



FRANKSTON CITY COUNCIL

COUNCIL MEETING SUPPORTING INFORMATION

2024/CM12

9 SEPTEMBER 2024



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Consideration of City Planning Reports

FRANKSTON METROPOLITAN ACTIVITY CENTRE (FMAC) DEVELOPMENT CONTRIBUTIONS PLAN (DCP) PLANNING SCHEME AMENDMENT (C161FRAN) - CONSIDERATION OF SUBMISSIONS RECEIVED AND REQUEST THE APPOINTMENT OF A PLANNING PANEL

**Summary and response to submissions to
Planning Scheme Amendment C161fran**

Meeting Date: 9 September 2024

Attachment: A

SUMMARY AND RESPONSE TO SUBMISSIONS

Planning Scheme Amendment C161fran

Submission Number	Group / Organisation	Submission Summary	Response
1.	CFA (Country Fire Authority)	<p>SUPPORT</p> <ul style="list-style-type: none"> Notes the land subject to the amendment is located within the Fire Rescue Victoria boundary and they are therefore the relevant fire authority. 	<p>Noted.</p> <p>Recommended Position: No change to Amendment C161fran.</p>
2.	Resident	<p>SUPPORT</p> <ul style="list-style-type: none"> Supports the amendment in its entirety. 	<p>Noted.</p> <p>Recommended Position:</p> <ul style="list-style-type: none"> No change to Amendment C161fran.
3.	VicTrack	<p>OBJECTION</p> <ul style="list-style-type: none"> Objects to the amendment on the basis that the Development Contributions Plan does not exempt buildings and works carried out by VicTrack or on behalf of the Head, Transport for Victoria. Considers this inconsistent as some infrastructure (Servicing infrastructure constructed by a utility authority) is exempt. Considers it inappropriate to collect charges for buildings and works from the construction of transport infrastructure that the DCP is purported to fund. Seeks VicTrack land to be excluded from the Overlay. Seeks development buildings and works by both VicTrack and the Head, Transport for Victoria be included in the exemptions at Clause 6.5 on page 20 of 32 of the document. 	<p>The FMAC DCP is not intended to apply to the construction of public transport infrastructure. The exemption of transport infrastructure constructed by or on behalf of VicTrack or the Head, Transport for Victoria is supported.</p> <p>Recommended Position:</p> <ul style="list-style-type: none"> Add the exemption "Transport infrastructure constructed by or on behalf of VicTrack or the Head, Transport for Victoria" into Section 6.5 Exemptions of the <i>Frankston Metropolitan Activity Centre Development Contributions Plan (HillPDA, April 2024)</i> and Clause 4.0 of the proposed Schedule 1 to the Development Contribution Plan Overlay (DCPO1).

Submission Number	Group / Organisation	Submission Summary	Response
4.	Department of Energy, Environment & Climate Action (DEECA)	<p>SUPPORT</p> <ul style="list-style-type: none"> Does not oppose the amendment. 	<p>Noted.</p> <p>Recommended Position:</p> <ul style="list-style-type: none"> No change to Amendment C161fran.
5.	Landowner	<p>OBJECTION</p> <ul style="list-style-type: none"> Concerned about the impact of the proposed Public Acquisition Overlay on 19 Keys Street, Frankston. Notes the property has two tenancies, one is untenanted, and the other is tenanted however has indicated they will not renew their lease at the end of the year, as they are concerned about the medium and long-term prospects of Keys Street and the future of their business because of PAO11. Since December 2023 the submitter has been undertaking major renovations including a new roof replacement of the Nepean Highway tenancy with a view to sell or leasing it (it is currently for sale or lease). The Nepean Highway tenancy has almost always been tenanted for the last 30 years as a restaurant/café/bar and the Keys Street tenancy has almost always been tenanted for the past 18 years as a hairdresser/beautician. Considers the proposed PAO11 is deterring prospective tenants and the agent has advised it will be difficult to procure tenants for both tenancies with the PAO11 in place. Disputes the statement that the property does not have development potential due to the location of the future pedestrian link has any basis, as the submitter has no notice of a future pedestrian link that would inhibit the development potential and considers if anything, it increases the value of the property. 	<p>Public Acquisition Overlays (PAOs) are applied to land in cases where Council has identified a strategic need for said land to be used for a future public purpose. In the case of the proposed PAO on 19 Keys Street, this is for a future pedestrian link between Keys Street and Nepean Highway identified in the <i>Frankston Metropolitan Activity Centre Structure Plan (Tract, June 2023)</i>.</p> <p>Land may be included in a PAO well in advance of its proposed acquisition. There is often a period of many years between the recognition that an area may be needed for a public purpose and the actual acquisition of that land, and the timing of such acquisitions will depend on a range of factors.</p> <p>The decision to proceed with the compulsory acquisition of land subject to a PAO will be made by resolution of Council. Any compulsory acquisition process will be in accordance with the <i>Land Acquisition and Compensation Act 1986</i>.</p> <p>Recommended Position:</p> <ul style="list-style-type: none"> No change to Amendment C161fran.

Submission Number	Group / Organisation	Submission Summary	Response
		<ul style="list-style-type: none"> Concerned about the impact of the PAO on their income as they are retired and it will be impossible to find a tenant and inability to sell it with PAO11 in place and cannot hold it as a non-income producing asset. Intends to seek compensation from the Council for amongst other things the diminution in value and loss of rent arising from the proposed and actual implementation of PAO11. Preference for the Council to purchase the property now if it is ultimately going to acquire the property. This would allow the submitter to reinvest elsewhere and re-establish an income stream. Attaches a letter from the leasing agent expressing their concerns due to the significant uncertainty created by the PAO for potential tenants, who will be deterred by the risk that their lease agreements could be rendered null and void at any time due to Council's acquisition. Also states that it was their client's intention to have secure tenancies in place and then sell the property and that this won't be possible without tenants. Urges Council to reconsider the PAO. Attaches a letter from the leasing agent notifying the submitter that the tenant of 19 Keys Street has given notice that they will be vacating on the expiry of their lease. 	
6.	Landowner / Developer	<p>OBJECTION</p> <ul style="list-style-type: none"> Consider that while development contributions may be appropriate to facilitate necessary infrastructure, the Structure Plan and DCP do not demonstrate sufficient strategic justification for the proposed levies. Consider the rationale for the proposed levies is not transparent as it is not clear why decisions have been made. 	<p><u>DCP project selection</u> The FMAC Structure Plan includes over 40 actions. These actions were reviewed and a preliminary list of 14 projects were identified for more detailed consideration for inclusion in the FMAC DCP (see pages 13-14 of the FMAC DCP). All 14 projects were considered to meet the requirements for projects to be included in a DCP as set out in the <i>Ministerial Direction on the Preparation and Content of</i></p>

Submission Number	Group / Organisation	Submission Summary	Response
		<p><u>DCP project selection</u></p> <ul style="list-style-type: none"> • Considers it is not apparent that there is a greater need for the proposed works as a result of the proposed FMAC Structure Plan, or that there is a clear basis for the selection of which projects to fund as part of the DCP. Many capital works projects are identified in the Structure Plan but only two are proposed for funding under the DCP. • Consider analysis on how these projects perform compared against others should be provided to ensure a transparent process. • Considers other projects would result in more meaningful positive outcomes for the submitters assets. For example, upgrades to Wells Street, Thompson Street and Keys Street, Shannon Street Mall and potential street path and cycle works. <p><u>Nexus</u></p> <ul style="list-style-type: none"> • Consider the DCP has not adequately demonstrated the nexus between the projects and the land as it applies equally to projects throughout the MAC, submits that it will benefit sites directly abutting Playne Street and Kananook Creek Boulevard more than those who do not. <p><u>Development types & equivalence ratios</u></p> <ul style="list-style-type: none"> • Considers different development types (residential, retail and commercial) are likely to benefit more or less from the streetscape projects, contrary to DCP, which asserts all three development types have a nexus with the projects. • Considers it is unusual for a DCP to adopt the same equivalence ratio for both retail and commercial land uses (in this case 75sqm to 1 dwelling) as they would 	<p><i>Development Contributions Plans (Minister for Planning, 11 October 2016) and the Development Contributions Guidelines 2007 (State of Victoria).</i></p> <p>Council considered preliminary cost estimates for the 14 projects as well as the potential impact on Council's capacity to commit funding within a set timeframe of a DCP, and the potential impact on development costs and viability. Council's financial contribution was reduced due to other Council commitments and priorities.</p> <p>Council therefore prioritised the projects to include in the DCP. Factors that were considered included the level of confidence in the project costs, whether Council is responsible for funding and delivering the projects, whether projects are on Council owned assets and whether projects would be used by a large number of developments within the FMAC.</p> <p>The two projects selected are identified as significant opportunities for revitalisation in the FMAC Structure Plan. Both projects are foundational to achieving the vision for the FMAC identified in the FMAC Structure Plan, benefitting a high number of future residents and businesses. They are both Council assets where Council is responsible for their upgrade.</p> <p><u>Nexus</u> The DCP is based on and is directly linked to the Structure Plan for FMAC. The selection of the Structure Plan Area as the basis for the DCP is consistent with DCP principles and other approved DCPs. Examples include Ringwood MAC DCP, Doncaster Hill DCP, Box Hill MAC within the</p>


Submission Number	Group / Organisation	Submission Summary	Response
		<p>typically generate different levels of demand for infrastructure. E.g. Whitehorse DCP is 75sqm for retail space and 50sqm for commercial space.</p> <ul style="list-style-type: none"> The DCP does not explain why the same rates have been adopted for both land uses or provide a justification based on typical occupant rates for these uses. <p><u>Floorspace</u></p> <ul style="list-style-type: none"> Considers the DCP reference to per m2 of floorspace unclear and not consistent with other DCPs that apply a charge to the gross lettable area. <p><u>Growth projections</u></p> <ul style="list-style-type: none"> Considers the projections for growth differ from those within the 2023 Structure Plan (the forecast residential and commercial growth is larger and the retail floorspace is smaller) and the same forecasts should be adopted. <p><u>Victorian Housing Statement</u></p> <ul style="list-style-type: none"> Notes the FMAC is identified in Victorian Housing Statement and understands the VPA is working on a revised set of planning controls which will build on Council's Structure Plan. Considers information released to date indicates this is likely to include significantly greater housing growth and the DCP should have regard to these increased projections as they will influence the number of demand units and the rate applied to each unit. Considers the DCP premature. <p><u>Flexibility for works and/or land in lieu of cash contributions</u></p>	<p>Manningham DCP, Footscray MAC within the Maribyrnong DCP, Preston AC within the Darebin DCP and others.</p> <p><u>Development types & equivalence ratios</u> This DCP has adopted a simple format approach of two land uses - residential and non-residential - related to two infrastructure projects of one type - streetscape works. Retail and commercial are quoted separately but are treated the same (i.e. non-residential). The simple format approach has been used elsewhere, including in the Ringwood North and Croydon South Greening the Greyfields DCPs in Maroondah. Having looked at this issue again, in light of the submission, it is recommended that an administrative change be made to the FMAC DCP to have one 'non-residential' land use category (rather than separate retail and commercial categories) given the rates are proposed to be the same.</p> <p><u>Floorspace</u> The DCP is based on Gross Floorspace for non-residential uses. It is recommended that this be clarified in the DCP by adding a definition. It is also recommended to include a list of land uses terms in the FMAC DCP, to clarify the uses that would be levied.</p> <p><u>Growth projections</u> As outlined on page 11 of the FMAC DCP, the growth forecasts are based on:</p> <ul style="list-style-type: none"> Forecast ID residential dwelling projections for Frankston MAC (sourced by Frankston City Council).

Submission Number	Group / Organisation	Submission Summary	Response
		<ul style="list-style-type: none"> Considers the draft overlay should be reconsidered to allow for flexibility for Council to consider accepting works and / or land in lieu of cash contributions, including for works that might have been identified in the Structure Plan. <p><u>Development viability</u></p> <ul style="list-style-type: none"> Considers the development contributions will reduce to the viability of future development in the area. The submitter has an existing approval on one of their sites approved prior to the Covid-19 pandemic, which has changed the context for suburban office developments. This development is on hold as currently interest in commercial office uses in Frankston is not strong. Considers the rezoning of sites under Amendment C160fran may attract Windfall Gains Tax, which may impose a financial and administrative burden. Considers the DCP will create a further financial burden, further depressing value and interest in the FMAC, contrary to Council's objectives for the centre and broader strategic planning at a metropolitan level. 	<ul style="list-style-type: none"> Stocktake of floorspace by land use using Council property rates data for all properties in the DCP Area at two data points to determine conditions and past trends for retail, commercial and industrial floorspace. Review of development proposals in the DCP Area and review of development capacity under the Structure Plan. Generation of estimated future retail and commercial development based on the above information. <p>The growth forecasts in the <i>Frankston Metropolitan Activity Centre Structure Plan (Tract, June 2023)</i> were drawn from the <i>Frankston MAC Structure Plan: Economic Assessment and Land Use Capacity (SGS 2022)</i> (the SGS report), which was based on 2016 Census data. As part of their expert evidence for the Planning Panel for Amendment C160fran, SGS updated the projections in the SGS report based on the 2022 Census data and the most recent VIF data. At the Planning Panel, the need to update the projections in the FMAC Structure Plan was flagged. Because of this, it is not considered that any changes to the FMAC DCP are needed.</p> <p><u>Victorian Housing Statement</u> The Department of Transport and Planning (DTP) provided written advice to the Planning Panel for Amendment C160fran in relation to the Victorian Housing Statement <i>The decade ahead 2024-2034</i>. This states <i>"It is considered that Amendment C160fran currently broadly aligns with the commitment described in the Housing Statement, specifically the implementation of new planning controls to deliver</i></p>

Submission Number	Group / Organisation	Submission Summary	Response
			<p><i>additional homes in Frankston. It is considered that there is unlikely to be any significant implications for Amendment C160fran at this stage.”</i></p> <p><u>Flexibility for works and/or land in lieu of cash contributions</u> Funds collected from the FMAC DCP must be spent on the infrastructure projects listed in the DCP and both of these projects must be delivered within the 20 year timeframe of the DCP. There is no mechanism in the existing DCP system to allow for other projects to be delivered as works or land-in-lieu of development contributions.</p> <p><u>Development viability</u> The DCP has been designed to include a limited number of strategic projects that are conceptualised to support renewal in the centre. Council has included 2 out of a possible 14 projects in the DCP. This approach is intended to provide investors with greater certainty and confidence regarding investment in the centre whilst keeping costs low. Of the two projects included, Council expects to recover 37% of the cost of via the DCP. The balance of the cost will be paid by Council.</p> <p>Recommended Position:</p> <ul style="list-style-type: none"> • Combine the retail and commercial land use categories in the FMAC DCP into one 'non-residential' category (administrative change – rates to remain the same). • Add a definition to the FMAC DCP clarifying that the DCP is based on Gross Floorspace for non-residential uses.

Submission Number	Group / Organisation	Submission Summary	Response
			<ul style="list-style-type: none"> Add a list of land uses terms to the FMAC DCP, to clarify the uses that will be levied.
7.	Melbourne Water	<p>SUPPORT</p> <ul style="list-style-type: none"> Submitter has no assets or interests in the vicinity of 76 Young Street or 19 Keys Street and has no objection. Awaits information about the FMAC and looks forward to working with Council on the Kananook Creek Boulevard upgrade within the Kananook Asset Protection Zone. Notes that new flood mapping for the municipality is currently being undertaken and is due for completion in July 2025. This incorporates climate change inputs which may alter the risk and hazard relating to flood. Considers any planning scheme amendment should take the upcoming flood information into consideration. 	<p>Council officers are aware of new flood mapping that is currently being prepared for the municipality. Council looks forward to working with Melbourne Water as part of the consultation and detailed design for the Kananook Creek Boulevard upgrade project.</p> <p>Recommended Position:</p> <ul style="list-style-type: none"> No change to Amendment C161fran.
8.	Resident	<p>OBJECTION</p> <p><u>Amendment C160fran</u></p> <ul style="list-style-type: none"> Considers matters referred to in Planning Scheme Amendment C160fran have been contested and are unresolved. <p><u>Development contributions</u></p> <ul style="list-style-type: none"> Considers the amendment inequitable as some properties have already paid development contributions. <p><u>Terminology and exemptions</u></p> <ul style="list-style-type: none"> Considers some terminology is value, unidentified and unquantified. 	<p><u>Amendment C160fran</u></p> <p>Amendment C160fran, which seeks to implement the <i>Frankston Metropolitan Activity Centre Structure Plan (Tract, June 2023)</i> into the Frankston Planning Scheme is substantially progressed. An independent Planning Panel was held over nine (9) days between 1-17 July 2024. Council will consider the Panel Report once it is received. Amendment C161fran aligns with Amendment C160fran and it is considered appropriate that it follow Amendment C160fran.</p> <p><u>Development contributions</u></p> <p>It is unclear what properties the submitter is referring to that they consider have already paid development contributions. The Frankston Planning Scheme requires a public open space contribution be paid for</p>

Submission Number	Group / Organisation	Submission Summary	Response
		<ul style="list-style-type: none"> Seeking exemptions be clarified – e.g. How is social housing defined and exceptions applied? <p><u>Current arrangements</u></p> <ul style="list-style-type: none"> Seeking comparative information be sought between current arrangements and proposed. <p><u>Timing and costing</u></p> <ul style="list-style-type: none"> Considers the timing and costing cannot be reliably assessed due to application gaps and hiatus in regard to timing of applications and permits. <p><u>Long Term Infrastructure Plan</u></p> <ul style="list-style-type: none"> Concerned it may not be consistent with the Long Term Infrastructure Plan (LTIP), consistency of timing and revenue flow and the reliability of data contained in the Incorporated Document. Considers open ended gaps to be filled out by ratepayers. 	<p>subdivision, and includes an option for a cash-in-lieu provision for car parking (which has yet to be collected upon) in the Parking Overlay Schedule 1. The amendment does not seek to change these two (2) existing mechanisms.</p> <p><u>Terminology and exemptions</u></p> <p>It is unclear what terminology the submitter considers to be unclear. The definition of social housing is the same as the definition in the Planning and Environment Act 1987. Social housing consists of public housing and housing owned, controlled or managed by a registered housing association or a registered housing provider.</p> <p><u>Current arrangements</u></p> <p>As mentioned above, the FMAC DCP requiring development contributions will be required to be paid in addition to the existing planning mechanisms identified.</p> <p><u>Timing and costing</u></p> <p>The FMAC DCP (and all DCPS) are prepared based on development forecasts and cost estimates – the timing of development and the costing at the time of delivery is not certain and cannot be. Page 2 of the FMAC DCP states <i>“The DCP will be reviewed on a four-year basis to ensure the general nature of the document is reasonably consistent with estimates of future development and infrastructure project needs and costs, but accepting that future conditions will invariably depart from the future estimates generated for the DCP to some extent. Should the DCP significantly depart from the future estimates shown in this document, as defined by Frankston City Council,</i></p>

Submission Number	Group / Organisation	Submission Summary	Response
			<p><i>Council will consider options to revise the DCP in full or part as deemed necessary.”</i></p> <p><u>Long Term Infrastructure Plan</u> If the amendment is approved, the FMAC DCP projects will be included in Council’s Long Term Infrastructure Plan (LTIP) over the coming years. The DCP timeframe is 20 years, and Council will forward plan the delivery of the streetscape upgrades in accordance with the DCP timeframe.</p> <p>Recommended Position:</p> <ul style="list-style-type: none"> • No change to Amendment C161fran.
<p>9.</p>	<p>Landowner representative</p>	<p>OBJECTION</p> <ul style="list-style-type: none"> • The landowner signed an authority to auction 76 Young Street with real estate agents in mid-June. Since receiving Council’s letter, the submitter has been advised the property is unsellable due to Council listing it for proposed acquisition, which needs to be disclosed to any prospective buyer. • Due to receipt of the letter, the auction has been cancelled as the letter states Council’s intention to reserve the land under the planning scheme so that in the future it can be compulsory acquired. • The landowner is in financial hardship and needs to sell the property to settle debts and remain financially stable. • Considers no one will purchase the property if Council intends to compulsory acquire it in the future. • Seeking Council to purchase the property now either by way of compulsory acquisition or tabled valuations. 	<p>Public Acquisition Overlays (PAOs) are applied to land in cases where Council has identified a strategic need for said land to be used for a future public purpose. In the case of the proposed PAO on 76 Young Street, this is for a future pedestrian link between Young Street and Stiebel Place identified in the <i>Frankston Metropolitan Activity Centre Structure Plan (Tract, June 2023)</i>.</p> <p>Land may be included in a PAO well in advance of its proposed acquisition. There is often a period of many years between the recognition that an area may be needed for a public purpose and the actual acquisition of that land, and the timing of such acquisitions will depend on a range of factors.</p> <p>The decision to proceed with the compulsory acquisition of land subject to a PAO will be made by resolution of Council. Any compulsory acquisition process will be in accordance with the <i>Land Acquisition and Compensation Act 1986</i>.</p>

Submission Number	Group / Organisation	Submission Summary	Response
			<p>Recommended Position:</p> <ul style="list-style-type: none"> No change to Amendment C161fran.
10.	Department of Transport and Planning (Transport)	<p>SUPPORT</p> <ul style="list-style-type: none"> No objection to the two proposed PAOs, recognising that they would increase connectivity throughout the FMAC area. No objection to the inclusion of the project at Kananook Creek Boulevard within the DCP, noting its limited interface on the role and function of the State’s transport network. Considers there is limited information outlining the scope of works for the proposed Playne Street upgrade, and the Department has yet to view a design. Recognising that Playne Street is a vital link for route bus services accessing Frankston Railway Station and its interfaces with the declared road network, the Department expects it will be fully consulted upon commencement of the design process. Notes that any changes required for the Department to support the Playne Street upgrade project may have an impact on the total cost of the project, which would be borne by the Council. Notes Frankston is listed in Victoria’s Housing Statement as one of the 10 activity centres to have planning controls introduced to deliver additional homes and guide investment in infrastructure for the growing suburb, and that this includes consideration of new approaches to development contributions. 	<p>Noted.</p> <p>Recommended Position:</p> <ul style="list-style-type: none"> No change to Amendment C161fran.

Submission Number	Group / Organisation	Submission Summary	Response
		<ul style="list-style-type: none"> Notes DTP officers will work with council as the Housing Statement's activity centre work progresses alongside Amendment C161fran. Looks forward to working collaboratively with Council and the associated stakeholders in the implementation of actions related to C161fran. 	



Consideration of City Planning Reports

FRANKSTON METROPOLITAN ACTIVITY CENTRE (FMAC) DEVELOPMENT CONTRIBUTIONS PLAN (DCP) PLANNING SCHEME AMENDMENT (C161FRAN) - CONSIDERATION OF SUBMISSIONS RECEIVED AND REQUEST THE APPOINTMENT OF A PLANNING PANEL

Exhibition documentation Planning Scheme Amendment C161fran

Meeting Date: 9 September 2024

Attachment: B

Planning and Environment Act 1987

Frankston Planning Scheme

Amendment C161fran

Explanatory Report

Overview

The amendment proposes to implement the *Frankston Metropolitan Activity Centre Development Contributions Plan (HillPDA, April 2024)* into the Frankston Planning Scheme, to impose a development infrastructure levy for the Playne Street upgrade and the Kananook Creek Boulevard upgrade.

