previous minutes	No disclosures were made
4.	Round table check in	No disclosures were made
5.	Council Plan 2017-2020 consultation	No disclosures were made Cr. Williams left the room at 11:25am
6.	DDAC reflection and planning for 2017	No disclosures were made
7.	General Business	No disclosures were made Cr. Williams returned to the room 12:35pm
8.	Meeting feedback	No disclosures were made

The Assembly concluded at 1:00pm

RECORD COMPLETED BY:	Officer Name:	Christine Mulholland
	Officer Title:	MetroAccess Officer

13. REPORTS BY MAYOR AND COUNCILLORS

Recommendation

That Council note the Reports by Mayor and Councillors.

14. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil.

15. CLOSE OF MEETING