The amendment also proposes to apply the Public Acquisition Overlay to 19 Keys Street and 76 Young Street, to facilitate future pedestrian links identified within the *Frankston Metropolitan Activity Centre Structure Plan (Tract, June 2023)*.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Frankston City Council website at www.frankston.vic.gov.au/

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

- Frankston Civic Centre, 30 Davey Street Frankston

The amendment can also be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by 5 July 2024.

A submission must be sent to:

Frankston City Council

Via E-mail: strategicplanning@frankston.vic.gov.au

Subject line: Submission to Planning Scheme Amendment C161fran

Or

Via Mail:

Strategic Planning – Planning Scheme Amendment C161fran

Frankston City Council

PO Box 490

Frankston VIC 3199

OFFICIAL

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: 16 September 2024
- Panel hearing: 11 November 2024

Details of the amendment

Who is the planning authority?

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

Land affected by the amendment

The amendment applies to all land within the Frankston Metropolitan Activity Centre area shown in the map below.



OFFICIAL

The amendment seeks to implement the *Frankston Metropolitan Activity Centre Development Contributions Plan (HillPDA, April 2024)* into the Frankston Planning Scheme, which affects new residential, retail and commercial development within the Frankston Metropolitan Activity Centre unless specific exemptions apply.

Certain types of development which are considered to not increase the demand on infrastructure and services are exempt from the requirement to make development contributions. In addition, social housing, land developed for a non-government school and small second dwellings (as specified in the Ministerial Direction on the Preparation and Content of Development Contributions Plans) is exempt. Frankston City Council delivered infrastructure is also exempt.

What the amendment does

The amendment proposes to implement the *Frankston Metropolitan Activity Centre Development Contributions Plan (HillPDA, April 2024)* into the Frankston Planning Scheme. It also proposes to apply the Public Acquisition Overlay to two properties to reserve land for future pedestrian links identified in the *Frankston Metropolitan Activity Centre Structure Plan (Tract, 2023)*.

Specifically, the amendment proposes to make the following changes to the Frankston Planning Scheme:

1. Apply a Public Acquisition Overlay (PAO10) to 76 Young Street, Frankston and amend Planning Scheme Map No. 4PAO, to facilitate a new pedestrian link connecting Stiebel Place to Young Street.
2. Apply a Public Acquisition Overlay (PAO11) to 19 Keys Street, Frankston, and amend Planning Scheme Map No. 4PAO, to facilitate a new pedestrian link connecting Keys Street to Nepean Highway.
3. Amend the Schedule to Clause 45.01 (Public Acquisition Overlay) to introduce PAO10 and PAO11, designate Council as the acquiring authority and specify acquisition is for pedestrian links.
4. Insert a new Clause 45.06 (Development Contributions Plan Overlay) with a new Schedule 1 to introduce a development contribution levy for residential, retail and commercial development with exemptions.
5. Amend the Schedule to Clause 72.03 (What does this Planning Scheme consist of?) to include new Planning Scheme Map 4DCPO1 into the Frankston Planning Scheme.
6. Amend the Schedule to Clause 72.04 (Incorporated Documents) to include the *Frankston Metropolitan Activity Centre Development Contributions Plan (HillPDA, April 2024)* as an incorporated document.
7. Amend the Schedule to Clause 74.01 (Application of Zones, Overlays and Provisions) to include the Development Contributions Plan Overlay.

Strategic assessment of the amendment

Why is the amendment required?

Frankston Metropolitan Activity Centre Development Contributions Plan

The amendment is required to implement the *Frankston Metropolitan Activity Centre Development Contributions Plan (HillPDA, April 2024)*. The Development Contributions Plan (DCP) imposes a development infrastructure levy to fund the Playne Street upgrade and the Kananook Creek Boulevard upgrade.

The infrastructure is required to support planned new residential apartment, retail and commercial development.

The number of new dwellings in the Frankston Metropolitan Activity Centre is projected to grow by 104% from approximately 183,100 in 2,629 to 2,740 in 2043. Retail and commercial developments are predicted to increase by 21% and 59% respectively within the Frankston Metropolitan Activity Centre.

The predicted population growth, increase in dwelling stock and retail and commercial developments will continue to increase the demand for improved access, and put pressure on the existing infrastructure for upgrades, expansion or even replacement to meet the growing demand.

The DCP will provide certainty for Council, developers and the broader community about how and to what extent new residential, retail and commercial will be levied to ensure the necessary infrastructure is delivered in a timely manner. The DCP will further reduce the uncertainty and resource intensity associated with the current case-by-case voluntary agreements for contributions between Council and proponents.

New pedestrian links - Public Acquisition Overlay

The amendment is required to facilitate the acquisition of land to be used for public purposes, through the proposed application of the Public Acquisition Overlay (PAO).

The Frankston Metropolitan Activity Centre Structure Plan (Tract, 2023) identifies the delivery of new pedestrian links which allow people to move conveniently and safely between destinations and provide increased pedestrian priority. This includes the provision of strategic mid-block links to increase pedestrian access to Kananook Creek and the Foreshore and also to create greater visual connection to and activation of existing laneways within the centre.

PAO10 is proposed to be applied to 76 Young Street, Frankston, to facilitate a new pedestrian link connecting Stibel Place to Young Street. PAO11 is proposed to be applied to 19 Keys Street (the entire site), to facilitate part of a new pedestrian link connecting Keys Street to Nepean Highway.

Both PAO10 and PAO11 are proposed to apply to the entire site of 76 Young Street and 19 Keys Street respectively, as both of these sites are narrow (7.63m and 5.6m wide respectively) and have little development potential due to the width of the pedestrian links identified in the FMAC Structure Plan (requiring 6.0m and the full width of the site respectively).

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

The amendment seeks to implement the following objectives set out at Section 4 of the *Planning and Environment Act 1987*, to:

- a) Provide for the fair, orderly, economic and sustainable use and development of land;
- b) Secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- c) Protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community;
- d) Balance the present and future interests of all Victorians.

The amendment seeks to implement these objectives by:

- Providing a structured, fair and equitable method to collect contributions for the provision of essential social and physical infrastructure;
- Providing certainty as to required development contributions; and
- Aiding the provision of necessary social and physical infrastructure throughout the municipality.

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

This amendment will ensure the equitable collection and distribution of development contributions throughout the Frankston Metropolitan Activity Centre and provide for a significant financial contribution to road and public realm infrastructure required to service the residential, retail and commercial populations.

The amendment will provide net community economic benefit as it compels Council to deliver the road and public realm infrastructure items included in the DCP. It will also ensure that new development contributes to infrastructure which will reduce the cost of infrastructure provision to Council.

It will also reserve land for two new pedestrian links identified as part of the Frankston Metropolitan Activity Centre Structure Plan (*Tract, June 2023*).

Does the amendment address relevant bushfire risk?

The land affected by the amendment is not located within an area of identified bushfire risk.

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

The amendment is consistent with the Ministerial Direction on the Preparation and Content and Reporting Requirements for Development Contribution Plans made under the *Planning and Environment Act 1987*.

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*.

The amendment is consistent with the *Ministerial Direction 9: Metropolitan Planning Strategy*. The amendment will enable infrastructure investments that support

population growth and change in the Frankston Metropolitan Activity Centre identified in *Plan Melbourne 2017-2050*.

The amendment has been prepared having regard to *Ministerial Direction 11: Strategic Assessment of Amendments* as outlined in this Explanatory Report.

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

Clause 11.03-1L-02 Frankston Metropolitan Activity Centre

This clause includes the following objectives:

- *Encourage renewal and revitalisation of the Frankston MAC by implementing the Frankston Metropolitan Activity Centre Structure Plan (Frankston City Council, 2015).*
- *Encourage high density housing and accommodation throughout the Frankston MAC, particularly on vacant or under-utilised sites and buildings.*

The amendment will enable Council to fund infrastructure to better enable residential, retail and commercial development.

In addition, Council recently adopted the *Frankston Metropolitan Activity Centre Structure Plan (Tract, 2023)*. The amendment will ensure the future acquisition of the land for two pedestrian links identified in the Structure Plan.

Clause 19.03-1S – Development and infrastructure contributions plan

This clause includes the objective:

- *To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.*

This amendment gives effect to this objective through the preparation and implementation of a Development Contributions Plan across the Frankston Metropolitan Activity Centre. This will require the collection of development contributions on the basis of approved development and the development contributions plan, replacing to current ad hoc approach of negotiations on a permit-by-permit basis.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment supports the Municipal Planning Strategy, Clause 02.03-9 (Infrastructure) by assisting with the equitable collection and distribution of development contributions throughout the Frankston Metropolitan Activity Centre and providing for a financial contribution to road and public realm infrastructure required to service the residential, retail and commercial populations.

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

The amendment makes proper use of the Victoria Planning Provisions by:

- Applying the Development Contributions Plan Overlay to all land and introducing a Development Contribution Plan to equitably collect funding for development infrastructure throughout the Frankston Metropolitan Activity Centre.
- Applying and amending the Public Acquisition Overlay to facilitate the delivery of pedestrian links on properties with minimal development potential.

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

The views of relevant agencies will be sought during the formal exhibition process of Amendment C161fran.

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

There are no particular requirements of the *Transport Integration Act 2010* that are of relevance to the introduction of the amendment.

Resource and administrative costs

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

The introduction of the DCP will impact on Council's administrative costs because Council will need to set up a new accounting and auditing system to monitor the income and expenditure from the DCP. However, the DCP will also generate revenue for Council to assist in delivering essential and development infrastructure within the Frankston Metropolitan Activity Centre. The amendment will represent a cost saving to Council in so far as it is presently required to negotiate on a case by case basis for contributions to infrastructure.

Planning and Environment Act 1987

Frankston Planning Scheme

Amendment C161fran

Instruction Sheet

The planning authority for this amendment is the City of Frankston.

The Frankston Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 1 attached map sheet.

Overlay Maps

1. Insert new Planning Scheme Map No. 04DCPO in the manner shown on the attached map marked "Frankston Planning Scheme, Amendment C161fran".
2. Amend Planning Scheme Map No 04PAO in the manner shown on the 1 attached map marked "Frankston Planning Scheme, Amendment C161fran".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In **Overlays** – Clause 45.01, replace the Schedule with a new Schedule in the form of the attached document.
4. In **Overlays** – insert Clause 45.06, in the form of the attached document.
5. In **Overlays** –Clause 45.06, insert a new Schedule 1 in the form of the attached document.
6. In **Operational Provisions** – Clause 72.03, replace the Schedule with a new Schedule in the form of the attached document.
7. In **Operational Provisions** – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

OFFICIAL

-
8. In **Operational Provisions** – Clause 74.01, replace the Schedule with a new Schedule in the form of the attached document.

End of document

OFFICIAL

FRANKSTON PLANNING SCHEME

23/05/2019
 C133fran

SCHEDULE TO CLAUSE 45.01 PUBLIC ACQUISITION OVERLAY

1.0

Public acquisition

15/10/2024
 CC482 Proposed C161fran

PS map ref	Acquiring Authority	Purpose of acquisition
PAO1	Head, Transport for Victoria	Road purposes
PAO2	Frankston City Council	Road purposes
PAO3	Frankston City Council	Open Space / recreation
PAO4	Department of Education	School purposes
PAO5	Department of Natural Resources and Environment	Open space
PAO6	Secretary to the Department of Infrastructure	Southern and Eastern Integrated Transport Project and connecting roads
PAO7	Southern and Eastern Integrated Transport Authority	Peninsula Link
PAO10	Frankston City Council	Pedestrian Link
PAO11	Frankston City Council	Pedestrian Link

FRANKSTON PLANNING SCHEME

45.06
31/07/2018
VC148

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCPO** with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

45.06-1
19/01/2006
VC37

Development contributions plan

A permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme.

This does not apply to the construction of a building, the construction or carrying out of works or a subdivision specifically excluded by a schedule to this overlay.

A permit granted must:

- Be consistent with the provisions of the relevant development contributions plan.
- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

45.06-2
19/01/2006
VC37

Preparation of a development contributions plan

The development contributions plan may consist of plans or other documents and may, with the agreement of the planning authority, be prepared and implemented in stages.

The development contributions plan must:

- Specify the area to which the plan applies.
- Set out the works, services and facilities to be funded through the plan, including the staging of the provision of those works, services and facilities.
- Relate the need for the works, services or facilities to the proposed development of land in the area.
- Specify the estimated costs of each of the works, services and facilities.
- Specify the proportion of the total estimated costs of the works, services and facilities which is to be funded by a development infrastructure levy or community infrastructure levy or both.
- Specify the land in the area and the types of development in respect of which a levy is payable and the method for determining the levy payable in respect of any development of land.
- Provide for the procedures for the collection of a development infrastructure levy in respect to any development for which a permit is not required.

The development contributions plan may:

- Exempt certain land or certain types of development from payment of a development infrastructure levy or community infrastructure levy or both.
- Provide for different rates or amounts of levy to be payable in respect of different types of development of land or different parts of the area.

FRANKSTON PLANNING SCHEME

Proposed C161fran

SCHEDULE 1 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as DCPO1.

FRANKSTON METROPOLITAN ACTIVITY CENTRE DEVELOPMENT CONTRIBUTIONS PLAN

1.0

Proposed C161fran

Area covered by this development contributions plan

The area covered by the *Frankston Metropolitan Activity Centre Development Contributions Plan (April 2024)* includes all land shown as DCPO1 on the planning scheme map.

2.0

Proposed C161fran

Summary of costs

Facility Type	Total cost \$	Time of provision	Estimated Cost Recovery	Proportion of Cost Attributed to New Development %
Streetscape Projects	\$32,090,000	2023-2043	\$12,006,232	37%
TOTAL	\$32,090,000		\$12,006,232	37%

*Note: This table sets out a summary of the costs prescribed in the Development Contributions Plan. Refer to the Frankston Metropolitan Activity Centre Development Contributions Plan for details.
 Frankston City Council commits to delivering the DCP projects by 30 June 2043, but may deliver projects earlier. It is likely that projects will be progressively delivered over the DCP period.
 Frankston City Council is Collecting Agency for this DCP and all its projects.
 Frankston City Council is Development Agency for this DCP and all its projects.
 Should Council not proceed with any of the infrastructure projects listed in this DCP, the funds collected for these items will be either:*

- *Used for the provision of other infrastructure as approved by the Minister responsible for the Planning and Environment Act, or*
- *Refunded to owners of land subject to these DCP charges.*

3.0

Proposed C161fran

Summary of contributions

Development Type	Levies payable by the development (\$)			
	Unit	Development Infrastructure Levy	Community Infrastructure Levy	All infrastructure
Residential	Per Dwelling	\$2,659	\$0	\$2,659
Retail	Per Square Metre (SQM) of floorspace	\$35	\$0	\$35
Commercial	Per Square Metre (SQM) of floorspace	\$35	\$0	\$35

FRANKSTON PLANNING SCHEME

Note: Square metres of floorspace (SQM) refers to gross floorspace.

The above listed contribution amounts are current as at 31 December 2023. They will be adjusted annually on 1st of July each year to cover inflation, by applying the Producer Price Index for Non-Residential Building Construction in Victoria. The Index is published by the Australian Bureau of Statistics. A list showing the current contribution amounts will be held at Council's Planning Department.

For land uses not included within the Planning Scheme definition of the above uses, the development contribution that applies to 'Commercial' will be used unless the Collecting Agency agrees to vary that rate based on a submission by a permit applicant that can, to the satisfaction of the Collecting Agency, justify the application of an alternative rate.

Payment of development contributions is to be made in cash.

The Collecting Agency may, at its discretion, accept the provision of land, works, services or facilities by the applicant in part or full satisfaction of the amount of levy payable.

Each net additional demand unit shall be liable to pay the DCP levy (unless exemptions apply). This includes a new dwelling or building or an extension to an existing non-residential building.

Payment of the Development Infrastructure Levy can be made at subdivision stage, planning permit stage or building permit stage.

- *Where the planning permit provides for the subdivision of the land the Development Infrastructure Levy must be paid not more than 21 days prior to the issues of a statement of compliance for the approved subdivision or any stage of that subdivision, or*
- *Where the planning permit does not provide for the subdivision of the land the Development Infrastructure Levy must be paid not more than 21 days prior to the issue of a building permit under the Building Act, 1993, or*
- *Where no planning permit is required, the Development Infrastructure Levy must be paid prior to issue of a building permit under the Building Act, 1993.*

No Community Infrastructure Levy applies to this DCP.

The Collecting Agency may, at its discretion, agree for payment of a levy to be deferred to a later date, subject to the applicant entering into an agreement under section 173 of the Planning and Environment Act, 1987 to pay the levy at an alternative date.

4.0

Proposed C161fran

Land or development excluded from development contributions plan

The following land or development is exempt from the requirement to pay development contributions under the *Frankston Metropolitan Activity Centre Development Contributions Plan (April 2024)*:

- Land developed for a non-government school, as defined in *Ministerial Direction on the Preparation and Content of Development Contributions Plans* of 11 October 2016.
- Land developed for housing by or for the Department of Health and Human Services, as defined in *Ministerial Direction on the Preparation and Content of Development Contributions Plans* dated 11 October 2016.
- A small second dwelling.
- Social housing delivered by or for registered agencies as defined under the Housing Act 1983.
- Renovations or alterations to an existing building.
- Dwelling units that are replaced within a development are exempt. This exemption does not apply to net additional dwelling units created by the development.
- Reinstatement of a dwelling which has been unintentionally damaged or destroyed.
- An extension to an existing building (other than a dwelling) that increases the floorspace of the building by 100 sqm or less.
- Servicing infrastructure constructed by a utility authority.
- The construction of a building or carrying out of works or a subdivision that does not generate a net increase in demand units.

FRANKSTON PLANNING SCHEME

- Buildings and facilities developed by the Frankston City Council for Council or community use.
- Land which is subject to an agreement under section 173 of the Planning and Environment Act 1987 that makes provision for the payment of infrastructure contributions either in cash or the provision of works services or facilities and which expressly excludes the levying of any further development contributions under an approved development contributions plan.

Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details.

FRANKSTON PLANNING SCHEME

25/11/2021
GC181

SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

1.0

Maps comprising part of this planning scheme:

~~25/11/2021~~
~~GC181~~ Proposed C161fran

Zoning and overlay maps:

- 1, 1DDO, 1ESO, 1HO, 1LSIO, 1PAO, 1SBO, 1BMO, 1SCO
- 2, 2DPO, 2ESO, 2LSIO, 2PAO, 2SBO, 2SLO, 2BMO, 2SCO
- 3, 3DPO, 3ESO, 3PAO, 3SBO, 3SLO, 3SCO
- 4, 4DDO, ~~4DCPO~~, 4EAO, 4EMO, 4ESO, 4HO, 4LSIO, 4PAO, 4SBO, 4SLO, 4PO, 4SCO
- 5, 5DDO, 5DPO, 5EAO, 5ESO, 5HO, 5LSIO, 5PAO, 5SBO, 5SLO, 5BMO, 5SCO
- 6, 6DDO, 6DPO, 6EAO, 6ESO, 6LSIO, 6PAO, 6SBO, 6SLO, 6BMO, 6SCO
- 7, 7DDO, 7EAO, 7EMO, 7ESO, 7HO, 7PAO, 7SBO, 7SLO, 7 BMO, 7SCO
- 8, 8DDO, 8DPO, 8EAO, 8ESO, 8HO, 8PAO, 8SBO, 8SLO, 8BMO, 8SCO
- 9, 9DDO, 9EAO, 9ESO, 9HO, 9LSIO, 9PAO, 9SLO, 9BMO



FRANKSTON PLANNING SCHEME

15/01/2024
VC249

SCHEDULE TO CLAUSE 72.04 INCORPORATED DOCUMENTS

1.0

Incorporated documents

25/11/2024
GC161 Proposed C161fran

Name of document	Introduced by:
<i>Balmoral Offices, 12 Balmoral Walk, Frankston – September 2021</i>	C151fran
<i>Carrum Level Crossing Removal Project Incorporated Document, December 2017 (Amended February 2018)</i>	GC94
<i>Concept Plan March 2000, Restricted Retail Area Between McMahons Road and Bryan Street, Frankston</i>	NPS1
<i>Figure 3, ERM Flora and Fauna Investigation (May 1999)</i>	NPS1
<i>Frankston Bulky Goods Precinct - Stage 2 (October 2011)</i>	C77
<i>Frankston Metropolitan Activity Centre Development Contributions Plan (Hill PDA, April 2024)</i>	C161fran
<i>Frankston Safe Boat Harbour (Frankston City Council, June 2008)</i>	C50
<i>Gertrude Street, Frankston, Concept Plan Bird De La Couer Architects P/L Reference SK-01A (18 June 1999)</i>	NPS1
<i>Golf Links Road and Grant Road (Peninsula Link to Frankston-Flinders Road) Upgrade Project Incorporated Document, November 2019</i>	GC158
<i>Hall Road (McCormicks Road to Cranbourne-Frankston Road) Upgrade Project Incorporated Document, August 2021</i>	GC181
<i>Hospital Emergency Medical Services - Helicopter Flight Path Protection Areas Incorporated Document (June 2017)</i>	GC49
<i>Improve Frankston Station Project, Incorporated Document (February 2018)</i>	C119
<i>Kananook Creek Comprehensive Development Plan (May 1999)</i>	NPS1
<i>Kananook Train Storage Facility Project Incorporated Document (July 2017)</i>	C117
<i>Kristen Close, Frankston South (February 2011)</i>	C72
<i>Landscape Concept, Carol Frank-Mas Landscape Architects Drg. No. 2164/1a (17/06/99)</i>	NPS1
<i>Lathams Road (Oliphant Way to Frankston-Dandenong Road) Upgrade Project Incorporated Document, April 2019</i>	C134fran
<i>McClelland Drive, Langwarrin Conceptual Development Plan (May 1999)</i>	NPS1
<i>Olivers Hill Lot Restructuring Plan (December 2010)</i>	C46(Part 1)
<i>Peninsula Link Project, Incorporated Document, July 2009 (amended June 2011)</i>	C80
<i>Peninsula Private Hospital Master Plan (August 2013)</i>	C74
<i>Sandhurst Comprehensive Development Plan (May 1996)</i>	NPS1
<i>Seaford Road, Seaford Level Crossing Removal Project Incorporated Document, December 2017 (Amended February 2018)</i>	GC94
<i>Skye/Overton Road, Frankston Level Crossing Removal Project Incorporated Document (May 2017)</i>	C116
<i>South East Water Corporation, Head Office, Frankston (February 2013)</i>	C90
<i>Tree Protection Guidelines for Construction Sites (September 2005)</i>	C37
<i>Western Port Highway Upgrade Project Incorporated Document, August 2021</i>	GC182
<i>Woolworths Oxygen, Carrum Downs (February 2011)</i>	C73

FRANKSTON PLANNING SCHEME

10/02/2022
C141fran

SCHEDULE TO CLAUSE 74.01 APPLICATION OF ZONES, OVERLAYS AND PROVISIONS

1.0 Application of zones, overlays and provisions

04/05/2022
VC240
Proposed C161fran

This planning scheme applies the following zones, overlays and provisions to implement the Municipal Planning Strategy and the objectives and strategies in Clauses 11 to 19:

Zones

- Low Density Residential Zone to provide for low-density residential lots that can treat and retain wastewater.
- Mixed Use Zone to areas previously used for a mix of industrial and commercial purposes that provide opportunities for residential and commercial re-development and renewal.
- Residential Growth Zone to areas where increased density is anticipated.
- General Residential Zone to established areas where incremental change is anticipated.
- Industrial 1 Zone to industrial areas with a mix of manufacturing and commercial uses.
- Commercial 1 Zone to retail and commercial areas where more intensive retail, commercial and residential development is anticipated, including strip shopping areas.
- Commercial 2 Zone to provide for offices, bulky goods retail, appropriate manufacturing and industries and associated uses.
- Green Wedge Zone to land with important agricultural, environmental, historic, landscape, recreational and tourism opportunities.
- Rural Conservation Zone to protect and enhance natural resources and the biodiversity of the area.
- Farming Zone to provide for the use of land for agriculture.
- Public Use Zone to specific public land uses and institutions including public schools.
- Public Park and Recreation Zone to public parkland for a range of passive and active recreational and environmental purposes.
- Public Conservation and Resource Zone to protect public land for its historic, scientific, landscape, habitat or cultural values.
- Transport Zone 2 or Transport Zone 3 to selected major roads controlled by the Head, Transport for Victoria and Frankston City Council as the local road authority.
- Special Use Zone to:
 - A variety of recreational, cultural, arts private sports grounds, religious, educational institutions and related institutions and operations related to Frankston City Council.
 - Sites where a Work Authority has been issued for extractive industry to protect regionally significant stone resources and where the future use of the sites has not been determined or is not clear.
- Comprehensive Development Zone to sites that require an overall development plan to guide redevelopment for specific land uses and building form.
- Urban Floodway Zone to identify urban locations with the greatest risk and frequency of being affected by flooding.

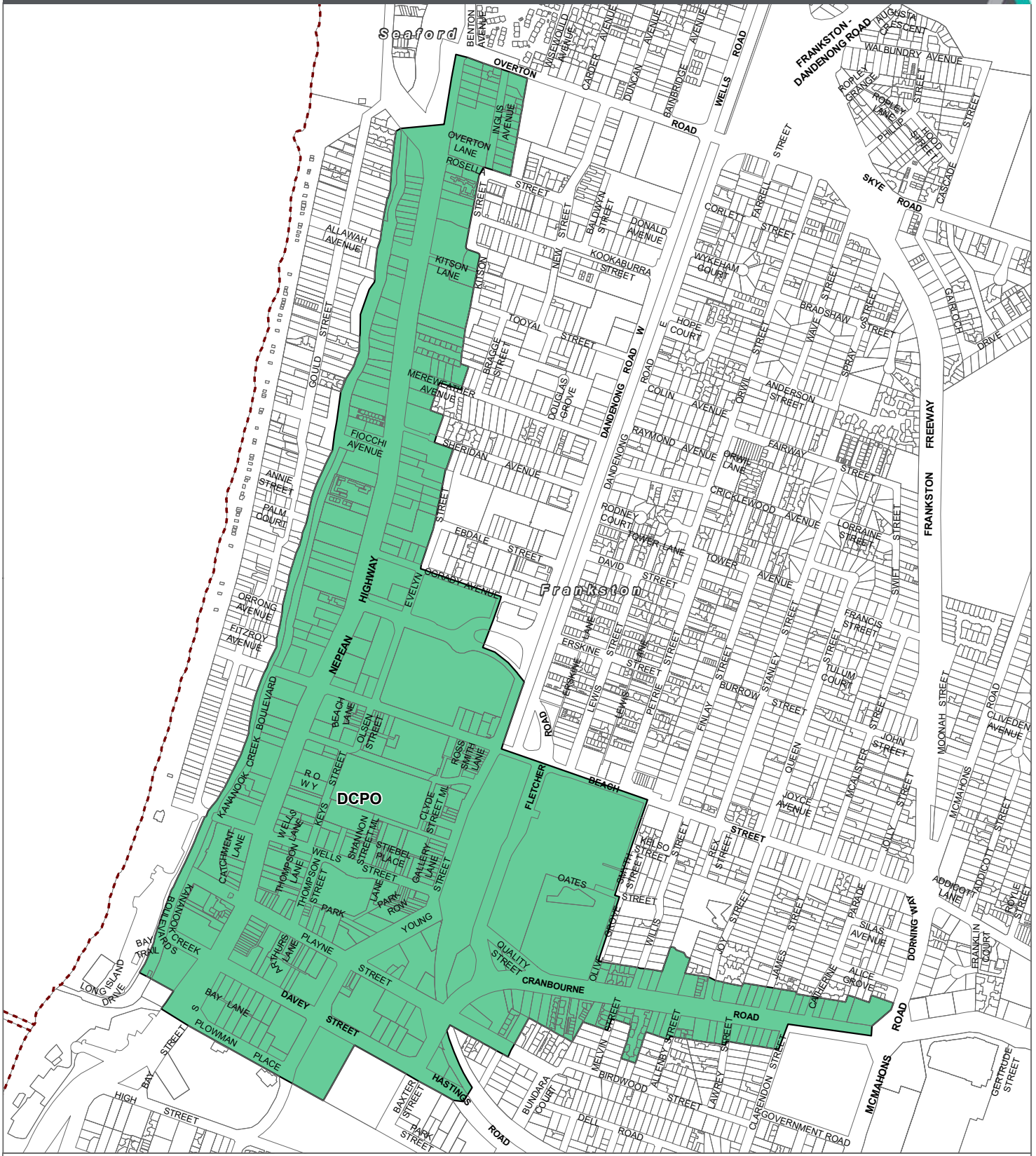
Overlays



- Environmental Significance Overlay to areas where the development of land may be affected by environmental constraints.

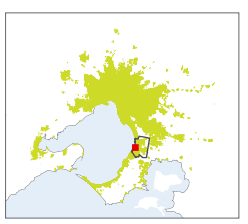
FRANKSTON PLANNING SCHEME

- Significant Landscape Overlay to protect significant landscapes.
- Heritage Overlay to places and precincts identified in heritage studies.
- Design and Development Overlay to areas where specific requirements relating to the design and built form of new development is required.
- Development Plan Overlay to sites or precincts where redevelopment and land use should be generally in accordance with an approved development plan.
- Development Contributions Plan Overlay to facilitate the levying of contributions for the timely provision of works, services and facilities for identified areas.
- Erosion Management Overlay to areas prone to erosion, landslip or other land degradation processes.
- Land Subject to Inundation Overlay to areas identified as subject to flooding by the 1 in 100 year flood or any other area determined by the Floodplain Manager (Melbourne Water).
- Special Building Overlay to inundation prone land by overland flows from the urban drainage system.
- Bushfire Management Overlay to areas and sites affected by bushfire.
- Public Acquisition Overlay to sites, road widening and other locations such as adjoining waterways where an acquiring authority has requested the overlay.
- Environmental Audit Overlay to sites and areas where potential contamination from former land use or other sources, indicates an environmental audit must be undertaken before any sensitive use (such as housing) commences.
- Parking Overlay to sites or precincts where particular parking rates or financial contributions should be regulated.
- Specific Controls Overlay to land to be developed in accordance with a specific control contained in a corresponding incorporated document.

**FRANKSTON PLANNING SCHEME - LOCAL PROVISION
 AMENDMENT C161fran**



LEGEND
 DCPO - Development Contributions Plan Overlay
 Local Government Area

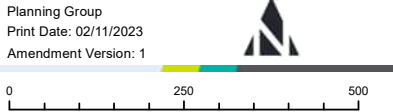


Part of Planning Scheme Map 4DCPO

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 Print Date: 02/11/2023
 Amendment Version: 1




Department of Transport and Planning

FRANKSTON PLANNING SCHEME - LOCAL PROVISION AMENDMENT C161fran



LEGEND

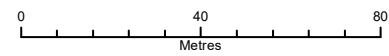
- PAO10 - Public Acquisition Overlay - Schedule 10
- PAO11 - Public Acquisition Overlay - Schedule 11
- Local Government Area

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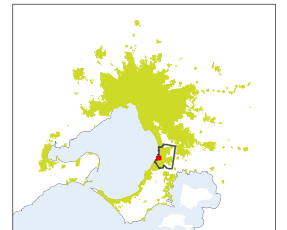


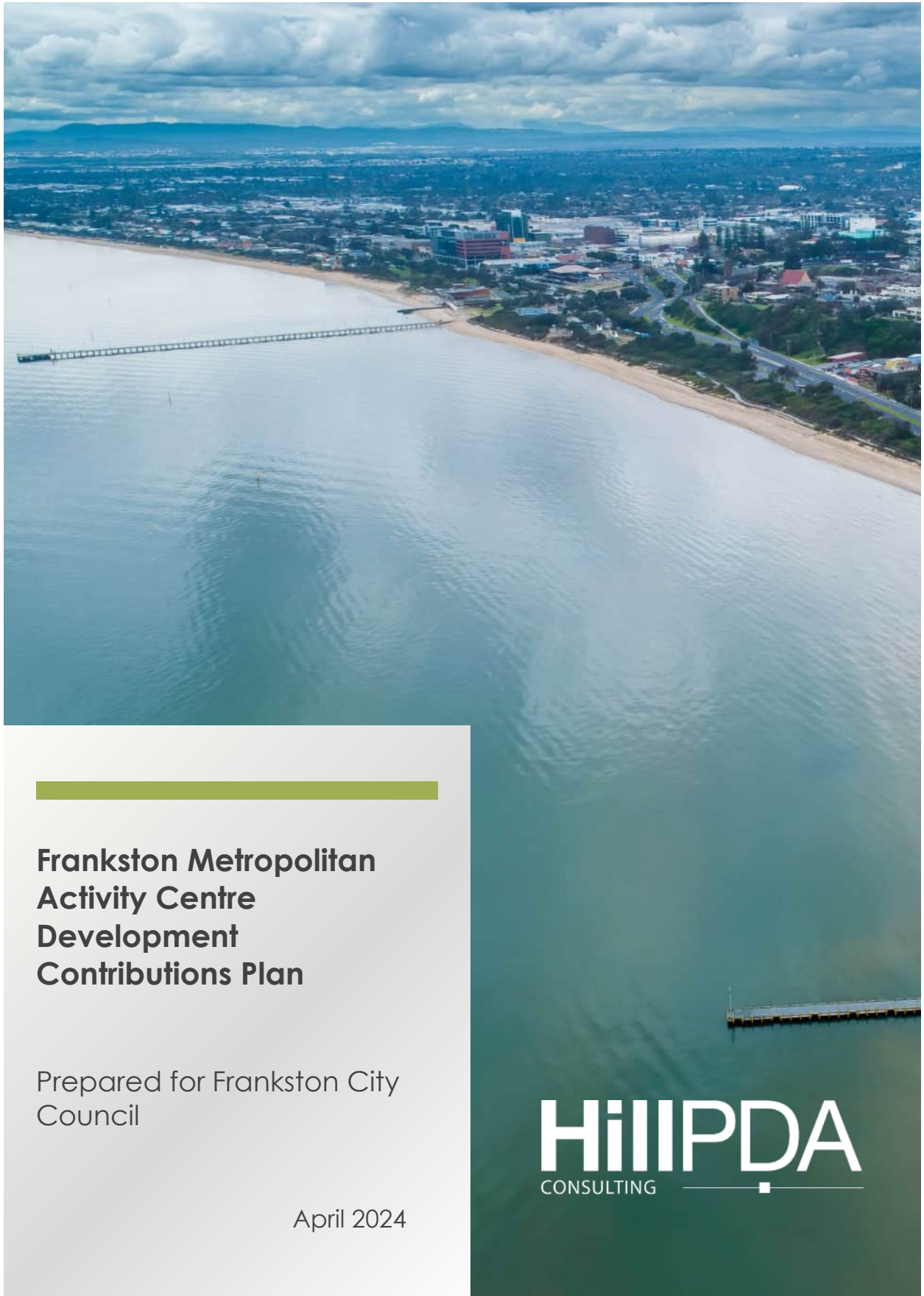
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Print Date: 02/11/2023
Amendment Version: 1



Department of Transport and Planning

Part of Planning Scheme Map 4PAO





Frankston Metropolitan Activity Centre Development Contributions Plan

Prepared for Frankston City
Council

April 2024

HiIPDA
CONSULTING



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1.0 INTRODUCTION

1.1 Background

This Development Contributions Plan (DCP) provides for the partial funding of selected infrastructure investment in the Frankston Metropolitan Activity Centre (Frankston MAC).

This DCP is based on the Frankston Metropolitan Activity Centre Structure Plan (June 2023), which includes directions to improve the functionality and amenity of the centre via a range of future works. The DCP will help implement selected works shown in the Structure Plan.

The DCP establishes development levies to ensure developers contribute a fair share of funding for the selected DCP works.

1.2 Infrastructure Project Selected for this DCP

This DCP does not include all investments Frankston City Council will make in the Frankston MAC area over the next two decades. It includes two projects from a potential pool of over 40 projects. Council has elected to limit the projects in the DCP to manage its financial obligations and to ensure development levies do not adversely impact on development viability. Other projects will be delivered over time using other funding and delivery methods.

1.3 Development Contributions Plan (DCP)

This DCP is a planning instrument that nominates some of the infrastructure Frankston City Council will construct in the DCP Area and establishes associated development contribution levies for that infrastructure, as enabled by the *Planning and Environment Act, 1987* and shown in the Frankston Planning Scheme as Schedule 1 to the Development Contributions Plan Overlay.

The DCP has been prepared to ensure that the cost of providing the nominated infrastructure in Frankston MAC is shared between developers and the wider community on a fair and reasonable basis. This DCP has been developed in accordance with relevant legislation, directions and guidelines to:

- Nominate selected infrastructure within Frankston MAC, that Council will deliver
- Apportion the cost of the nominated infrastructure over likely users of the infrastructure to the end of the planning horizon, being 2043 in this DCP
- Establish the DCP levies (development contribution) for various development types
- Explain the method of DCP preparation and levy calculation, and
- Document DCP payment and administrative procedures.



1.4 DCP Area

The DCP Area is the Frankston Metropolitan Activity Centre Structure Plan boundary area, as shown in Figure 1 below.

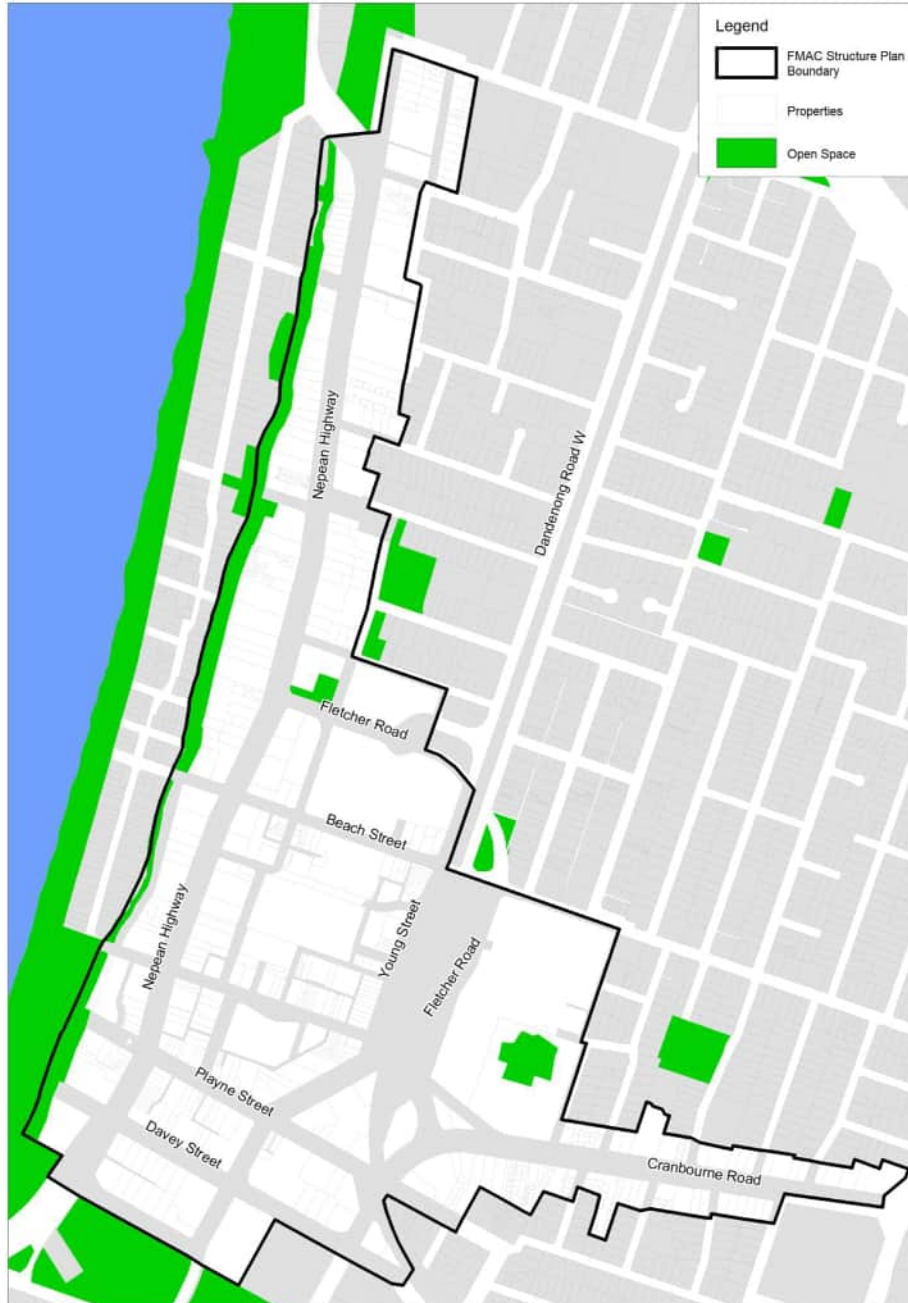
This DCP applies to all land and new development within the Frankston MAC DCP Area, unless specific exemptions apply.

1.5 Acknowledgement

This DCP has been prepared by HillPDA with the assistance of Frankston City Council officers and cost data provided by Currie & Brown. Council officers provided infrastructure project information and information to support development data and advice regarding DCP project selection and specifications.



Figure 1: Frankston Metropolitan Activity Centre DCP Area



Source: Frankston Metropolitan Activity Centre Structure Plan (June 2023)



2.0 STRATEGIC BASIS

2.1 Legal Basis

Planning and Environment Act 1987

The *Planning and Environment Act, 1987*, (Act) at Part 3B states the purpose of a Development Contributions Plan for 'levying contributions for the provisions of works, services and facilities'. The Act sets out the broad structure and requirements for a DCP.

According to the Act, projects are classified as either:

- Development infrastructure (DI), or
- Community infrastructure (CI).

Development infrastructure is defined as infrastructure required for basic community health, safety or wellbeing. This may involve roads, paths, drainage and basic community infrastructure items.

Community infrastructure includes construction of all other buildings or facilities used for community or social purposes. Some community facilities are defined by the relevant Ministerial Direction as development infrastructure and for which a Development Infrastructure Levy may be imposed. This includes facilities such as kindergartens, childcare centres and maternal and child health care facilities.

The Act enables Council to include a condition on a planning permit for:

- Paying DCP levies within a specified time or within a time specified by Council, and
- Entering into an agreement for payment of levies within a time specified by Council.

In circumstances where DCP levies are payable and a planning permit for development is not required, Council can require payment, or enter into an agreement for payment, before the issuing of a building permit.

The Act states the amount of the Community Infrastructure Levy is capped. The cap is currently \$1,346 per dwelling in the 2023-24 financial year. It is indexed pursuant to a statutory formula.

No cap applies to the Development Infrastructure Levy.

Ministerial Direction on the Preparation and Content of Development Contributions Plans and Ministerial Reporting Requirements for Development Contributions Plans, Minister for Planning, 15 January 2024

The Ministerial Direction has two parts. The first gives direction on the preparation and content of development contributions plans, with a focus on defining Development



Infrastructure and Community Infrastructure. The second sets out the requirements for annual DCP reporting.

Development Contributions Guidelines 2007 (State of Victoria) (Guidelines)

The Guidelines provide detailed guidance on the method to prepare a full cost apportionment development contributions plan. The Guidelines contains the following statement with respect to the role of a development contributions plan:

- “Planning ahead is part of a council’s strategic planning and service delivery responsibility. In greenfield areas, provision of new infrastructure to keep pace with urban development will be a priority. In established urban areas, upgrading the existing infrastructure may be necessary because of the redevelopment of existing sites, changing community expectations, changing standards of provision or the need to replace an existing infrastructure that has reached the end of its economic life.”

The Guidelines state that the broad types of projects included in a development contributions plan include:

- New item of infrastructure.
- An upgrade in the standard of provision of an existing infrastructure item.
- An extension to an existing facility.
- The total replacement of an infrastructure item after it has reached the end of its economic life.”

Operational and recurrent expenditure such as maintenance costs for infrastructure cannot be funded by a development contributions plan.

In identifying suitable projects for a development contributions plan, the Guidelines divide infrastructure into development infrastructure and community infrastructure.

The following lists works, services or facilities that may be funded from a development infrastructure levy:

- Acquisition of land for roads, public transport corridors, drainage, public open space, and community facilities including (but not limited to) those listed under the last dot point in this list.
- Construction of roads, including the construction of bicycle and foot paths, and traffic management and control devices;
- Construction of public transport infrastructure, including fixed rail infrastructure, railway stations, bus stops and tram stops.
- Basic improvements to public open space, including earthworks, landscaping, fencing, seating and playground equipment.
- Drainage works including Water Sensitive Urban Design (WSUD) projects. However, any WSUD project costs in a DCP cannot also form part of a future voluntary offset scheme,



which can relate to separate WSUD project costs. Overlaps in project costs must be avoided.

- Buildings and works for or associated with the construction of maternal and child health centres, child care centres, kindergartens or any centre which provides these facilities in combination.

Community infrastructure includes projects involving the construction of buildings or facilities used for community or social purposes. Examples include libraries, community halls, aquatic centres and sporting pavilions.

The following lists the costs that can be included in the calculation of levies under a development contributions plan:

- The capital costs of providing the infrastructure projects.
- The cost of financing the infrastructure projects, if provided early in the life of the development contributions plan.
- The design costs associated with the infrastructure projects.
- The cost of preparing and approving the development contributions plan.

The need created by the development and the measures to satisfy the need must be adequately identified.

Local Government Act 2020

The *Local Government Act, 2020* outlines the role of local government in that a council must endeavour to achieve the best outcomes for the local community by providing equitable and accessible services that are efficiently and effectively managed.

Building Act 1993

The *Building Act, 1993* requires building surveyors to ensure any requirement in a planning scheme is met before issuing a building permit. This includes enforcing the payment of a Community Infrastructure Levy and / or a Development Infrastructure Levy to a council under a development contributions plan.

2.2 Policy and Strategy Basis

Council Plan 2022-2023

The Council Plan sets out the four-year vision for the city and the outcomes the Council wants to achieve over that period. These outcomes align with key focus areas identified in the Frankston City Community Vision 2040.

The Plan is based on six themes:

- Healthy and safe communities
- Community strength
- Sustainable environment



- Well planned and liveable city
- Thriving economy, and
- Progressive and engaged city.

The Budget 2022-2026 provides an overview of Council expected income and expenditure.

Frankston Metropolitan Activity Centre Structure Plan, June 2023

The Structure Plan was adopted by Council at the Council Meeting on 14 June 2023.

The Structure Plan is a refresh of the adopted 2015 Draft Structure Plan in light of the Frankston Hospital upgrade, level crossing removals on the Frankston line, the release of Plan Melbourne 2017-2050 and a greater focus on the provision of affordable housing, particularly in locations which are well serviced by infrastructure.

The 2023 Structure Plan reduces the extent of the Frankston MAC boundary and redefines character precincts within the centre. It has a focus on the Nepean Highway and retail/commercial centre. An analysis of each precinct in terms of land use, built form, public realm and movement provides is used to generate a list of key actions to be undertaken to implement the Structure Plan.

The Structure Plan is based on the following 16 objectives each of which has associated strategies and actions:

- Encourage economic investment in the Frankston MAC
- Strengthen the Frankston MAC as a regional employment hub
- Strengthen Retail, Arts, Entertainment and Culture
- Provide a diversity of housing to support evolving population needs
- Provide high quality built form across the Frankston MAC that contributes to the coastal character and responds to the preferred character of the precincts
- Strengthen visual and physical connections to the water
- Protect streets, plazas and parks from overshadowing and wind and storm water impacts
- Ensure built form contributes to active and people focused streets
- Respond to sensitive interfaces and protect amenity of existing and future residents
- Provide a range of public and civic spaces that support community gathering, social interaction and passive and active recreation
- Provide streets across the Frankston MAC that are people focused and green
- Prioritise walking across the Frankston MAC
- Create a safe and convenient cycling network
- Increase the use of the Ring Road and reduce traffic on city centre streets
- Provide car parking that is easy to locate and access, and
- Enhance the Frankston MAC as a public transport hub for the region.



A number of the initiatives and actions relate to infrastructure investment in the centre. Some of these relate to streetscape upgrades (from which the two projects in this DCP are drawn). See Figure 2 below for an overview of streetscape projects in the Structure Plan.

Figure 2: Structure Plan Streetscape Projects



- City Centre Precinct Street upgrades
- Playne Street upgrade
- Nepean Boulevard Upgrade
- Kananook Creek Boulevard & Promenade upgrade

Figure 18. Proposed Streetscape Upgrades across the FMAC



The large fig trees are iconic elements of the Nepean Highway streetscape that should be retained.



Source: Frankston Metropolitan Activity Centre Structure Plan June 2023

Long Term Infrastructure Plan 2021-2031

The Long Term Infrastructure Plan (LTIP) is an investment strategy for the city intended to:

- Grow the economy - enhancing the city’s capacity for long term economic growth
- Build communities - supporting a growing and diverse Frankston population
- Enhance the environment - managing and mitigating the impact on the environment, and
- Create a digital future for Frankston.

The LTIP is based on projected population and economic activity growth. The LTIP sets out infrastructure projects and initiatives that the Council will prioritise for the short (1-3 years), medium (4-6 years) and longer term (7–10 years) and aims to:

- Better integrate land use and local infrastructure planning in support a growing and changing community



- Plan, prioritise and deliver an infrastructure program that represents the best possible investment and use of Council funds
- Optimise the management, performance and use of Council's assets
- Provide the infrastructure necessary to support Council's current and future service delivery to the community, and
- Embrace the future of technology and leveraging our technology to transform the way Council delivers its services to support customers and business needs.

The LTIP outlines the Council's approach to asset management and planning and then lists the resultant service program priority projects for the short, medium and long term under the following headings:

- Community development
- Community health
- Community safety
- Sports and recreation
- Urban revitalisation
- Parking
- Transport connectivity
- Biodiversity and open space
- Integrated water
- Waste and recycling
- Climate change action
- Asset management, and
- Technology and information.

The LTIP appendices provide a 10-year overview of income and expenditure and then a more detailed 4-year plan that lists the projected expenditure on individual projects. The project list and expenditure is also broken up into seven local area communities. The Frankston MAC is in the Frankston Central and Frankston Heights area.

Other Documents

A number of other policies have a relationship with the DCP Area. These are:

- Frankston Central - Frankston Heights Planning Area Community Infrastructure Plan (2022)
- Frankston Metropolitan Activity Centre Structure Plan Economic Assessment and Land Use Capacity (2022)
- Frankston Metropolitan Activity Centre Emerging Ideas Paper (2022)
- Frankston Metropolitan Activity Centre Planning and Urban Design Assessment (2022)
- Frankston Metropolitan Activity Centre Structure Plan Parking Overlay Review (2022)
- Frankston Metropolitan Activity Centre Structure Plan Transport and Movement Assessment and Analysis (2022)



- Kananook Creek Built Form Review (2022)
- Frankston Open Space Strategy 2016-2036
- Frankston Metropolitan Activity Centre Structure Plan (2015)
- Frankston Metropolitan Activity Centre Structure Plan - Action Plan (2015)
- Frankston Station Precinct Car Parking Review (2015)
- Frankston Central Activity District Car Parking Opportunities Assessment (2013).



3.0 DEVELOPMENT CONDITIONS

3.1 Analysis Area and Charging Area

This DCP has one (1) analysis area and charging area, being the Frankston MAC DCP Area as shown in Figure 1 above.

3.2 Development Categories

The development for this DCP has been summarised into three main land use types: Residential, Retail and Commercial. The centre includes some industrial development at the current time but this is expected to be replaced by other land uses in the future.

Residential refers to a dwelling unit, irrespective of type, such as apartment unit or townhouse.

Retail floorspace includes uses like shops, cafes, restaurants, supermarkets, shopping complexes, convenience stores and large format or bulky goods retailing.

Commercial floorspace includes uses like offices, health, education, civic uses, places of worship, commercial accommodation and banks.

3.3 Development Data

The development data for this DCP is shown in Table 1 below. The data is based on:

- Forecast ID residential dwelling projections for Frankston MAC (sourced by Frankston City Council)
- Stocktake of floorspace by land use using Council property rates data for all properties in the DCP Area at two data points to determine conditions and past trends for retail, commercial and industrial floorspace
- Review of development proposals in the DCP Area and review of development capacity under the Structure Plan
- Generation of estimated future retail and commercial development based on the above information.

Over a 20 year period, it is estimated that the Frankston MAC will:

- Increase its stock of dwellings by approximately 2,800 units, to accommodate 5,400 units by 2043
- Increase its retail floorspace by approximately 32,700 sqm, to reach 187,800 sqm by 2043
- Increase its commercial floorspace by approximately 100,400 sqm, to reach 269,400 sqm by 2043.



Table 1: Development Projections in Frankston MAC DCP Area, 2023-2043

Development Type	Unit	2023	2043	Change	Change %
Residential	Dwellings	2,629	5,369	2,740	104.2%
Retail	Square Metre (SQM) of Floorspace	155,036	187,736	32,700	21.1%
Commercial	Square Metre (SQM) of Floorspace	168,922	269,309	100,387	59.4%
Industrial	Square Metre (SQM) of Floorspace	760	0	-760	-

3.4 Development and Infrastructure Nexus Principles

As shown in the next section of this report, the two infrastructure projects identified for this DCP are streetscape projects.

It is deemed that all three development types - Residential, Retail and Commercial - are deemed to have a nexus with the streetscape projects in this DCP.

3.5 Equivalence Ratios and Total Demand Units

In accordance with Development Contribution Guidelines 2007, where more than one land use is deemed to make use of an infrastructure category, it is necessary to convert the land use types into a common demand unit before development contribution calculations are made. This is done by using equivalence ratios.

This DCP uses a simplified ratio for streetscape projects as follows: one dwelling is equal to 75 sqm of retail / commercial floorspace for the use of streetscape projects.

The total demand unit figure at the end of the DCP period is used to calculate the DCP levy (i.e. it is the number to apportion costs by). This is 11,463 demand units.

Table 2: Total Demand Units

Development Type	Unit	2043	Ratio	Demand Units
Residential	Dwellings	5,369	1	5,369
Retail	Square Metre (SQM) of Floorspace	187,736	75	2,503
Commercial	Square Metre (SQM) of Floorspace	269,309	75	3,591
Industrial	Square Metre (SQM) of Floorspace	0	-	-
Total				11,463



4.0 INFRASTRUCTURE PROJECTS

4.1 Infrastructure Subject to DCP Funding

This DCP is a mechanism used to levy new development to contribute towards planned infrastructure nominated for the DCP Area.

In accordance with the *Planning and Environment Act, 1987*, the State Government's Development Contributions Guidelines 2007 and associated Ministerial Directions, the types of projects that are able to be funded through a DCP may include the following:

- A new item of infrastructure
- An upgrade to the standard of provision of an existing infrastructure asset or facility
- An extension to an existing asset or facility, and
- The replacement of an infrastructure item after it has reached the end of its economic life.

To determine infrastructure projects that are included in the DCP, the infrastructure must be used by a broad cross section of the community and serve a neighbourhood sized catchment area or larger area.

The types of infrastructure projects that may be included within a DCP must be either:

- Basic to health, safety or well-being of the community, or
- Consistent with the community expectations of what is required to meet its health, safety or well-being.

4.2 Projects for Frankston MAC DCP

Planning and infrastructure strategies have identified a need to deliver new infrastructure in Frankston MAC to help support planned new residential apartment, retail and commercial development.

The Structure Plan process identified over 40 potential infrastructure projects for consideration. These projects were reviewed and a preliminary list of 14 projects were identified for more detailed consideration, these being:

- Playne Street upgrade (implement design concepts and upgrade Playne Street between Baxter Street intersection and the foreshore)
- Thompson Street upgrades (implement design concepts and upgrade Shannon Street Mall in accordance with Council's Streetscape palette)
- Wells Street upgrades (implement design concepts and upgrade Wells Street as a shared zone as part of a staged approach with Wells Street to occur first; enhance footpath create pedestrian zone)



- Shannon Street Mall upgrade (implement design concepts to upgrade Shannon Street Mall as a staged program)
- Kananook Creek Boulevard upgrade (implement design concepts and upgrade Kananook Creek Boulevard between Wells Street and Beach Street to become a pedestrian focused street)
- Hastings Road Shared User Path (implement a 2.5m wide shared user path between railway and Hastings Road. Link to proposed traffic signals at Yuille Street)
- Fletcher Road / Cranbourne Road Shared User Path (construct shared user path from Beach Street along Fletcher Road (west) to pedestrian crossing, then Fletcher Road (east) to Cranbourne Road and Cranbourne Road (SE) to Playne Street)
- Baxter Street Pedestrian Operated Signals (install pedestrian operated signals across Baxter Street southbound lane at Playne Street)
- Keys Street Footpath Enhancement (enhance footpath and rehabilitate road)
- Beach Street Path and Cycle Works (improvements to bicycle paths, parking and lighting; enhance footpath and reconfigure parking to widen footpath - rehabilitate road)
- Young Street Upgrade (implement design concepts and upgrade the section of Young Street between Wells and Playne Streets to provide an improved connection between Precinct 3 and the Frankston Train Station)
- Widen Bay Lane (land acquisition and construction to allow for the surrounding lots to developed in accordance with the vision of the Structure Plan)
- Ring Road Project (work with state government to undertake works to cater for the increase in vehicle movements and improve the efficiency of the Ring Road to Shared User Path to support the vision of the Nepean Boulevard)
- Multi-Deck Car Park (construct 400 space multi-deck car park at corner of Davey Street and Young Street.

Council considered preliminary cost estimates for the projects and the potential impact on both Council's capacity to commit to expenditure within a set timeline via a DCP, and the potential impact on development costs and viability. Council prioritised the projects and selected two projects for this DCP, these being the projects listed in Table 3 below.

The construction cost of the two projects is estimated as \$32.1 million. Appendix A provides additional information regarding the estimated cost of the two DCP projects.



Table 3: DCP Projects

Project Number	Project Name	Description	Estimated Cost
1	Project No. 1 - Playne Street Upgrade	Implement design concepts and upgrade Playne Street between Baxter Street intersection and the foreshore	\$16,691,000
2	Kananook Creek Boulevard Upgrade	Implement design concepts and upgrade Kananook Creek Boulevard between Wells Street and Beach Street to become a pedestrian focused street	\$15,399,000

Source: Frankston City Council



Figure 3: Location of DCP Projects



Source: Frankston City Council



5.0 DCP LEVIES

5.1 Infrastructure Funding Principles

The infrastructure nominated for this DCP is located in the Structure Plan area for the benefit and improvement of the Structure Plan area. The infrastructure has a nexus with development in the area, both existing development and forecast future development.

A share of the estimated use of the DCP projects can be attributable to development beyond the time horizon of the DCP and outside the DCP Area boundary. In accordance with DCP practice, an allowance for this 'external demand' is included in the cost apportionment calculations. This DCP has made a nominal 5% allowance for external demand for the DCP projects in accordance with DCP practice.

That is, the cost of the DCP infrastructure is allocated as follows:

- Existing development within the DCP Area - the share of cost attributed to existing development is paid by Council given there is no means by which to levy such development under a DCP
- External demand allowance - the share of cost that is attributed to external demand is paid by Council on behalf of such users of infrastructure, and
- New development within the DCP Area - will pay its share of the cost of the DCP infrastructure via the planning and / or building permit process.

5.2 DCP Levy Calculation Method

In accordance with DCP Guidelines 2007, the method to calculate DCP levies is as follows:

- List the infrastructure projects and costs included in the DCP (i.e. two projects estimated at \$32.1 million)
- Identify the main catchment area for each project (i.e. the DCP Area shown in Figure 1)
- Quantify development in each main catchment area (as shown in the previous report section)
- Convert the development into common demand units to quantify the total demand for infrastructure (as shown in the previous report section)
- Calculate the infrastructure levy payable for each infrastructure project by dividing the cost of the project by the total number of demand units in the main catchment area (see Appendix B)
- Sum project levies to a total DCP levy by category of Development Infrastructure Levy (DIL) and Community Infrastructure Levy (CIL). This DCP only has the DIL and does not include the CIL.



5.3 DCP Levies

The DCP levies are shown in Table 4 below.

Table 4: DCP Levies in Frankston MAC DCP Area (31 December 2023\$)

Development Type	Unit	Development Infrastructure Levy	Community Infrastructure Levy	All Infrastructure
Residential	Per Dwelling	\$2,659	\$0	\$2,659
Retail	Per Square Metre (SQM) of Floorspace	\$35	-	\$35
Commercial	Per Square Metre (SQM) of Floorspace	\$35	-	\$35

5.4 Indexation of DCP Levies

The above listed contribution amounts are current as at 31 December 2023. They will be adjusted annually on 1st of July each year to cover inflation, by applying the Producer Price Index for Non-Residential Building Construction in Victoria. The Index is published by the Australian Bureau of Statistics.

A list showing the current contribution amounts will be held at Council’s Planning Department.

5.5 Summary of DCP Costs and Collection

Table 5 provides a summary of anticipated future DCP levy collection compared to total DCP cost commitment by Council. Based on the development data used in this DCP, it is estimated that about \$12.0 million (or 37% of the cost commitment) will be recovered by the DCP to 2043.

The estimated funding gap of \$20.1 million (or 63%) is based on existing development and the external demand allowance.

Table 5: Summary of Estimated DCP Costs and Levy Collection

Facility Type and Code	Total Cost	Time of Provision	Estimated Cost Recovery	Proportion of Cost Attributed to New Development
Streetscape Projects (2)	\$32,090,000	2023-2043	\$12,006,232	37%



6.0 ADMINISTRATIVE MATTERS

6.1 Collecting Agency and Development Agency

Frankston City Council is Collecting Agency for this DCP and all its projects.

Frankston City Council is Development Agency for this DCP.

6.2 Liability for Development Contributions

The main land use development types identified in the DCP are Residential, Retail and Commercial developments. Commercial refers to office and community service land uses.

For land uses not included within the Planning Scheme definition of the above uses, the development contribution that is required for 'Commercial' will be applied unless the Collecting Agency agrees to vary that rate based on a submission by a permit applicant that can, to the satisfaction of the Collecting Agency, justify the application of an alternative rate.

6.3 Payment of Development Contributions

Method of Payment

Payment of development contributions is to be made in cash.

The Collecting Agency may, at its discretion, accept the provision of land, works, services or facilities by the applicant in part or full satisfaction of the amount of levy payable.

Basis for Payment

Each net additional demand unit shall be liable to pay the DCP levy (unless exemptions apply). This includes a new dwelling unit or building or an extension to an existing non-residential building.

Payment of the Development Infrastructure Levy

Payment of the Development Infrastructure Levy can be made at subdivision stage, planning permit stage or building permit stage.

- Where the planning permit provides for the subdivision of the land the Development Infrastructure Levy must be paid not more than 21 days prior to the issue of a statement of compliance for the approved subdivision or any stage of that subdivision, or
- Where the planning permit does not provide for the subdivision of the land the Development Infrastructure Levy must be paid not more than 21 days prior to the issue of a building permit under the *Building Act, 1993*, or
- Where no planning permit is required, the Development Infrastructure Levy must be paid prior to issue of a building permit under the *Building Act, 1993*.



Payment of the Community Infrastructure Levy

No Community Infrastructure Levy applies to this DCP.

Deferral of Payment

The Collecting Agency may, at its discretion, agree for payment of a levy to be deferred to a later date, subject to the applicant entering into an agreement under section 173 of the *Planning and Environment Act, 1987* to pay the levy at an alternative date.

6.4 Charge Areas

The Charge Area for this DCP is the Frankston MAC DCP Area as shown in Figure 1 of this document.

6.5 Exemptions

No land or development is exempt from this Development Contributions Plan unless exempt by Legislation or Ministerial Direction or Legal Agreement with Frankston City Council or stated below.

The following development is exempt from a development contribution:

- A non-government school, as defined in Ministerial Direction on the Preparation and Content and Reporting Requirements for Development Contributions Plans dated 15 January 2024.
- Housing provided by or on behalf of the Department of Health and Human Services, as defined in Ministerial Direction on the Preparation and Content and Reporting Requirements for Development Contributions Plans dated 15 January 2024.
- A small second dwelling, as defined in Ministerial Direction on the Preparation and Content and Reporting Requirements for Development Contributions Plans dated 15 January 2024.
- Renovations or alterations to an existing building.
- Dwelling units that are replaced within a development are exempt. This exemption does not apply to net additional dwelling units created by the development.
- Reinstatement of a dwelling which has been unintentionally damaged or destroyed.
- An extension to an existing building (other than a dwelling) that increases the floorspace of the building by 100 sqm or less.
- Servicing infrastructure constructed by a utility authority.
- The construction of a building or carrying out of works or a subdivision that does not generate a net increase in demand units.
- Buildings and facilities developed by the Frankston City Council for Council or community use.



- Land which is subject to an agreement under section 173 of the *Planning and Environment Act, 1987* that makes provision for the payment of infrastructure contributions either in cash or the provision of works services or facilities and which expressly excludes the levying of any further development contributions under an approved development contributions plan.

6.6 Funds Administration

Funds collected through development contributions will be held in a specific interest-bearing reserve account in accordance with the provisions of the *Local Government Act, 2020*. All monies held in this account will be used solely for the provision of infrastructure as itemised in this DCP.

6.7 Funding the Gap

The funds received from DCP contributions will fund part of the cost of delivering infrastructure projects identified in the DCP. Under this DCP, Frankston City Council will source funds to cover the balance of the costs required to construct the items of infrastructure through other mechanisms such as Council rates.

6.8 Other Development-Specific Conditions and Contributions

Development proponents may be required to provide other funds or infrastructure contributions in addition to DCP levy payments. This may include conditions to address any other impacts or costs incurred by the community, Council or other infrastructure providers as a result of the specific nature of development. Such conditions will be applied on a case by case basis to specific development projects in addition to relevant DCP levies.

6.9 Annual Reporting

Frankston City Council will provide for regular monitoring and reporting of this DCP in accordance with Ministerial Direction on the Reporting Requirements for Development Contributions Plans of 15 January 2024. Appendix C of this DCP shows the template reporting tables in relation to the following directions:

- “A report must be prepared each financial year and given to the Minister for Planning within 3 months after the end of the financial year reported on.
- If the collecting agency or development agency is a municipal council, the report must be included in the report of operations contained in the council’s annual report prepared under the Local Government Act 1989.
- A collecting agency must report on: a) any infrastructure levy paid to it under Part 3B of the Act in a financial year in accordance with Table 1 in the Annexure; b) any land, works, services or facilities accepted by it in a financial year in accordance with Table 2 in the Annexure.



- If a development contributions plan is approved on or after 1 June 2016, a collecting agency must report on the total amount of infrastructure levies paid to it, the total amount of land, works, services or facilities accepted by it, and the total amount of infrastructure levies expended by it under Part 3B of the Act in accordance with Table 3 in the Annexure.
- A development agency must report on: a) its use of any land, works, services or facilities accepted as works-in-kind under section 46P of the Act; and b) the expenditure of any infrastructure levy paid to it under Part 3B of the Act; in accordance with Table 4 in the Annexure.”

6.10 DCP Review

The DCP will be reviewed on a four-year basis to ensure the general nature of the document is reasonably consistent with estimates of future development and infrastructure project needs and costs, but accepting that future conditions will invariably depart from the future estimates generated for the DCP to some extent.

Should the DCP significantly depart from the future estimates shown in this document, as defined by Frankston City Council, Council will consider options to revise the DCP in full or part as deemed necessary.

6.11 DCP Projects Deemed Not Required

Should Council resolve not to proceed with any of the infrastructure projects listed in this DCP, the funds collected for these items will be used for the provision of additional works, services and facilities as approved by the Minister responsible for the *Planning and Environment Act, 1987*, or will be refunded to owners of land subject to these DCP levies.



APPENDIX A: COST ASSUMPTIONS

Frankston City Council obtained cost estimates for the infrastructure projects from Currie & Brown Quantity Surveyors.

Table 6: Cost Estimate for Project No. 1 - Playne Street Upgrade

INDICATIVE ESTIMATE

12/10/2023

Element	BPI	Gross Floor Area m2	Works	TOTAL
	Date		Rate	
		12,250	\$/m2	\$
Demolition				621,980
Site Preparation				70,110
Roads and Carparking				947,960
Pavement and Pathways				1,136,000
Hard Landscaping				690,200
Soft Landscaping				762,990
Services				3,155,000
Preliminaries & Margin			20.0%	1,476,848
Nett Construction Cost			723	8,861,000
Special Provisions:				
Information Communication & Technology			0.0%	Excluded
Design Contingency			10.0%	886,100
Construction Contingency			20.0%	1,772,200
Total Construction Cost			940	11,519,300
Other Project Costs:				
Staging of Works			6.0%	691,158
Out of Hours Working allowance			5.0%	575,965
Melbourne Water / South East Water Requirements (flood risk)			2.0%	230,386
Other stakeholder costs incl. PTV, VicRoads			5.0%	575,965
Public Art Work allowance			4.0%	460,772
Consultants Fees			10.0%	1,151,930
Cultural & Heritage Works (if required)			1.0%	115,193
Headworks and Building Permits			5.0%	575,965
Client Management / PM Cost (Frankston City Council)			5.0%	794,832
Total Project Cost - Current			1,363	16,691,000
Escalation:				
To Construction Commencement			0.00%	Excluded
To Construction Completion			0.00%	Excluded
Total Project End Cost (excluding GST)			1,363	16,691,000

Exclusions:

Acquisition of land

Escalation

Legal Fees

Contamination / asbestos including removal

Source: Currie & Brown



Table 7: Cost Estimate for Project No. 2 - Kananook Creek Boulevard Upgrade

INDICATIVE ESTIMATE

12/10/2023

Element	BPI Date	Gross Floor Area	Work	TOTAL
		m2	s	
			Rate	
		5186	\$/m2	\$
Demolition				624,235
Site Preparation				100,145
Roads and Carparking				657,330
Pavement and Pathways				886,900
Timber decking / path / observation points				2,524,500
Hard Landscaping				205,000
Soft Landscaping				528,990
Services				1,270,810
Preliminaries & Margin			20.0%	1,359,582
Nett Construction Cost			1,573	8,157,000
Special Provisions:				
Information Communication & Technology			0.0%	Excluded
Design Contingency			10.0%	815,700
Construction Contingency			20.0%	1,631,400
Total Construction Cost			2,045	10,604,100
Other Project Costs:				
Staging of Works			6.0%	636,246
Out of Hours Working allowance			5.0%	530,205
Melbourne Water / South East Water Requirements (flood risk)			2.5%	265,103
Other stakeholder costs incl. PTV, VicRoads			5.0%	530,205
Public Art Work allowance			3.8%	402,956
Consultants Fees			10.0%	1,060,410
Cultural & Heritage Works (if required)			1.0%	106,041
Headworks and Building Permits			5.0%	530,205
Client Management / PM Cost (Frankston City Council)			5.0%	733,274
Total Project Cost - Current			2,969	15,399,000
Escalation:				
To Construction Commencement			0.00%	Excluded
To Construction Completion			0.00%	Excluded
Total Project End Cost (excluding GST)			2,969	15,399,000

Exclusions:

Acquisition of land

Escalation

Legal Fees

Contamination / asbestos including removal

Source: Currie & Brown



APPENDIX B: LEVY CALCULATIONS

The table overleaf shows the list of projects and DCP levy calculations. The data shown is:

- Project Number
- Project Name
- Description
- Delivery Horizon
- Estimated Cost
- Project Type
- Main Catchment Area (MCA)
- Demand Units
- External Demand or Use Allowance
- Share of Use to MCA
- Cost Apportioned to MCA
- Cost Per Demand Unit
- New Demand Units
- Income Estimate \$
- Income Estimate %.



Table 8: DCP Levy Calculations

Project Number	Project Name	Description	Delivery Horizon	Estimated Cost	Project Type	Main Catchment Area (MCA)	Demand Units	External Demand or Use Allowance	Share of Use to MCA	Cost Apportioned to MCA	Cost Per Demand Unit	New Demand Units	Income Estimate \$	Income Estimate %
1	Playne Street Upgrade	Implement design concepts and upgrade Playne Street between Baxter Street intersection and the foreshore	2023-2043	\$16,691,000	PADI	Area 01	11,463	5.0%	95.0%	\$15,856,450	\$1,383.28	4,514	\$6,244,812	37.4%
2	Kananook Creek Boulevard Upgrade	Implement design concepts and upgrade Kananook Creek Boulevard between Wells Street and Beach Street to become a pedestrian focused street	2023-2043	\$15,399,000	PADI	Area 01	11,463	5.0%	95.0%	\$14,629,050	\$1,276.21	4,514	\$5,761,420	37.4%



APPENDIX C: REPORTING REQUIRMENTS

Ministerial Reporting Requirements as at 15 January 2024 are shown below.

Figure 4: Format of DCP Reporting Tables

Annexure
MINISTERIAL REPORTING REQUIREMENTS

Table 1 – Total DCP levies received in [Insert Financial Year]

DCP name and year approved	Levies received in [Insert Year] financial year (\$)
Total	

Table 2 – DCP land, works, services or facilities accepted as works-in-kind in [Insert Financial Year]

DCP name and year approved	Project ID	Project description	Item purpose	Project value (\$)
Total				

Table 3 – Total DCP contributions received and expended to date (for DCPs approved after 1 June 2016)

DCP name and year approved	Total levies received (\$)	Total levies expended (\$)	Total works-in-kind accepted (\$)	Total DCP contributions received (levies and works-in-kind) (\$)
Total				

Table 4 – Land, works, services or facilities delivered in [Insert Financial Year] from DCP levies collected

Project description	Project ID	DCP name and year approved	DCP fund expended (\$)	Works-in-kind accepted (\$)	Council's contribution (\$)	Other contributions (\$)	Total project expenditure (\$)	Percentage of item delivered
Total								



Disclaimer

This report is for the confidential use only of the party to whom it is addressed ("Client") for the specific purposes to which it refers and has been based on, and takes into account, the Client's specific instructions. It is not intended to be relied on by any third party who, subject to paragraph 3, must make their own enquiries in relation to the issues with which this report deals.

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This report and its attached appendices are based on estimates, assumptions and information provided by the Client or sourced and referenced from external sources by HillPDA. While we endeavour to check these estimates, assumptions and information, no warranty is given in relation to their reliability, feasibility, accuracy or reasonableness. HillPDA presents these estimates and assumptions as a basis for the Client's interpretation and analysis. With respect to forecasts, HillPDA does not present them as results that will actually be achieved. HillPDA relies upon the interpretation of the Client to judge for itself the likelihood of whether these projections can be achieved or not.

Due care has been taken to prepare the attached financial models from available information at the time of writing, however no responsibility can be or is accepted for errors or inaccuracies that may have occurred either with the programming or the resultant financial projections and their assumptions.

This report does not constitute a valuation of any property or interest in property. In preparing this report HillPDA has relied upon information concerning the subject property and/or proposed development provided by the Client and HillPDA has not independently verified this information except where noted in this report.

In relation to any valuation which is undertaken for a Managed Investment Scheme (as defined by the Managed Investments Act 1998) or for any lender that is subject to the provisions of the Managed Investments Act, the following clause applies:

This valuation is prepared on the assumption that the lender or addressee as referred to in this valuation report (and no other) may rely on the valuation for mortgage finance purposes and the lender has complied with its own lending guidelines as well as prudent finance industry lending practices, and has considered all prudent aspects of credit risk for any potential borrower, including the borrower's ability to service and repay any mortgage loan. Further, the valuation is prepared on the assumption that the lender is providing mortgage financing at a conservative and prudent loan to value ratio.

HillPDA makes no representations or warranties of any kind, about the accuracy, reliability, completeness, suitability or fitness in relation to maps generated by HillPDA or contained within this report.

Liability limited by a scheme approved under the Professional Standards Legislation



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Consideration of City Planning Reports

FRANKSTON METROPOLITAN ACTIVITY CENTRE (FMAC) DEVELOPMENT CONTRIBUTIONS PLAN (DCP) PLANNING SCHEME AMENDMENT (C161FRAN) - CONSIDERATION OF SUBMISSIONS RECEIVED AND REQUEST THE APPOINTMENT OF A PLANNING PANEL

Redacted Submissions Planning Scheme Amendment C161fran

Meeting Date: 9 September 2024

Attachment: C



cfa.vic.gov.au

Submission #1

Patron: Her Excellency Professor the Honourable Margaret Gardner AC, Governor of Victoria

CFA Fire Risk, Research and Community Preparedness
8 Lakeside Drive Burwood East Vic 3151
Email: firesafetyreferrals@cfa.vic.gov.au

CFA Ref: 8000-81798-136479
Council Ref: C161fran

10 May 2024

[Redacted]
Frankston City Council
PO BOX 490
FRANKSTON VIC 3199

Dear [Redacted],

Proposal: C161fran
Location: Frankston Metropolitan Activity Centre

Thank you for providing CFA notice of C161fran in accordance with Section 19 of the *Planning and Environment Act 1987*.

CFA understands that C161fran seeks to implement the *Frankston Metropolitan Activity Centre Development Contributions Plan (Hill PDA, April 2024)* and apply a Public Acquisition Overlay to the properties at 76 Young Street and 19 Keys Street, Frankston.

The land subject to this amendment is located within the Fire Rescue Victoria boundary and they are therefore the relevant fire authority. If you'd like advice regarding service delivery and infrastructure, you may need to contact Fire Rescue Victoria.

If you wish to discuss this matter in more detail, please do not hesitate to contact me on [Redacted].

Yours sincerely,

[Redacted Signature]

[Redacted]
Land Use Planning Coordinator
CFA Fire Risk, Research and Community Preparedness

Shelley Bennett (she/her)

From: [REDACTED]
Sent: Monday, 27 May 2024 7:04 PM
To: Strategic Planning
Subject: Submission to Planning Scheme Amendment C161fran

Follow Up Flag: Follow up
Flag Status: Completed

Dear Planning Department,

I support the proposed amendment to the Frankston Planning Scheme (amendment C161fran) in its entirety without any changes.

Thank you

[REDACTED]

OFFICIAL

Submission #3

Our Ref: 82228
Your Ref: A5139965
30 May 2024

The Strategic Planning Department
Frankston City Council
PO BOX 490
FRANKSTON VIC 3199
Emailed to: strategicplanning@frankston.vic.gov.au
info@frankston.vic.gov.au

Dear Sir/Madam

Planning Scheme Amendment C161fran Development Contributions Overlay and Plan.

We refer to Council's correspondence dated 13 May notifying VicTrack of Amendment C160fran to the Frankston Planning Scheme.

We understand that the amendment proposes to apply a Development Contributions Overlay to the Structure Plan area and to insert a new Incorporated Document titled the Frankston Metropolitan Activity Centre Development Contributions Plan (Hill PDA, April 2024) in the Frankston Planning Scheme.

VicTrack objects to the amendment on the basis that the Development Contributions Plan in the Exemption at section 6.5 on page 20 or 32 pages does not specifically exempt buildings and works carried out by VicTrack or by or on behalf of the Head, Transport for Victoria.

This appears inconsistent as some infrastructure namely "Servicing infrastructure constructed by a utility authority" is exempt.

We submit that it is inappropriate not to exempt public authorities such as VicTrack and the Head Transport for Victoria from the Contributions Plan and instead collect charges for buildings and works from the construction of transport infrastructure that the Development Contributions Plan is purported to fund.

We submit that VicTrack land must be excluded from the Overlay and development and buildings and works by both VicTrack and the Head, Transport for Victoria be included in the listed exemptions at Clause 6.5 on page 20 of 32 of the document.

OFFICIAL

Should you have any queries, please contact me on [REDACTED] or

[REDACTED]
Yours sincerely

[REDACTED]
Planning Manager



Department of Energy, Environment
and Climate Action

Port Phillip Region
PO Box 137
Heidelberg Victoria 3084
deeca.vic.gov.au

Frankston City Council
PO BOX 490
FRANKSTON VIC 3199

Ref: 00004692

strategicplanning@frankston.vic.gov.au

Dear Sir/Madam,

REFERENCE NUMBER: A5115654
**PROPOSAL: FRNKSTON PLANNING SCHEME AMENDMENT C161FRAN –
FRANKSTON METROPOLITAN ACTIVITY CENTRE DEVELOPMENT
CONTRIBUTIONS PLAN AND PUBLIC ACQUISITION OVERLAY**

Thank you for your correspondence of 9 May 2024 pursuant to Section 19 of the *Planning and Environment Act 1987* (the Act).

Council has given the Department of Energy, Environment and Climate Action (DEECA) notice of a proposed planning scheme amendment that seeks to implement the Frankston *Metropolitan Activity Centre Development Contributions Plan* (HillPDA, April 2024) into the Frankston Planning Scheme.

The Amendment seeks to:

- Introduce the Development Contributions Plan Overlay with a new Schedule 1 (DCPO1) to the Frankston Metropolitan Activity Centre and incorporate the Frankston Metropolitan Activity Centre Development Contributions Plan (HillPDA, April 2024) into the Frankston Planning Scheme.
- Apply the Public Acquisition Overlay to the whole of the properties at 76 Young Street, Frankston (PAO10) and 19 Keys Street, Frankston (PAO11).

DEECA has considered the above application and does not oppose the amendment.

If you have any further questions in relation to this matter, I can be contacted directly at

[Redacted contact information]

Yours sincerely

[Redacted signature]

Senior Planning Officer, Planning Services (Central-East)

5 June 2024

Any personal information about you or a third party in your correspondence will be protected under the provisions of the *Privacy and Data Protection Act 2014*. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorized by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Energy, Environment and Climate Action, PO Box 500, East Melbourne, Victoria 8002.



OFFICIAL

Submission #5

From: [REDACTED]
Sent: Monday, 17 June 2024 5:35 PM
To: Strategic Planning
Subject: FCC Planning Scheme Amendment C161fran - PAO 11
Attachments: Letter to Frankston Council Re PAO.1 (1) (2).docx; Letter to FCC - 19 Keys Street, Frankston (1) (1).pdf; Vacating.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Attention [REDACTED].

Dear [REDACTED]

Please find attached my submission to the Frankston Planning Scheme Amendment C161fran – Frankston Metropolitan Activity Centre Development Contributions Plan and Public Acquisition Overlay.

Could you please forward this to the appropriate persons for consideration.

Also attached are 2 other documents, One from the tenant at 19 Keys street giving their notice and the other from our property manager Nichols Crowder who has managed the property for over 20 years.

Thank you.

Regards

[REDACTED]

Submission #6



11/06/2024

Strategic Planning Team
Att: [REDACTED]
Frankston City Council
by e strategicplanning@frankston.vic.gov.au

Dear [REDACTED]

Submission to Planning Scheme Amendment C161fran

Further to our telephone conversation last Tuesday I have many concerns about the effect of this proposed Public Acquisition Order 11 (PAO11) on the future of my property at 19 Keys Street, Frankston (Property) and I set these out below.

The Property houses two tenancies. There is one facing East at 19 Keys Street (Keys Street) and the other facing West at Shop 1/433 Nepean Highway (Nepean Highway).

Keys Street is currently tenanted and Nepean Highway is currently vacant. Unfortunately, Council sent or delivered the PAO Notice to the tenant rather than the owner! Subsequently, the tenant of Keys Street has written (enclosed) to me concerned about the medium and long-term prospects of Keys Street and the future of her business because of PAO11. On this basis, she has indicated that she will not renew her lease later this year, even though she has an option to do so until 2027.

In December 2023, the tenant of Nepean Highway (South Side Social) couldn't continue with their business plan and subsequently vacated Nepean Highway. Since December 2023, I have been undertaking major renovations at Nepean Highway, including a new roof replacement costing \$95,000 and extensive internal works with a view to selling or leasing it (it is presently for sale or lease). Unfortunately, any recent prospective tenants that have expressed interest have been deterred by the existence of the PAO11. Further to this, my agents have advised me that the likelihood of procuring a new tenant for both tenancies will be extremely difficult with the PAO11 in place.

For the last 30 years, Nepean Highway has almost always been tenanted as a restaurant/café/bar and is fitted out with a commercial kitchen to service those tenants. For the past 18 years, Keys St has almost always been tenanted as hairdressing/beautician business. Now, it has now become impossible for me to find a tenant for Nepean Highway and the existing tenant in Keys Street will not renew their lease because of the PAO11.

Furthermore, your letter states that my property (and another) does not have development potential due to the "location of future pedestrian links". This statement has no basis whatsoever. I have no notice of any future pedestrian links that would inhibit the development potential of the Property. If anything, it increases the value of the Property.



I am retired and I rely heavily on the tenancy income from the Property. Both the proposed implementation of the PAO11 and the actual implementation have and will have a devastating impact on my retirement income and the value of the Property. It is now impossible for me to find a tenant regardless of the length of lease and there is no long-term future for tenants at the Property. Furthermore, with the PAO11 in place, the Property is worthless, and I wouldn't be able to sell it.

I cannot afford to hold the Property as a non-income producing asset.

It goes without saying, I will be seeking compensation from the Council for, amongst other things, the diminution in value of the Property and loss of rent which have arisen from both the proposed implementation of PAO11 and the actual implementation.

If Council is ultimately going to acquire the Property, it would be my preference if it purchased the Property from me now. That would allow me to reinvest elsewhere and re-establish an income stream.

Regards



The logo for Nichols Crowder, featuring the company name in white, bold, sans-serif capital letters on a blue rectangular background. To the right of the logo is a large, light green triangular graphic pointing downwards.

12th June 2024

Strategic Planning Team
Frankston City Council
strategicplanning@frankston.vic.gov.au

To Whom It May Concern:

RE: 19 Keys Street, Frankston (including 1/433 Nepean Highway, Frankston)

Our company, Nichols Crowder is the leasing and managing agency for [REDACTED] [REDACTED] the owner of the subject property, which contains two tenancies. We are writing to express our concerns regarding the proposed public acquisition overlay to the property.

As the most active leasing agency of commercial properties in Frankston, we have a unique perspective on the potential impact of such a proposal, and we believe it will have catastrophic consequences on the ability to lease both tenancies on behalf of our client. The current tenant of 19 Keys Street has informed us she will vacate the tenancy at the end of the current lease on 24th October 2024. 1/433 Nepean Highway is vacant now and we are keenly endeavouring to secure a new tenant.

The introduction of a public acquisition overlay creates significant uncertainty for potential tenants. Potential tenants considering leasing either tenancy will be deterred by the risk that their lease agreements could be rendered null and void at any given time due to Council's acquisition. This inherent risk will be a critical deterrent for any business, by undermining their confidence in the stability and longevity of their tenancy.

Furthermore, it was our client's intention to have secure tenancies in place, and then sell the property as a tenanted commercial investment. Without tenants, our client cannot fulfil his plan to sell.

On behalf of our client, we urge the Frankston City Council to reconsider the implementation of the public acquisition overlay over his property.

Yours sincerely,

A black rectangular redaction box covering the signature of the first Sales & Leasing Executive.

Sales & Leasing Executive

A black rectangular redaction box covering the signature of the second Sales & Leasing Executive.

Sales & Leasing Executive

Directors: Michael Crowder (Officer in Effective Control), Richard Wraith. Nichols Crowder (Carrum Downs) Pty Ltd. Licensed Estate Agent Level 1, 1 Colemans Road, Carrum Downs Vic 3201 PO Box 8717, Carrum Downs Vic 3201 A.C.N. 125 199 993 A.B.N. 71 509 546 720 Phone 03 9775 1535 Fax 03 9775 1538 Email request@nicholscrowder.com.au nicholscrowder.com.au

**NICHOLS
CROWDER**

PROPERTY SOLUTIONS

03/06/2024



Dear 

Re: Tenant Vacating
Property: 19 Keys Street, Frankston, Vic, 3199

We wish to confirm the tenants at the above premises have given notice that they will be vacating on the expiry of their lease on the on **24/10/2024**.

Upon receipt of the keys, an inspection will be made and any necessary deductions against the Security Deposit will be adjusted.

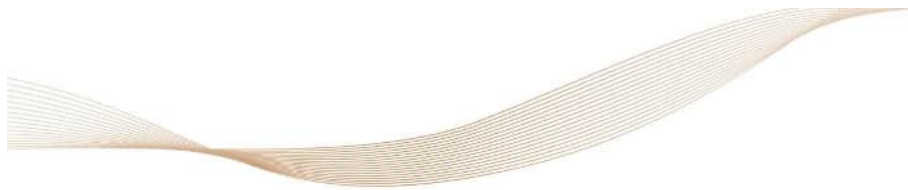
Our leasing team will be in contact with you to discuss the re-leasing of your property.

Should you wish to inspect the premises after the tenant has vacated or have any special instructions in relation to your property, would you please contact our office.

Yours faithfully,
Nichols Crowder Property Solutions



Assistant Property Manager



Submission #7



5 July 2024

Strategic Planning
Frankston City Council
30 Davey Street,
Frankston VIC 3199

Issued by email: strategicplanning@frankston.vic.gov.au

Dear Strategic Planning,

Re: Submission to planning scheme Amendment C161fran

Vicinity Centres (Vicinity) welcomes the opportunity to provide this submission to the Frankston Planning Scheme Amendment C161fran (the Amendment).

Vicinity Centres is the owner of the Bayside Shopping Centre and Bayside Entertainment Centre, a significant landholding within the Frankston Metropolitan Activity Centre (MAC). Vicinity also owns several other sites in the MAC, including 1-13 Evelyn Street, the Young Street carpark, and 12 Balmoral Walk. We write in relation to amendment C161fran, and make the following submission.

1. Background

Proposed Amendment C161fran has been prepared by Frankston City Council, and seeks to implement the *Draft Frankston Metropolitan Activity Centre Development Contributions Plan* (HillPDA, April 2024) (the DCP). The DCP is to be implemented through the application of a DCPO schedule to the Frankston MAC, which includes the land owned by Vicinity.

The DCP has been prepared in conjunction with the *Frankston Metropolitan Activity Centre Structure Plan* (June 2023). The Structure Plan proposes a range of changes to planning controls within the MAC, to be implemented as part of amendment C160fran, as well as a number of public realm improvements. The DCP proposes to fund two streetscape improvements identified in the Structure Plan (Playne Street upgrades and Kananook Creek Boulevard upgrades).

2. Submission

DCPs are a long-established mechanism in Victoria's planning system which allow funding to be levied from new development for necessary infrastructure. A range of different infrastructure can be funded by a DCP. The preparation of a DCP is to be guided by the *Development Contributions Guidelines 2007*, which sets out a range of principles for DCPs. This includes the need for appropriate strategic justification for the DCP, and for appropriate nexus between the proposed infrastructure and the charge area to be levied, and

Vicinity Centres

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1341 Dandenong Road

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vicinity.com.au

Licensed Agents - Vicinity Real Estate
Licence Pty Ltd ABN 39 060 482 635
and Vicinity (Vic) Pty Ltd ABN 47 054
494 352

Vicinity Limited ABN 90 114 757 783

and Vicinity Centres RE Ltd
ABN 88 149 781 322

As responsible entity for:



transparency regarding the assumptions used in preparing the DCP. The Guidelines also provide a set of steps for the calculation of DCP levies to ensure they are equitable and justified.

While it is clear that Frankston is changing significantly, and development contributions may be appropriate to facilitate necessary infrastructure, Vicinity considers that the Structure Plan and DCP do not demonstrate sufficient strategic justification for the proposed levies. Additionally, the rationale for the proposed levies is not transparent, as it is not clear why various decisions have been made. These are discussed below.

Justification

It is not apparent from the material exhibited with the amendment why it is necessary to introduce a Development Contributions Plan at this time, to deliver these specific infrastructure projects.

Currently, no height control applies to most Vicinity's landholdings, with the existing Structure Plan (2015) only a background document within the scheme. While the *Guidelines* do not require that new development trigger the need for new infrastructure in its own right, it is not apparent that there is greater need for the proposed works as a result of the proposed Structure Plan (2023).

Neither is there a clear basis for the selection of which projects to fund as part of the DCP. There are many potential capital works projects identified within the Structure Plan, but only two of these are proposed for funding under the DCP. The DCP indicates that these were chosen based on '*Council's capacity to commit to expenditure..., and the potential impact on development costs and viability.*' However, no analysis is provided on how these projects perform when compared against others considered from this perspective. This information should be provided to ensure a transparent process.

There are a number of other projects identified within the Structure Plan which would result in more meaningful positive outcomes for Vicinity's assets within Frankston. For example, the mooted upgrade to Wells Street, Thompson Street and Keys Street, upgrades to the Shannon Street Mall, and potential street path and cycle works are directly relevant to Vicinity assets. The basis on which Council has selected not to fund these projects under the DCP is unclear.

Nexus

The *Guidelines* state that it must be demonstrated that there is a nexus between the proposed infrastructure and the sites to be charged. All that is required to be demonstrated is that the new development is likely to use the infrastructure to be provided. We submit that the DCP has not adequately demonstrated the nexus between the projects and the land. The DCP applies equally to projects throughout the MAC, but we submit that those sites which directly abut Playne Street and Kananook Creek Boulevard will benefit significantly more than those which do not (including Vicinity's assets).

Furthermore, different development types are likely to benefit more or less from these streetscape projects. The DCP asserts without evidence that '*it is deemed that all three development types – Residential, Retail and Commercial – are deemed to have a nexus with the streetscape projects in this DCP.*' It fails to demonstrate the assumptions which underlie this assertion in accordance with the principles of transparency.

Demand units, equivalence ratios and forecasting

The rates charged under a DCP are determined based on the number of 'demand units' within the Structure Plan area. The DCP adopts 1 dwelling as the demand unit. Where multiple land uses are to contribute to a



particular project, 'equivalence ratios' must be used to equate the different land uses and ensure equitable apportionment of costs.

The DCP proposes an equivalence ratio for both retail and commercial space of 75sqm to 1 dwelling. It is unusual for a DCP to adopt the same equivalence rate for both land uses, as these would typically generate different levels of demand for infrastructure. For example, for streetscape upgrades, the recently gazetted Whitehorse DCP considered an appropriate rate to be 75sqm for retail space, and 50sqm for commercial space. Again, the DCP does not explain why the same rates have been adopted for both land uses, or provide a justification based on typical occupant rates for these uses. Adopting a different equivalence ratio has a significant impact on how costs are apportioned between land uses.

The subject DCP refers to per m² of floorspace, this definition is not clear and may not be consistent with other DCPs which apply a charge to the gross lettable area.

Furthermore, the projections for growth in each land use which supports the DCP differ from those within the 2023 Structure Plan. The forecast residential and commercial growth is larger than that anticipated in the Structure Plan, while the growth in retail floorspace is smaller. Given the infrastructure to be funded under the DCP has been identified in the context of the Structure Plan's projections, it is appropriate for the DCP to adopt the same forecasts. This has seemingly not occurred.

We also note that the Frankston MAC is an identified Activity Centre under the Victorian *Housing Statement*. We understand that the VPA is working on a revised set of planning controls for the MAC, which will build on Council's Structure Plan. Information released to date indicates that this is likely to include significantly greater housing growth than that proposed under Council's plan – the DCP should have regard to these increased projections, as they will influence the number of demand units and therefore the rate applied to each unit. In this regard the DCP is considered premature.

Flexibility

Unlike other DCPs the draft overlay does not allow for Council, at its discretion, to consider accepting works and / or land in lieu of cash contributions. What this means is that there is no leeway for Council to consider the positive impact that might arise from developers who are contributing cash or land for public works in the Frankston MAC – including for works that might have been identified in the Structure Plan. This lack of flexibility should be reconsidered.

Development Viability

The imposition of development contributions on future development within the Structure Plan area will add to the burden borne by developers in Frankston and reduce the viability of future development in the area.

Vicinity is committed to Frankston and enhancements of its assets in the MAC, supporting the development of the centre into one of the key Metropolitan Activity Centres within metropolitan Melbourne. As Council is aware, we have obtained approval for an 8-storey commercial office building at 12 Balmoral Walk, Frankston. This proposal was devised prior to the Covid-19 pandemic which has changed the context for suburban office developments. Currently, interest in commercial office uses in Frankston is not strong and this development is on hold.

As we have previously submitted, the rezoning sites under C160fran may attract Windfall Gains Tax, with a potential increase in annual land tax liabilities, imposing a potential financial and administrative burden. Applying a DCP to the site will create a further financial burden, for dubious benefit. Given the market for



development in Frankston is already suppressed, adding to the burden experienced by developers will further depress value and interest in the Frankston MAC – contrary to Council’s objectives for the centre, and broader strategic planning at a metropolitan level.

3. Conclusion

We thank you for the opportunity to provide a submission as part of the amendment C161fran process. Vicinity is committed to working with Council in the realisation of positive outcomes for Frankston.

We look forward to your consideration of our submission, and the opportunity to participate further in the amendment process.

Yours sincerely,



General Manager Property Investment Analytics
Vicinity Centres

OFFICIAL

Submission #8



05/07/2024

[REDACTED]
Principal Strategic Planning
Frankston City Council
Email: StrategicPlanning@frankston.vic.gov.au

Dear [REDACTED],

Proposal: Frankston Planning Scheme Amendment Development Contributions Plan and Public Acquisition Overlay
Site location: Frankston Metropolitan Activity
Melbourne Water reference: MWA - 1330098
Council reference: C161fran

Thank you for allowing Melbourne Water with the opportunity to provide comments on Amendment C161fran to the Frankston Planning Scheme.

Melbourne Water has reviewed the information you have provided relating to the proposed amendment and can provide the following advice:

- Melbourne Water has no assets or interests in the vicinity of 76 Young street Frankston or 19 Street Frankston and has no objection.
- Melbourne Water awaits information about the Frankston Metropolitan Activity Centre (FMAC) and looks forward to working with council on the Kananook Creek Boulevard upgrade within the Kananook Creek Asset Protection Zone.

Frankston council officers should be aware that new flood mapping for the municipality is currently being undertaken and due for completion in July 2025. It is understood that the flood modelling incorporates climate change inputs which may alter the risk and hazard relating to flood. Any proposed strategic

Melbourne Water ABN 81 945 386 953
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OFFICIAL

planning scheme amendment should take into consideration the upcoming flood information.

Should you require any further information please don't hesitate to contact me on [REDACTED] or [REDACTED]

Kind regards

[REDACTED]

Principal Planner
Urban & Regional Strategic Planning Amendments

Shelley Bennett (she/her)

From: [REDACTED]
Sent: Friday, 5 July 2024 4:17 PM
To: Strategic Planning
Subject: Submission to Planning Scheme Amendment C161fran

Follow Up Flag: Follow up
Flag Status: Completed

I make the following submission on the Planning Scheme Amendment C161fran.

- The amendment is presumptuous.
- Matters referred to in C160 have been contested and are unresolved.
- Is inequitable - some properties have already paid development contributions over time.
- Some terminology is vague, unidentified and unquantified.
- Exemptions need to be clarified, e.g. how is social housing defined and exceptions applied?
- Comparative information sought between current arrangements and proposed. Winners and losers.
- Timing and costing cannot be reliably assessed - application gaps and hiatus in regard to timing of applications and permits.
- May not be consistent with the Long Term Infrastructure Plan (LTIP) or other relevant priorities.
- Consistency and timing of revenue flow.
- Reliability of data contained in Incorporated Document.
- Open ended gaps to be filled out by ratepayers.

[REDACTED]

Submission #10

Shelley Bennett (she/her)

From: [REDACTED]
Sent: Wednesday, 22 May 2024 12:50 PM
To: Strategic Planning
Subject: Reference: A5103865

Att: strategic Planning Team Frankston City Council
Reference: A5103865
76 Young St Frankston.

Dear [REDACTED],

We are in receipt of your council letter dated 6th May 2024 and all contents are noted.

I would like to thank you for seeing us today to discuss the situation regarding my elderly and unwell Mothers shop at 76 Young St Frankston.

As advised by yourselves I write you this letter to bring to light the situation she finds herself in due to councils' decision to apply the public acquisition Overlay (PAO10) to her property.

As communicated in today's meeting Mrs Clancy had recently signed an authority and sent instructions to Fitzroy and Co Real Estate agents to Auction 76 Young St in Mid-June.

Since receiving councils' letter, we have been advised the property is unsellable due to the fact council has listed it for proposed acquisition. A fact that clearly needs to be disclosed to any prospective buyer.

Due to this letter arriving we have cancelled this proposed auction as your letter states council's intention to "reserve" the land under the planning scheme so that in the future it can be compulsory acquired.

Mrs Clancy is in financial hardship and has a large land tax bill overdue for the young St Shop and a further loan due to be finalised in October this year.

She needs to sell the shop to settle debts and remain financially stable in her older years. She cannot receive a pension due to her owning this shop as an asset which is also why she needs to sell.

Clearly No one will purchase the property if council intends to "in the future" compulsory acquire it.

Our request to council is that Frankston City council purchase the property now either by way of compulsory acquisition or tabled valuations.

We look forward to hearing back from you with an answer from Council weather this is a possibility.

If you need any other information or have any questions my mobile is [REDACTED] or email [REDACTED]

Best Regards,

[REDACTED]

Acting on behalf of [REDACTED] owner of 76 Young St Frankston

Submission #11



Department of Transport
and Planning

GPO Box 2392
Melbourne, VIC 3001 Australia
www.transport.vic.gov.au

Ref: DOC/24/152129

Ms [REDACTED]
Senior Strategic Planner
City Futures
Frankston City Council
PO Box 490
FRANKSTON VIC 3199

(Via email: strategicplanning@frankston.vic.gov.au)

Dear [REDACTED]

PROPOSED AMENDMENT C161fran – FRANKSTON PLANNING SCHEME

I refer to your email to the Department of Transport and Planning (**The Department**) dated 9 May 2024, inviting comments regarding proposed Amendment C161fran to the Frankston Planning Scheme.

The *Transport Integration Act 2010 (TI Act)* establishes a framework for the provision of an integrated and sustainable transport system in Victoria. The Head, Transport for Victoria (**HTFV**) is a statutory body established under section 64A of the TI Act. HTFV's primary objective is to "coordinate, provide, operate and maintain the public transport system and the road system" consistent with the vision statement and transport system objectives.¹

This submission is made under delegation of the HTFV by the Department of Transport and Planning. In preparing this submission the Department has consulted with the key stakeholders that interact with the transport network including the Precinct Activity Team.

The Department has reviewed C161fran noting that it proposes to introduce several changes to give effect to objectives within the Frankston Metropolitan Activity Centre (**FMAC**) Structure Plan. The amendment has been considered in relation to the proposed changes and their impact to the State's transport network in and surrounding the FMAC area.

In consideration of the above the Department makes the following comments.

- That it has no objection to the two Public Acquisition Overlays proposed in favour of Frankston City Council, recognising that they would increase connectivity throughout the FMAC area.

¹ TI Act, s 64B(1).

- That the amendment would introduce a Development Contributions Overlay (DCO) throughout the FMAC collecting funds for two proposed upgrade projects located at Kananook Creek Boulevard and Playne Street.
- The Department has no objection to the inclusion of the project at Kananook Creek Boulevard within the DCP, as outlined within the FMAC Structure Plan, noting its limited interface on the role and function of the State's transport network.
- The Department notes that there is limited information outlining the scope of works for the proposed Playne Street upgrade. Whilst actions (for consideration and inclusion within the upgrade) are included throughout the Structure Plan and costings for individual works have been included within the DCP, the Department has yet to view a design. Recognising that Playne Street serves as a vital link for route bus services accessing Frankston Railway Station and its interfaces with the declared road network, the Department expects that it would be fully consulted upon commencement of the design process to ensure its interests are suitably considered and protected.
- It must be noted that any changes required for the Department to support the Playne Street upgrade project may have an impact on the total cost of the project, which would be borne by the Council.

Frankston is listed in *Victoria's Housing Statement: The Decade Ahead 2024–2034* as one of the 10 activity centres to have planning controls introduced to deliver additional homes and guide investment in infrastructure for the growing suburb. This includes consideration of new approaches to development contributions. DTP officers will work with council as the Housing Statement's activity centre work progresses alongside Amendment C161fran.

The Department looks forward to working collaboratively with Frankston City Council and the associated stakeholders in the implementation of actions related to C161fran.

Should you have any enquiries regarding this matter, please contact [REDACTED] Transport Planner via email at [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]
Acting Manager – Strategic Land Use Planning
Transport Network Planning Integration
Metropolitan Melbourne
Department of Transport and Planning

11 / 07 / 2024

Consideration of Reports of Officers

GOVERNANCE MATTERS REPORT FOR 9 SEPTEMBER 2024

**DRAFT - S6 Instrument of Delegation - Council to
Members of Staff - August 2024 - Marked Up
version**

Meeting Date: 9 September 2024

Attachment: D





Frankston City Council

S6 Instrument of Delegation

Council

to

Members of Staff



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

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

BSoEH	means	Business Support Officer (Environmental Health)
BSOG	means	Business Support Officer (Governance)
CWLA	means	Capital Works Landscape Architect
CWPM	means	Capital Works Project Manager
CWSPM	means	Capital Works Senior Project Manager
CemO	means	Cemetery Officer
CEO	means	Chief Executive Officer
CS	means	Construction Supervisor
CAP	means	Coordinator Asset Planning
CBP	means	Coordinator Business Partnering
CCW	means	Coordinator City Works
CCI	means	Coordinator Civil Infrastructure
CES	means	Coordinator Engineering Services
CEStr	means	Coordinator Engineering Strategy
CEH	means	Coordinator Environmental Health
CG	means	Coordinator Governance
CMD	means	Coordinator Major Development
COS	means	Coordinator Open Spaces
CPV	means	Coordinator Parks Vegetation
CPS	means	Coordinator Payroll Services
CPM	means	Coordinator Property Management
CP	means	Coordinator Prosecutions
CPI	means	Coordinator Planning Investigations
CSC	means	Coordinator Safer Communities
CSPP	means	Coordinator Social Policy and Planning
CStP	means	Coordinator Strategic Planning
CWME	means	Civil Works Maintenance Engineer
DMBS	means	Deputy Municipal Building Surveyor



DComm	means	Director Communities
DCCS	means	Director Corporate and Commercial Services
DCIA	means	Director Customer Innovation and Arts
DIO	means	Director Infrastructure and Operations
EHO	means	Environmental Health Officers
EHT	means	Environmental Health Technician
GO	means	Governance Officer
LCO	means	Landscape Compliance Officer
MCWD	means	Manager Capital Works Delivery
MCF	means	Manager City Futures
MDS	means	Manager Development Services
MES	means	Manager Engineering Services
MFIP	means	Manager Financial & Integrated Planning
MG	means	Manager Governance
MPC	means	Manager People and Culture
MPPR	means	Manager Procurement Property & Risk
MSC	means	Manager Safer Communities
MSA	means	Manager Sustainable Assets
MBS	means	Municipal Building Surveyor
MFPO	means	Municipal Fire Prevention Officer
OPM	means	Operations Manager
ParaP	means	Para Planner
PCBP	means	People and Culture Business Partner
PIO	means	Planning Investigations Officer
PLSP	means	Practice Leader Statutory Planning
PLA	means	Principal Legal Advisor
PP	means	Principal Planner
PMMP	means	Program Manager Major Projects
SLH	means	Section Leader Horticulture
SBS	means	Senior Building Surveyor
SEHO	means	Senior Environmental Health Officer
SFOIO	Means	Senior Freedom of Information Officer
SPIO	means	Senior Planning Investigations Officer



SRR	means	Senior Rapid Response
SSCO	means	Senior Safer Communities Officer
SSP	means	Senior Statutory Planner
SSTRP	means	Senior Strategic Planner
StatP	means	Statutory Planner
SPC	means	Statutory Planning Co-ordinator
SIS	means	Strategic Infrastructure Specialist
StrP	means	Strategic Planner
SUBO	means	Subdivisions Officer
TLCWH	means	Team Leader CAA Waterfront Horticulture
TLC	means	Team Leader Cemetery
TLG	means	Team Leader Governance
TLPI	means	Team Leader Planning Investigations
TLRFH	means	Team Leader Roadside and Facility Horticulture
TLSP	means	Team Leader Statutory Planning
TLSPS	means	Team Leader Statutory Planning Support

3. records that on the coming into force of this instrument of Delegation from Council to Members of Staff each delegation under the instrument dated 25 August 2023 is revoked.
4. declares that:
 - 4.1 this Instrument of Delegation is authorised by a resolution of Council passed on the 22 April 2024; and
 - 4.2 the delegation:
 - 4.2.1 comes into force immediately upon execution of this Instrument of Delegation;
 - 4.2.2 remains in force until Council resolves to vary or revoke it;
 - 4.2.3 is subject to any conditions and limitations set out in sub-paragraph 4.3 and the Schedule; and
 - 4.2.4 must be exercised in accordance with any guidelines or policies, which Council from time to time adopts;
 - 4.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 4.3.1 if the issue, action, act or thing is an issue, act or thing which Council has
 - 4.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) Policy; or
 - (b) strategy adopted by Council; or



- 4.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 4.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

This Instrument of Delegation is executed by the Chief Executive Officer on behalf of Frankston City Council under authority conferred by resolution of Council on 22 April 2024.

Signed by:

Phil Cantillon
Chief Executive Officer

In the presence of:

Witness

_____ Date



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SCHEDULE

S6 Instrument of Delegation - Members of Staff

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	DCCS, MG	Where Council is a Class B cemetery trust
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	DCCS, MG, TLC, CemO, GO, BSOG	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	DCCS, MG, TLC	Where Council is a Class B cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	DCCS, MG, TLC, CemO, GO, BSOG	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	DCCS, MG	
s 15(4)	Duty to keep records of delegations	DCCS, MG, TLC, CemO, GO, BSOG	<hr style="border: 0.5px solid blue;"/>

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 17(1)	Power to employ any persons necessary	DCCS, MG	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	DCCS, MG, TLC	
s 17(3)	Power to determine the terms and conditions of employment or engagement	DCCS, MG	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	DCCS, MG, TLC, CemO	
s 19	Power to carry out or permit the carrying out of works	DCCS, MG, TLC, CemO	
s 20(1)	Duty to set aside areas for the interment of human remains	DCCS, MG, TLC, CemO	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	DCCS, MG	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	DCCS, MG, TLC	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	DCCS, MG	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	DCCS, MG	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	To be retained by Council	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	DCCS, MG, TLC,	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	To be retained by Council	Provided the street was constructed pursuant to the Local Government Act 1989
s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	DCCS, MG, TLC, CemO	
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	DCCS, MG, TLC, CemO	Report must contain the particulars listed in s 57(2)

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 59	Duty to keep records for each public cemetery	DCCS, MG, TLC, CemO, GO, BSOG	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	DCCS, MG, TLC, CemO, GO, BSOG	
s 60(2)	Power to charge fees for providing information	DCCS, MG, TLC, CemO, GO, BSOG	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	DCCS, MG, TLC, CemO, GO, BSOG	
s 64B(d)	Power to permit interments at a reopened cemetery	DCCS, MG, TLC	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	DCCS, MG, TLC	The application must include the requirements listed in s 66(2)(a)-(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	DCCS, MG, TLC, CemO, GO, BSOG	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	DCCS, MG, TLC, CemO, GO, BSOG	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 70(2)	Duty to make plans of existing place of interment available to the public	DCCS, MG, TLC, CemO, GO, BSOG	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	DCCS, MG, TLC, CemO	
s 71(2)	Power to dispose of any memorial or other structure removed	DCCS, MG, TLC, CemO,	
s 72(2)	Duty to comply with request received under s 72	DCCS, MG, TLC, CemO, GO, BSOG	
s 73(1)	Power to grant a right of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 73(2)	Power to impose conditions on the right of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 74(3)	Duty to offer a perpetual right of interment	DCCS, MG, TLC, CemO, GO, BSOG	Provision commences on 1 March 2022 unless proclaimed earlier
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	DCCS, MG, TLC, CemO, GO, BSOG	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	DCCS, MG, TLC, CemO, GO, BSOG	
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	DCCS, MG	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 80(2)	Function of recording transfer of right of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	DCCS, MG, TLC, CemO, GO, BSOG,	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	DCCS, MG, TLC, CemO, GO, BSOG,	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)	DCCS, MG, TLC, CemO	
s 84H(4)	Power to exercise the rights of a holder of a right of interment	DCCS, MG, TLC, CemO	
s 84I(4)	Power to exercise the rights of a holder of a right of internment	DCCS, MG, TLC, CemO	
s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment	DCCS, MG, TLC, CemO	
s 84I(6)(a)	Power to remove any memorial on the place of interment	DCCS, MG, TLC, CemO	
s 84I(6)(b)	Power to grant right of interment under s 73	DCCS, MG, TLC, CemO	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	DCCS, MG, TLC, CemO, GO, BSOG	The notice must be in writing and contain the requirements listed in s 85(2)

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	DCCS, MG, TLC, CemO, GO, BSOG	Does not apply where right of interment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	DCCS, MG, TLC, CemO, GO, BSOG	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	DCCS, MG, TLC, CemO, GO, BSOG	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	DCCS, MG, TLC, CemO, GO, BSOG	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	DCCS, MG, TLC, CemO GO, BSOG,	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	DCCS, MG, TLC, CemO, GO, BSOG,	
s.86(5)	duty to provide notification before taking action under s.86(4)	DCCS, MG, TLC, CemO, GO, BSOG	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	DCCS, MG, TLC, CemO, GO, BSOG	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 91(1)	Power to cancel a right of interment in accordance with s 91	DCCS, MG, TLC, CemO, GO, BSOG	
s 91(3)	Duty to publish notice of intention to cancel right of interment	DCCS, MG, TLC, CemO, GO, BSOG	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	DCCS, MG, TLC, CemO, GO, BSOG,	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	DCCS, MG, TLC, CemO, GO, BSOG,	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	DCCS, MG, TLC	
s 100(1)	Power to require a person to remove memorials or places of interment	DCCS, MG, TLC CemO	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	DCCS, MG, TLC, CemO	
s 100(3)	Power to recover costs of taking action under s 100(2)	DCCS, MG, TLC, CemO,	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	DCCS, MG, TLC, CemO	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	DCCS, MG, TLC, CemO	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	DCCS, MG, TLC, CemO	
s 103(1)	Power to require a person to remove a building for ceremonies	DCCS, MG	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	DCCS, MG	
s 103(3)	Power to recover costs of taking action under s 103(2)	DCCS, MG, TLC,	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	DCCS, MG, TLC, CemO,	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 106(2)	Power to require the holder of the right of interment to provide for an examination	DCCS, MG, TLC, CemO	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	DCCS, MG, TLC, CemO	
s 106(4)	Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	DCCS, MG, TLC, CemO	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	DCCS, MG	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	DCCS, MG	
s 108	Power to recover costs and expenses	DCCS, MG, TLC	
s 109(1)(a)	Power to open, examine and repair a place of interment	DCCS, MG, TLC	Where the holder of right of interment or responsible person cannot be found

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	DCCS, MG, TLC	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	DCCS, MG, TLC	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	DCCS, MG, TLC	
s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary	DCCS, MG, TLC	
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	DCCS, MG	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any	DCCS, MG	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	memorial or place of interment of any deceased identified veteran		
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	DCCS, MG, TLC, CemO	
s 112	Power to sell and supply memorials	DCCS, MG, TLC, CemO	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	DCCS, MG, TLC, CemO,	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	DCCS, MG, TLC, CemO, GO, BSOG	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	DCCS, MG, TLC, CemO, GO, BSOG	
s 119	Power to set terms and conditions for interment authorisations	DCCS, MG, TLC, CemO	
s 131	Function of receiving an application for cremation authorisation	To be retained by Council	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	To be retained by Council	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	DCCS, MG,	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	DCCS, MG	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	DCCS, MG	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	DCCS, MG	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	DCCS, MG, TLC,	
s 151	Function of receiving applications to inter or cremate body parts	DCCS, MG, TLC, CemO	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	DCCS, MG, TLC,	

Domestic Animals Act 1994			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	CSC, SSCO, SRR	Council may delegate this power to a Council authorised officer MSC - Power to review a decision as part of the appeal process.

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	SEHO, CEHCEH, EHO	If s 19(1) applies

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	SEHO, CEHCEH, EHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CEO, CEHCEH, DComm, MDS	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, (ia) displayed at any point of sale , (ib) be published on the food business's Internet site and (ii) inform the public by notice in a published newspaper, on the Internet site or otherwise	CEO, CEHCEH, DComm, MDS	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	SEHO, CEHCEH, EHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	SEHO, CEHCEH, EHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	CEO, CEH, DComm, MDS	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	CEO, CEH, DComm, MDS	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution Only in relation to temporary food premises or mobile food premises
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	CEO, CEH, DComm, MDS	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	SEHO, CEH, EHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	SEHO, CEH, EHO	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	SEHO, CEH, EHO	Where Council is the registration authority

Food Act 1984				
Provision	Power and Functions Delegated		Delegate	Conditions and Limitations
s 19FA(1)	Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program			Where Council is the registration authority Only in relation to temporary food premises or mobile food premises Subject to 19FA(2), which requires a time limit for compliance to be specified

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19FA(3)(a)	Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)		Where Council is the registration authority Only in relation to temporary food premises or mobile food premises Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			(see s 58A(2))
s 19FA(3)(b)	Power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)		Where Council is the registration authority Only in relation to temporary food premises or mobile food premises
s 19FA(3)(c)	Power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)		Where Council is the registration authority Only in relation to

Food Act 1984				
Provision	Power and Functions Delegated		Delegate	Conditions and Limitations
				temporary food premises or mobile food premises
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor		SEHO, CEH, EHO	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.		SEHO, CEH, EHO	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises		SEHO, CEH, EHO	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified		SEHO, CEH, EHO	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19N(2)	Function of receiving notice from the auditor	EHT, SEHO, CEH, EHO, BSOEH	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	SEHO, CEH, EHO	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	SEHO, CEH, DComm, MDS	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	SEHO, CEH, DComm, MDS	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	SEHO, CEH, EHO	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	SEHO, CEH, EHO	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	SEHO, CEH, EHO	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Power to register or renew the registration of a food premises	SEHO, CEH, EHO, DComm, MDS	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	SEHO, CEH, EHO	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	CEH, DComm, MDS	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	SEHO, CEH, EHO	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	SEHO, CEH, EHO, DComm, MDS	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38A(4)	Power to request a copy of a completed food safety program template	SEHO, CEH, EHO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	SEHO, CEH, EHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	SEHO, CEH, EHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	SEHO, CEH, EHO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	SEHO, CEH, EHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	SEHO, CEH, EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	SEHO, CEH, EHO	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38E(2)	Power to register the food premises on a conditional basis	SEHO, CEH, EHO	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	SEHO, CEH, EHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	SEHO, CEH, EHO	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	SEHO, CEH, EHO	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	EHT, SEHO, CEH, EHO, BSOEH	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	SEHO, CEH, EHO	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	EHT, SEHO, CEH, EHO	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	SEHO, CEH, EHO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	SEHO, CEH, EHO	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	CEH	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	SEHO, CEH, EHO, DComm, MDS	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	SEHO, CEH, EHO, DComm, MDS	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CEH, DComm, MDS	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40E	Duty to comply with direction of the Secretary	CEH	
s 40F	Power to cancel registration of food premises	SEHO, CEH, EHO, MDS	Where Council is the registration authority
s 43	Duty to maintain records of registration	CEH	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	SEHO, CEH, EHO	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	SEHO, CEH, EHO	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 45AC	Power to bring proceedings	CP, SEHO, CEH, EHO	

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	SEHO, CEH, EHO, DComm, MDS	Where Council is the registration authority

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	DComm, MDS, MCF	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

Local Government Act 1989			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	DMBS, MFIP, DComm, DCCS, MBS	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	To be retained by Council	If authorised by the Minister

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CStP, DComm, MCF	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	CStP, DComm, MCF	
s 4I(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	CStP, DComm, MCF	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CStP, DComm, MCF	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CStP, DComm, MCF	
s 8A(5)	Function of receiving notice of the Minister's decision	CStP, DComm, MCF	
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	CStP, DComm, MCF	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	To be retained by Council	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and 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	To be retained by Council	
s 12B(1)	Duty to review planning scheme	CStP, DComm, MCF	
s 12B(2)	Duty to review planning scheme at direction of Minister	CStP, DComm, MCF	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CStP, DComm, MCF	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	CStP, DComm, MCF	
s 17(1)	Duty of giving copy amendment to the planning scheme	CStP, DComm, MDS, SPC, MCF, CMD	
s 17(2)	Duty of giving copy s 173 agreement	CStP, DComm, MDS, SPC, MCF, CMD	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CStP, DComm, MDS, SPC, MCF, CMD	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 18	Duty to make amendment etc. available in accordance with public availability requirements	CStP, DComm, MDS, SPC, MCF, CMD	Until the proposed amendment is approved or lapsed
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CStP, DComm, MCF	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CStP, DComm, MCF	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	CStP, DComm, MCF	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	CStP, DComm, MDS, SPC, MCF, CMD	Until the end of 2 months after the amendment comes into operation or lapses

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 21A(4)	Duty to publish notice	CStP, DComm, MDS, SPC, MCF, CMD	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	CStP, DComm, MDS, SPC, MCF, CMD	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission. Duty to consider a late submission, if directed by the Minister	DComm, MDS, SPC, TLSP, PLSP	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CStP, DComm, MCF	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	DComm, MCF	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	SSP, CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	SSP, CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	SSP, CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	During the inspection period

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 27(2)	Power to apply for exemption if panel's report not received	DComm, MCF	
s 28(1)	Duty to notify the Minister if abandoning an amendment	SSP, CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	CStP, MCF	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	CStP, MCF	
s 30(4)(a)	Duty to say if amendment has lapsed	CStP, DComm, MCF	
s 30(4)(b)	Duty to provide information in writing upon request	CStP, DComm, MCF	
s 32(2)	Duty to give more notice if required	CStP, DComm, MCF	
s 33(1)	Duty to give more notice of changes to an amendment	CStP, DComm, MCF	
s 36(2)	Duty to give notice of approval of amendment	CStP, DComm, MCF	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38(5)	Duty to give notice of revocation of an amendment	CStP, DComm, MCF	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CStP, DComm, MCF	
s 40(1)	Function of lodging copy of approved amendment	CStP, DComm, MCF	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	CStP, DComm, MCF	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	CStP, MCF	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	CStP, DComm, MCF	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	Not applicable	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	CStP, DComm, MDS, SPC, MCF, CMD	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	CStP, DComm, MDS, SPC, MCF, CMD	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CStP, DComm, MCF	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CStP, DComm, MCF	Where Council is the planning authority, the municipal Council of the municipal district in which the

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CStP, DComm, MCF	
s 46GK	Duty to comply with a Minister’s direction that applies to Council as the planning authority	CStP, DComm, MCF	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CStP, DComm, MCF	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CStP, DComm, MCF	
s 46GP	Function of receiving a notice under s 46GO	CStP, DComm, MCF	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CStP, DComm, MCF	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CStP, DComm, MCF	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CStP, DComm, MCF	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CStP, DComm, MCF	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CStP, DComm, MCF	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CStP, DComm, MCF	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CStP, DComm, MCF	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CStP, DComm, MCF	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	CStP, DComm, MCF	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	CStP, DComm, MCF	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DComm	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DComm	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DComm	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CStP, DComm, MCF	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CStP, DComm, MCF	Where Council is the collecting agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CStP, DComm, MCF	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CStP, DComm, MCF	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	CStP, DComm, MCF	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CStP, DComm, MCF	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	DComm	Where the Council is the planning authority

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	CStP, DComm, MCF	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	DComm	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CStP, MFIP, DComm, DCCS, MCF	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DComm	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CStP, MFIP, DComm, DCCS, MCF	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>
s 46GZ(9)	Function of receiving the fee simple in the land	DComm	<p>Where Council is the development agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the collecting agency</p>
s 46GZA(1)	Duty to keep proper and separate accounts and records	CStP, DComm, MCF	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CStP, DComm, MCF	Where Council is a development agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	CStP, DComm, MCF	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CStP, DComm, MCF	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CStP, DComm, MCF	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	CStP, DComm, MCF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CStP, DComm, MCF	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	MFIP, DComm, DCCS, MCF	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	CStP, DComm, MCF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DComm	Where Council is the development agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	CStP, DComm, MCF	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Function of receiving proceeds of sale	DComm	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	MFIP, DComm, DCCS, MCF	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DComm	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	DComm	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DComm, MDS, MCF	
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	SBS, DMBS, DComm, MBS, MDS, MCF	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DComm, MDS, MCF	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	
s 46Q(1)	Duty to keep proper accounts of levies paid	MFIP, DCCS	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	TLSPS, CStP, MFIP, DComm, DCCS, MDS, SPC, MCF, CMD	
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	DIO, MFIP, DComm, DCCS, MES, MDS	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DComm, MDS, MCF	Only applies when levy is paid to Council as a 'development agency'

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	MFIP, DComm, DCCS, MDS, MCF	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	CStP, DComm, MDS, MCF	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	DIO, MCWD, MFIP, DCCS, CES, CEStr	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	MFIP, DComm, DCCS, MDS, MCF	
s 46QD	Duty to prepare report and give a report to the Minister	DComm, MDS, MCF	Where Council is a collecting agency or development agency
s 47	Power to decide that an application for a planning permit does not comply with that Act	SSP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	SSP, TLSPS, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	SSP, TLSPS, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 50(4)	Duty to amend application	SSP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 50(5)	Power to refuse to amend application	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 50(6)	Duty to make note of amendment to application in register	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 50A(1)	Power to make amendment to application	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 50A(4)	Duty to note amendment to application in register	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
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	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
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	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 52(3)	Power to give any further notice of an application where appropriate	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 54(1)	Power to require the applicant to provide more information	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 54(1B)	Duty to specify the lapse date for an application	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	To be retained by Council	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 57A(5)	Power to refuse to amend application	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57A(6)	Duty to note amendments to application in register	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 57B(1)	Duty to determine whether and to whom notice should be given	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 57C(1)	Duty to give copy of amended application to referral authority	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 58	Duty to consider every application for a permit	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 58A	Power to request advice from the Planning Application Committee	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 60	Duty to consider certain matters	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 60(1A)	Duty to consider certain matters	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, PLSP, MCF, CMD, PP	
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	DComm, MDS, SPC, TLSP, PLSP, CMD, PP, <u>SUBO</u>	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	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DComm, MDS, SPC, TLSP, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister’s consent	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 62(2)	Power to include other conditions	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	This provision applies also to a decision to grant an amendment to a permit - see s 75

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 64(3)	Duty not to issue a permit until after the specified period	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	If the recommending referral authority objected to the grant of the permit or the responsible

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	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	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 69(1A)	Function of receiving application for extension of time to complete development	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 69(2)	Power to extend time	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 71(1)	Power to correct certain mistakes	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 71(2)	Duty to note corrections in register	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 73	Power to decide to grant amendment subject to conditions	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 74	Duty to issue amended permit to applicant if no objectors	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 83	Function of being respondent to an appeal	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 83B	Duty to give or publish notice of application for review	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 84AB	Power to agree to confining a review by the Tribunal	DComm	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	TLPI, DComm, MDS, SPC, CMD	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	SPIO, TLPI, DComm, MDS, SPC, PIO, CMD, CPI , LCO	
s 91(2)	Duty to comply with the directions of VCAT	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	SPIO, SSP, StatP, TLPI, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, PIO, CMD, PP, CPI , LCO	
s 93(2)	Duty to give notice of VCAT order to stop development	SPIO, SSP, StatP, TLPI, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, PIO, CMD, PP, CPI , LCO	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 95(3)	Function of referring certain applications to the Minister	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 95(4)	Duty to comply with an order or direction	SPIO, SSP, StatP, TLPI, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, PIO, CMD, PP, CPI , LCO	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	To be retained by Council	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	To be retained by Council	
s 96F	Duty to consider the panel's report under s 96E	To be retained by Council	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996	To be retained by Council	
s 96H(3)	Power to give notice in compliance with Minister's direction	SSP, StatP, CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	
s 96J	Duty to issue permit as directed by the Minister	SSP, StatP, TLSPS, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 97C	Power to request Minister to decide the application	To be retained by Council	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	SSP, StatP, TLSPS, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	SSP, StatP, TLSPS, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	To be retained by Council	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	SSP, StatP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	SSP, StatP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	SSP, StatP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 97Q(4)	Duty to comply with directions of VCAT	SSP, StatP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DComm, MDS, SPC, CMD	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DComm, MDS, SPC, CMD	
s 101	Function of receiving claim for expenses in conjunction with claim	DComm, MDS, SPC, CMD	
s 103	Power to reject a claim for compensation in certain circumstances	DComm, MDS, SPC, CMD	
s.107(1)	function of receiving claim for compensation	DComm, MDS, SPC, CMD	
s 107(3)	Power to agree to extend time for making claim	DComm, MDS, SPC, CMD	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	DComm, MDS	
s 114(1)	Power to apply to the VCAT for an enforcement order	SPIO, TLPI, DComm, MDS, SPC, PIO, CMD, CPI , LCO	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	SPIO, TLPI, DComm, MDS, SPC, PIO, CMD, CPI , LCO	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	SPIO, TLPI, DComm, MDS, SPC, PIO, CMD, CPI , LCO	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 123(1)	Power to carry out work required by enforcement order and recover costs	SPIO, TLPI, DComm, MDS, SPC, PIO, CMD, CPI , LCO	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DComm, MDS, SPC, CMD	Except Crown Land
S 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order	DComm, MDS, SPC, CMD, CPI	Section 123 of the <i>Victorian Civil and Administrative Tribunal Act 1998</i> applied on an application to the Tribunal
s 129	Function of recovering penalties	SPIO, TLPI, DComm, MDS, SPC, PIO, CMD, CPI , LCO	
s 130(5)	Power to allow person served with an infringement notice further time	SPIO, TLPI, DComm, MDS, SPC, PIO, CMD, CPI , LCO	
s 149A(1)	Power to refer a matter to the VCAT for determination	To be retained by Council	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DComm, MDS, SPC, CMD	
S 148B	Power to apply to the Tribunal for a declaration	DComm, MDS, SPC, CMD, CPI	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	CStP, DComm, MDS, SPC, CMD	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CStP, DComm, MDS, SPC, CMD	
s 171(2)(g)	Power to grant and reserve easements	DComm, MDS, SPC, CMD	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DComm	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DComm	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	DComm	Where Council is the development agency specified in an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 173(1)	Power to enter into agreement covering matters set out in s 174	DComm, MDS, SPC , CMD	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	DComm, MDS, SPC , CMD	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DComm, MDS, SPC, CMD	
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	DComm, MDS, SPC, CMD	
s 178A(1)	Function of receiving application to amend or end an agreement	DComm, MDS, SPC, CMD	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DComm, MDS, SPC, CMD	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DComm, MDS, SPC, CMD	
s 178A(5)	Power to propose to amend or end an agreement	DComm, MDS, SPC, CMD	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DComm, MDS, SPC, CMD	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DComm, MDS, SPC, CMD	
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	DComm, MDS, SPC, CMD	
s 178C(4)	Function of determining how to give notice under s 178C(2)	DComm, MDS, SPC, CMD	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DComm, MDS, SPC, CMD	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DComm, MDS, SPC, CMD	If no objections are made under s 178D

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DComm, MDS, SPC, CMD	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	DComm, MDS, SPC, CMD	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DComm, MDS, SPC, CMD	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DComm, MDS, SPC, CMD	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	DComm, MDS, SPC, CMD	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	DComm, MDS, SPC, CMD	After considering objections, submissions and matters in s 178B

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	DComm, MDS, SPC, CMD	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DComm, MDS, SPC, CMD	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	DComm, MDS, SPC, CMD	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DComm, MDS, SPC, CMD	
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	DComm, MDS, SPC, CMD	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DComm, MDS, SPC, CMD	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	TLSPS, DComm, MDS, SPC, CMD	
s 181	Duty to apply to the Registrar of Titles to record the agreement	DComm, MDS, SPC, CMD	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DComm, MDS, SPC, CMD	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DComm, MDS, SPC, CMD	
s 182	Power to enforce an agreement	SPIO, TLPI, DComm, MDS, SPC, PIO, CMD, CPI , LCO	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DComm, MDS, SPC, CMD	
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	DComm, MDS, SPC, CMD	
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	DComm, MDS, SPC, CMD	
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	DComm, MDS, SPC, CMD	
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	DComm, MDS, SPC, CMD	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 184G(2)	Duty to comply with a direction of the Tribunal	DComm, MDS, SPC, CMD	
s 184G(3)	Duty to give notice as directed by the Tribunal	DComm, MDS, SPC, CMD	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	SSP, StatP, TLSPS, ParaP, MDS, SPC, TLSP, PLSP, PP	
s 198(1)	Function to receive application for planning certificate	TLSPS, DComm, MDS, SPC, CMD	
s 199(1)	Duty to give planning certificate to applicant	TLSPS, DComm, MDS, SPC, CMD	
s 201(1)	Function of receiving application for declaration of underlying zoning	CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	
s 201(3)	Duty to make declaration	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
	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	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
	Power to give written authorisation in accordance with a provision of a planning scheme	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
	Power, in relation to an application where the Minister for Planning is the Responsible Authority, to determine whether Council supports or objects to the application, and to communicate that determination to the Minister.	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	

Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	SBS, EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS	
s 522(1)	Power to give a compliance notice to a person	SBS, EHT, SEHO, DMBS, CEH, EHO, MBS	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO	
s 525(4)	Duty to issue identity card to authorised officers	DCIA, CBP, DComm, MPC, CPS, MDS	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	DComm, MDS	
s 526A(3)	Function of receiving report of inspection	EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CG, DCCS, MG, PLA, TLG	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CG, DCCS, MG, PLA, TLG	
s 11(9)(b)	Duty to advise Registrar	CG, DCCS, MG, PLA, TLG,	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CG, DCCS, MG, PLA, TLG,	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CG, DCCS, MG, PLA, TLG,	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	To be retained by Council	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy,	CG, DCCS, MG,	Power of coordinating road authority where

Road Management Act 2004					
Provision	Power and Functions Delegated			Delegate	Conditions and Limitations
		notice of proposed discontinuance	PLA, TLG	it is the discontinuing body Unless s 12(11) applies	
s 12(5)	Duty to consider written submissions received within 28 days of notice	CG, DCCS, MG, PLA, TLG	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies		
s 12(6)	Function of hearing a person in support of their written submission	To be retained by Council	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies		

Road Management Act 2004				
Provision	Power and Functions Delegated		Delegate	Conditions and Limitations
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	CG, DCCS, MG, PLA, TLG	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies	
s 12(10)	Duty to notify of decision made		DCCS, MG	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette		MSA, CG, DIO, DCCS, MG, PLA,	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria		MSA, DIO, DCCS, MG, MES	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	MSA, DIO, DCCS, MG, MES	
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	MSA, DIO, MES, OPM, CES, CESt	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	MSA, DIO, MES, OPM	
s 15(2)	Duty to include details of arrangement in public roads register	CAP, MSA, DIO	
s 16(7)	Power to enter into an arrangement under s 15	MSA, DIO, OPM	
s 16(8)	Duty to enter details of determination in public roads register	CAP, MSA, DIO	
s 17(2)	Duty to register public road in public roads register	CAP, MSA, DIO	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CAP, MSA, DIO	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	CAP, MSA, DIO	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	CAP, MSA, DIO, DCCS, MG, MES	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	CAP, MSA, DIO	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	CAP, MSA, DIO, CEStr	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	CAP, MSA, DIO	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	CAP, MSA, DIO	
s 19(4)	Duty to specify details of discontinuance in public roads register	CAP, MSA, DIO	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(5)	Duty to ensure public roads register is available for public inspection	CAP, MSA, DIO	
s 21	Function of replying to request for information or advice	CAP, MSA, DIO	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CAP, MSA, DIO	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	CAP, MSA, DIO	
s 22(5)	Duty to give effect to a direction under s 22	CAP, MSA, DIO	
s 40(1)	Duty to inspect, maintain and repair a public road.	CAP, MSA, CWME, CCW, DIO, CCI, CS, MCWD, MES, OPM, CES, CWPM, CWSPM, CESTr, PMMP	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CAP, MSA, CWME, CCW, DIO, MES, OPM, CES, CESTr	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	MSA, CWME, CCW, DIO, CCI, CS, MCWD, MES, OPM, CES, CWPM, CWSPM, CESTr, PMMP	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 42(1)	Power to declare a public road as a controlled access road	CAP, MSA, DIO	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CAP, MSA, DIO	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	CAP, MSA, DIO	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	MSA, DIO, MES, CES, CEStr	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	CAP, MSA, DIO, MES	Where Council is the responsible road authority, infrastructure manager or works manager

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	CAP, MSA, DIO	
s 49	Power to develop and publish a road management plan	CAP, MSA, DIO	
s 51	Power to determine standards by incorporating the standards in a road management plan	CAP, MSA, DIO	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CAP, MSA, DIO	
s 54(2)	Duty to give notice of proposal to make a road management plan	CAP, MSA, DIO	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CAP, MSA, DIO	
s 54(6)	Power to amend road management plan	CAP, MSA, DIO	
s 54(7)	Duty to incorporate the amendments into the road management plan	CAP, MSA, DIO	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CAP, MSA, DIO	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 63(1)	Power to consent to conduct of works on road	MSA, CWME, CCW, DIO, CCI, CS, MCWD, MES, OPM, CES, CWPM, CWSPM, CESTr, PMMP	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	MSA, CWME, CCW, DIO, CCI, CS, MCWD, MES, OPM, CES, CWPM, CWSPM, CESTr, PMMP	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	MSA, DIO, MES, OPM, CES, CESTr	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	MSA, DIO, MES, OPM	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	DIO, MES, OPM	Where Council is the coordinating road authority
s 67(3)	Power to request information	MSA, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
s 68(2)	Power to request information	MSA, DIO, CCI, MCWD, MES, OPM, PMMP	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 71(3)	Power to appoint an authorised officer	CEO	Refer to S11 Instrument
s 72	Duty to issue an identity card to each authorised officer	MSA, DCIA, DIO, CBP, PCBP, MCWD, MES, MPC, OPM	
s 85	Function of receiving report from authorised officer	MSA, CWME, CPV, CCW, DIO, MCWD, MES, OPM, COS	
s 86	Duty to keep register re s 85 matters	MSA, DIO, MCWD, MES, OPM	
s 87(1)	Function of receiving complaints	MSA, CWME, CPV, CCW, DIO, MCWD, MES, OPM, COS	
s 87(2)	Duty to investigate complaint and provide report	MSA, CWME, CPV, CCW, DIO, MCWD, MES, OPM, COS	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	To be retained by the CEO	Refer to s11 Instrument
s 112(2)	Power to recover damages in court	MSA, DIO, MCWD, MFIP, DCCS, MES, OPM	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to cause or carry out inspection	MSA, CWME, CCW, DIO, CCI, CS, MCWD, MES, OPM, CWPM, CWSPM, PMMP	
s 119(2)	Function of consulting with the Head, Transport for Victoria	MSA, CWME, CPV, CCW, DIO, CCI, CS, MCWD, MES, OPM, COS, CWPM, CWSPM, PMMP	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	MSA, CWME, CPV, CCW, DIO, CCI, CS, MCWD, MES, OPM, COS, CWPM, CWSPM, PMMP	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	MSA, CPV, DIO, MCWD, MES, OPM, COS	
s 121(1)	Power to enter into an agreement in respect of works	MSA, DIO, MCWD, MES, OPM	
s 122(1)	Power to charge and recover fees	MSA, DIO, MCWD, MES, OPM	
s 123(1)	Power to charge for any service	MSA, DIO, MCWD, MES, OPM	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	MSA, DIO, MES	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 3(1)	Duty to make policy about controlled access roads	MSA, DIO, MES	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	MSA, DIO, MES	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	MSA, DIO, MCWD, DComm, MES, CES, CEStr	
sch 2 cl 5	Duty to publish notice of declaration	CAP, MSA, DIO, MES, CES, CEStr	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CAP, MSA, DIO, CCI, MCWD, MES, COS, CES, CWPM, CWSPM, CEStr, PMMP	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CAP, MSA, DIO, CCI, MCWD, MES, OPM, COS, CES, CWPM, CWSPM, CEStr, PMMP	Where Council is the infrastructure manager or works manager
sch 7 cla 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for	CAP, MSA, DIO, CCI, MCWD, MES, OPM, COS, CES, CWPM, CWSPM, CEStr, PMMP	Where Council is the infrastructure manager or works

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works		manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	CAP, MSA, DIO, CCI, MCWD, MES, OPM, COS, CES, CWPM, CWSPM, CEStr, PMMP	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CAP, MSA, CWME, CCW, DIO, CCI, MCWD, MES, OPM, COS, CES, CWPM, CWSPM, CEStr, PMMP	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	CAP, MSA, DIO, CCI, MCWD, MES, COS, CES, CWPM, CWSPM, CEStr, PMMP	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CAP, MSA, DIO, CCI, MCWD, MES, COS, CES, CWPM, CWSPM, PMMP	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	MSA, DIO, CCI, CS, MCWD, MES, COS, CWPM, CWSPM, PMMP	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	MSA, MPPR, DIO, MCWD, MFIP, DCCS, MES, OPM	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	MSA, DIO, CCI, MCWD, MES, OPM, COS, CES, CWPM, CWSPM, CEStr, PMMP	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	MSA, DIO, CCI, MCWD, MES, OPM, COS, CES, CEStr, PMMP	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	DIO, CCI, MCWD, MES, OPM, COS, PMMP	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	DIO, MCWD, MES, OPM, CES, CEStr	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CAP, MSA, DIO, MCWD, MES, OPM, CES, CEStr	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	DIO, MCWD, MES, OPM, CES, CEStr	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	DIO, MCWD, MES, OPM, CES, CEStr	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 16(8)	Power to include consents and conditions	DIO, MCWD, MES, OPM, CES, CEStr	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	DIO, MCWD, MES, OPM, CES, CEStr	Where Council is the coordinating road authority
sch 7 cl18(1)	Power to enter into an agreement	DIO, MCWD, MES, OPM, CES, CEStr	Where Council is the coordinating road authority
sch7 cl 19(1)	Power to give notice requiring rectification of works	DIO, MCWD, MES, OPM, CES, CEStr	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CWME, CCW, DIO, MCWD, MES, OPM, CES, CEStr	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DIO, MCWD, CWLA, MES, OPM, COS, CES, CWPM, CWSPM, CEStr	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	CWME, CCW, DIO, CCI, MCWD, CWLA, MES, OPM, COS, CES, CWPM, CWSPM, CEStr, PMMP	Power of responsible road authority where it is the coordinating road authority or

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	DIO, CCI, MCWD, MES, COS, CES, CEStr, PMMP	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	DIO, CCI, MCWD, MES, COS, CES, CEStr, PMMP	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	DIO, CCI, MCWD, MES, COS, CES, CEStr, PMMP	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Cemeteries and Crematoria Regulations 2015			
<p>##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).</p>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 24	Duty to ensure that cemetery complies with depth of burial requirements	DCCS, MG, TLC, CemO, GO, BSOG	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	DCCS, MG, TLC, CemO, GO, BSOG	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	DCCS, MG, TLC, CemO,	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	DCCS, MG, TLC, CemO,	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	DCCS, MG,	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	DCCS, MG, TLC, CemO, GO, BSOG	

Cemeteries and Crematoria Regulations 2015			
<p>##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).</p>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	Note only	
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	DCCS, MG,	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	DCCS, MG, TLC, CemO, GO, BSOG	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	DCCS, MG, TLC, CemO, GO, BSOG	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	DCCS, MG, TLC, CemO, GO, BSOG	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	DCCS, MG, TLC, CemO, GO, BSOG	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	DCCS, MG, TLC, CemO, GO, BSOG	See note above regarding model rules

Cemeteries and Crematoria Regulations 2015			
<p>##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).</p>			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	DCCS, MG, TLC, CemO, GO, BSOG	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	DCCS, MG, TLC, CemO, GO, BSOG	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	DCCS, MG, TLC, CemO,	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	DCCS, MG, TLC, CemO	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	CEO, DCCS, MG	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	CEO, DCCS, MG	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	DCCS, MG, TLC	See note above regarding model rules

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CStP, DComm, MDS, MCF	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	CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	SSP, StatP, TLSPS, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	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 in accordance with the public availability requirements	SSP, StatP, TLSPS, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	where Council is not the responsible authority but the relevant land is within Council's municipal district

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CStP, StrP, SSTRP, DComm, MDS, CSPP, MCF	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CStP, DComm, MCF	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CStP, DComm, MCF	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	CStP, DComm, MCF	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	SBS, MPPR, CPM, EHT, SEHO, DMBS, CEH, EHO, DComm, DCCS, MBS, MDS	CEH and MBS in a coordinated approach
r 10	Function of receiving application for registration	EHT, SEHO, CEH, EHO	
r 11	Function of receiving application for renewal of registration	SBS, EHT, SEHO, DMBS, CEH, EHO, MBS	Approach to be coordinated between CEH and MBS
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHT, SEHO, CEH, EHO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHT, SEHO, CEH, EHO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHT, SEHO, CEH, EHO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	DMBS, CEH, DComm, MBS, MDS	Approach to be coordinated between CEH and MBS

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHT, SEHO, DMBS, CEH, EHO, MBS	Approach to be coordinated between CEH and MBS
r 12(4) & (5)	Duty to issue certificate of registration	CEH, DComm, MDS	
r 14(1)	Function of receiving notice of transfer of ownership	EHT, SEHO, CEH, EHO	
r 14(3)	Power to determine where notice of transfer is displayed	EHT, SEHO, CEH, EHO	
r 15(1)	Duty to transfer registration to new caravan park owner	EHT, SEHO, CEH, EHO	
r 15(2)	Duty to issue a certificate of transfer of registration	CEH, DComm, MDS	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CEH, DComm, MDS	
r 17	Duty to keep register of caravan parks	CEH, DComm, MDS	
r 18(4)	Power to determine where the emergency contact person's details are displayed	EHT, SEHO, CEH, EHO	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 18(6)	Power to determine where certain information is displayed	EHT, SEHO, CEH, EHO	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	SBS, EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS	
r 22(2)	Duty to consult with relevant emergency services agencies	SBS, EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHT, SEHO, CEH, EHO, DComm, MDS	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	SBS, EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS	
r 25(3)	Duty to consult with relevant floodplain management authority	EHT, SEHO, CEH, EHO, DComm, MBS, MDS, MFPO	EHO, EHT, SEHO, CEH and MBS in coordinated approach
r 26	Duty to have regard to any report of the relevant fire authority	SBS, EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS, MFPO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHT, SEHO, CEH, EHO, DComm, MDS	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	SBS, SEHO, DMBS, CEH, DComm, MBS, MDS	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	SBS, SEHO, DMBS, CEH, DComm, MBS, MDS	
r 41(4)	Function of receiving installation certificate	SBS, EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	SBS, EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS	
sch 3-cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	SBS, EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS	

<u>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024</u>			
<u>Provision</u>	<u>Power and Functions Delegated</u>	<u>Delegate</u>	<u>Conditions and Limitations</u>
r 7	Power to enter into a written agreement with a caravan park owner	SBS, MPPR, CPM, EHT, SEHO, DMBS, CEH, EHO, DComm, DCCS, MBS, MDS	CEH and MBS in a coordinated approach
r 10	Function of receiving application for registration	EHT, SEHO, CEH, EHO	
r 11	Function of receiving application for renewal of registration	SBS, EHT, SEHO, DMBS, CEH, EHO, MBS	Approach to be coordinated between CEH and MBS
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHT, SEHO, CEH, EHO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHT, SEHO, CEH, EHO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHT, SEHO, CEH, EHO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	DMBS, CEH, DComm, MBS, MDS	Approach to be coordinated between CEH and MBS

<u>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024</u>			
<u>Provision</u>	<u>Power and Functions Delegated</u>	<u>Delegate</u>	<u>Conditions and Limitations</u>
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHT, SEHO, DMBS, CEH, EHO, MBS	Approach to be coordinated between CEH and MBS
r 12(4) & (5)	Duty to issue certificate of registration	CEH, DComm, MDS	
r 14(1)	Function of receiving notice of transfer of ownership	EHT, SEHO, CEH, EHO	
r 14(3)	Power to determine where notice of transfer is displayed	EHT, SEHO, CEH, EHO	
r 15(1)	Duty to transfer registration to new caravan park owner	EHT, SEHO, CEH, EHO	
r 15(2)	Duty to issue a certificate of transfer of registration	CEH, DComm, MDS	
r 15(3)	Power to determine where certificate of transfer of registration is displayed		
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CEH, DComm, MDS	
r 17	Duty to keep register of caravan parks	CEH, DComm, MDS	

<u>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024</u>			
<u>Provision</u>	<u>Power and Functions Delegated</u>	<u>Delegate</u>	<u>Conditions and Limitations</u>
r 21(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	SBS, EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS	
r 21(2)	Duty to consult with relevant emergency services agencies	SBS, EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS	
r 22	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHT, SEHO, CEH, EHO, DComm, MDS	
r 23	Power to determine places in which caravan park owner must display copy of public emergency warnings	SBS, EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS	
r 24(2)	Power to consult with relevant floodplain management authority	EHT, SEHO, CEH, EHO, DComm, MBS, MDS, MFPO	EHO, EHT, SEHO, CEH and MBS in coordinated approach
r 26(b)(i)	Power to approve system for the discharge of sewage and wastewater from a movable dwelling	EHT, SEHO, CEH, EHO, DComm, MDS	
r 38	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	SBS, SEHO, DMBS, CEH, DComm, MBS, MDS	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024

<u>Provision</u>	<u>Power and Functions Delegated</u>	<u>Delegate</u>	<u>Conditions and Limitations</u>
r 38(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	SBS, SEHO, DMBS, CEH, DComm, MBS, MDS	
r 39(3)	Function of receiving installation certificate	SBS, EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS	
r 45(3)	Power to determine places in which caravan park owner must display name and telephone number of an emergency contact person		
r 45(5)	Power to determine places in which caravan park owner must display the certificate of registration or certificate of renewal of registration, the plan of the caravan park and a copy of the caravan park rules		

Road Management (General) Regulations 2016

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	CAP, MSA, DIO	

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 9(2)	Duty to produce written report of review of road management plan and make report available	CAP, MSA, DIO	
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)	CAP, MSA, DIO	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	CAP, MSA, DIO	
r 13(1)	Duty to publish notice of amendments to road management plan	CAP, MSA, DIO	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	CAP, MSA, DIO	
r 16(3)	Power to issue permit	CWME, DIO, MES, OPM, CES, CEStr	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	CWME, DIO, MES, OPM, CES	Where Council is the coordinating road authority

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 23(2)	Power to make submission to Tribunal	MSA, DIO, MES, CES, CEStr	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	MSA, DIO, MFIP, DCCS, MES, CES, CEStr	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CWME, CCW, DIO, CCI, CS, MCWD, MES, OPM, CES, CEStr, PMMP	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	CWME, CCW, DIO, MES, OPM, CES, CEStr	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	DIO, MFIP, DCCS, MES, OPM, CES, CEStr	

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	CWME, DIO, MES, OPM, CES, CEStr	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	CWME, DIO, MES, OPM, CES, CEStr	Where Council is the coordinating road authority

Consideration of Reports of Officers

GOVERNANCE MATTERS REPORT FOR 9 SEPTEMBER 2024

S6 Instrument of Delegation - Council to Members of Staff - August 2024 - Clean version

Meeting Date: 9 September 2024

Attachment: E

Frankston City



Frankston City Council

S6 Instrument of Delegation

Council

To

Members of Staff



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

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

BSOEH	means	Business Support Officer (Environmental Health)
BSOG	means	Business Support Officer (Governance)
CWLA	means	Capital Works Landscape Architect
CWPM	means	Capital Works Project Manager
CWSPM	means	Capital Works Senior Project Manager
CemO	means	Cemetery Officer
CEO	means	Chief Executive Officer
CS	means	Construction Supervisor
CAP	means	Coordinator Asset Planning
CBP	means	Coordinator Business Partnering
CCW	means	Coordinator City Works
CCI	means	Coordinator Civil Infrastructure
CES	means	Coordinator Engineering Services
CEStr	means	Coordinator Engineering Strategy
CEH	means	Coordinator Environmental Health
CG	means	Coordinator Governance
CMD	means	Coordinator Major Development
COS	means	Coordinator Open Spaces
CPV	means	Coordinator Parks Vegetation
CPS	means	Coordinator Payroll Services
CPM	means	Coordinator Property Management
CP	means	Coordinator Prosecutions
CPI	means	Coordinator Planning Investigations
CSC	means	Coordinator Safer Communities
CSPP	means	Coordinator Social Policy and Planning
CStP	means	Coordinator Strategic Planning
CWME	means	Civil Works Maintenance Engineer
DMBS	means	Deputy Municipal Building Surveyor



DComm	means	Director Communities
DCCS	means	Director Corporate and Commercial Services
DCIA	means	Director Customer Innovation and Arts
DIO	means	Director Infrastructure and Operations
EHO	means	Environmental Health Officers
EHT	means	Environmental Health Technician
GO	means	Governance Officer
LCO	means	Landscape Compliance Officer
MCWD	means	Manager Capital Works Delivery
MCF	means	Manager City Futures
MDS	means	Manager Development Services
MES	means	Manager Engineering Services
MFIP	means	Manager Financial & Integrated Planning
MG	means	Manager Governance
MPC	means	Manager People and Culture
MPPR	means	Manager Procurement Property & Risk
MSC	means	Manager Safer Communities
MSA	means	Manager Sustainable Assets
MBS	means	Municipal Building Surveyor
MFPO	means	Municipal Fire Prevention Officer
OPM	means	Operations Manager
ParaP	means	Para Planner
PCBP	means	People and Culture Business Partner
PIO	means	Planning Investigations Officer
PLSP	means	Practice Leader Statutory Planning
PLA	means	Principal Legal Advisor
PP	means	Principal Planner
PMMP	means	Program Manager Major Projects
SLH	means	Section Leader Horticulture
SBS	means	Senior Building Surveyor
SEHO	means	Senior Environmental Health Officer
SFOIO	Means	Senior Freedom of Information Officer
SPIO	means	Senior Planning Investigations Officer
SRR	means	Senior Rapid Response



SSCO	means	Senior Safer Communities Officer
SSP	means	Senior Statutory Planner
SSTRP	means	Senior Strategic Planner
StatP	means	Statutory Planner
SPC	means	Statutory Planning Co-ordinator
SIS	means	Strategic Infrastructure Specialist
StrP	means	Strategic Planner
SUBO	means	Subdivisions Officer
TLCWH	means	Team Leader CAA Waterfront Horticulture
TLC	means	Team Leader Cemetery
TLG	means	Team Leader Governance
TLPI	means	Team Leader Planning Investigations
TLRFH	means	Team Leader Roadside and Facility Horticulture
TLSP	means	Team Leader Statutory Planning
TLSPS	means	Team Leader Statutory Planning Support

3. records that on the coming into force of this instrument of Delegation from Council to Members of Staff each delegation under the instrument dated 25 August 2023 is revoked.
4. declares that:
 - 4.1 this Instrument of Delegation is authorised by a resolution of Council passed on the 22 April 2024; and
 - 4.2 the delegation:
 - 4.2.1 comes into force immediately upon execution of this Instrument of Delegation;
 - 4.2.2 remains in force until Council resolves to vary or revoke it;
 - 4.2.3 is subject to any conditions and limitations set out in sub-paragraph 4.3 and the Schedule; and
 - 4.2.4 must be exercised in accordance with any guidelines or policies, which Council from time to time adopts;
 - 4.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 4.3.1 if the issue, action, act or thing is an issue, act or thing which Council has
 - 4.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) Policy; or
 - (b) strategy adopted by Council; or
 - 4.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or



- 4.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

This Instrument of Delegation is executed by the Chief Executive Officer on behalf of Frankston City Council under authority conferred by resolution of Council on 22 April 2024.

Signed by:

Phil Cantillon
Chief Executive Officer

In the presence of:

Witness

_____ Date



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SCHEDULE

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	DCCS, MG	Where Council is a Class B cemetery trust
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	DCCS, MG, TLC, CemO, GO, BSOG	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	DCCS, MG, TLC	Where Council is a Class B cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	DCCS, MG, TLC, CemO, GO, BSOG	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	DCCS, MG	
s 15(4)	Duty to keep records of delegations	DCCS, MG, TLC, CemO, GO, BSOG	
s 17(1)	Power to employ any persons necessary	DCCS, MG	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	DCCS, MG, TLC	
s 17(3)	Power to determine the terms and conditions of employment or engagement	DCCS, MG	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	DCCS, MG, TLC, CemO	
s 19	Power to carry out or permit the carrying out of works	DCCS, MG, TLC, CemO	
s 20(1)	Duty to set aside areas for the interment of human remains	DCCS, MG, TLC, CemO	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	DCCS, MG	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	DCCS, MG, TLC	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	DCCS, MG	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	DCCS, MG	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	To be retained by Council	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	DCCS, MG, TLC,	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	To be retained by Council	Provided the street was constructed pursuant to the Local Government Act 1989
s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	DCCS, MG, TLC, CemO	
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	DCCS, MG, TLC, CemO	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	DCCS, MG, TLC, CemO, GO, BSOG	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 60(1)	Duty to make information in records available to the public for historical or research purposes	DCCS, MG, TLC, CemO, GO, BSOG	
s 60(2)	Power to charge fees for providing information	DCCS, MG, TLC, CemO, GO, BSOG	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	DCCS, MG, TLC, CemO, GO, BSOG	
s 64B(d)	Power to permit interments at a reopened cemetery	DCCS, MG, TLC	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	DCCS, MG, TLC	The application must include the requirements listed in s 66(2)(a)-(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	DCCS, MG, TLC, CemO, GO, BSOG	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	DCCS, MG, TLC, CemO, GO, BSOG	
s 70(2)	Duty to make plans of existing place of interment available to the public	DCCS, MG, TLC, CemO, GO, BSOG	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	DCCS, MG, TLC, CemO	
s 71(2)	Power to dispose of any memorial or other structure removed	DCCS, MG, TLC, CemO,	
s 72(2)	Duty to comply with request received under s 72	DCCS, MG, TLC, CemO, GO, BSOG	
s 73(1)	Power to grant a right of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 73(2)	Power to impose conditions on the right of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 74(3)	Duty to offer a perpetual right of interment	DCCS, MG, TLC, CemO, GO, BSOG	Provision commences on 1 March 2022 unless proclaimed earlier
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	DCCS, MG, TLC, CemO, GO, BSOG	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	DCCS, MG, TLC, CemO, GO, BSOG	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	DCCS, MG	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 80(2)	Function of recording transfer of right of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	DCCS, MG, TLC, CemO, GO, BSOG,	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	DCCS, MG, TLC, CemO, GO, BSOG,	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	DCCS, MG, TLC, CemO, GO, BSOG	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)	DCCS, MG, TLC, CemO	
s 84H(4)	Power to exercise the rights of a holder of a right of interment	DCCS, MG, TLC, CemO	
s 84I(4)	Power to exercise the rights of a holder of a right of interment	DCCS, MG, TLC, CemO	
s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment	DCCS, MG, TLC, CemO	
s 84I(6)(a)	Power to remove any memorial on the place of interment	DCCS, MG, TLC, CemO	
s 84I(6)(b)	Power to grant right of interment under s 73	DCCS, MG, TLC, CemO	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	DCCS, MG, TLC, CemO, GO, BSOG	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	DCCS, MG, TLC, CemO, GO, BSOG	Does not apply where right of interment relates to remains of a deceased veteran.

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	DCCS, MG, TLC, CemO, GO, BSOG	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	DCCS, MG, TLC, CemO, GO, BSOG	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	DCCS, MG, TLC, CemO GO, BSOG,	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	DCCS, MG, TLC, CemO, GO, BSOG,	
s.86(5)	duty to provide notification before taking action under s.86(4)	DCCS, MG, TLC, CemO, GO, BSOG	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	DCCS, MG, TLC, CemO, GO, BSOG	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 91(1)	Power to cancel a right of interment in accordance with s 91	DCCS, MG, TLC, CemO, GO, BSOG	
s 91(3)	Duty to publish notice of intention to cancel right of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	DCCS, MG, TLC, CemO, GO, BSOG,	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	DCCS, MG, TLC, CemO, GO, BSOG	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	DCCS, MG, TLC, CemO, GO, BSOG,	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	DCCS, MG, TLC	
s 100(1)	Power to require a person to remove memorials or places of interment	DCCS, MG, TLC CemO	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	DCCS, MG, TLC, CemO	
s 100(3)	Power to recover costs of taking action under s 100(2)	DCCS, MG, TLC, CemO,	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	DCCS, MG, TLC, CemO	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	DCCS, MG, TLC, CemO	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	DCCS, MG, TLC, Cemo	
s 103(1)	Power to require a person to remove a building for ceremonies	DCCS, MG	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	DCCS, MG	
s 103(3)	Power to recover costs of taking action under s 103(2)	DCCS, MG, TLC,	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	DCCS, MG, TLC, CemO,	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	DCCS, MG, TLC, CemO	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	DCCS, MG, TLC, CemO	
s 106(4)	Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	DCCS, MG, TLC, CemO	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	DCCS, MG	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	DCCS, MG	
s 108	Power to recover costs and expenses	DCCS, MG, TLC	
s 109(1)(a)	Power to open, examine and repair a place of interment	DCCS, MG, TLC	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	DCCS, MG, TLC	Where the holder of right of interment or responsible person cannot be found

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	DCCS, MG, TLC	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	DCCS, MG, TLC	
s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary	DCCS, MG, TLC	
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	DCCS, MG	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	DCCS, MG	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	DCCS, MG, TLC, CemO	
s 112	Power to sell and supply memorials	DCCS, MG, TLC, CemO	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	DCCS, MG, TLC, CemO,	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	DCCS, MG, TLC, CemO, GO, BSOG	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	DCCS, MG, TLC, CemO, GO, BSOG	
s 119	Power to set terms and conditions for interment authorisations	DCCS, MG, TLC, CemO	
s 131	Function of receiving an application for cremation authorisation	To be retained by Council	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	To be retained by Council	Subject to s 133(2)

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	DCCS, MG,	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	DCCS, MG	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	DCCS, MG	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	DCCS, MG	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	DCCS, MG, TLC,	
s 151	Function of receiving applications to inter or cremate body parts	DCCS, MG, TLC, CemO	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	DCCS, MG, TLC,	

Domestic Animals Act 1994			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	CSC, SSCO, SRR	Council may delegate this power to a Council authorised officer MSC - Power to review a decision as part of the appeal process.

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	SEHO, CEHCEH, EHO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	SEHO, CEHCEH, EHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CEO, CEHCEH, DComm, MDS	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, (ia) displayed at any point of sale, (ib) be published	CEO, CEHCEH, DComm, MDS	If s 19(1) applies

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	on the food business’s Internet site and (ii) inform the public by notice in a published newspaper, on the Internet site or otherwise		
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	SEHO, CEHCEH, EHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	SEHO, CEHCEH, EHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	CEO, CEH, DComm, MDS	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	CEO, CEH, DComm, MDS	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution Only in relation to temporary food premises or mobile food premises
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	CEO, CEH, DComm, MDS	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19CB(4)(b)	Power to request copy of records	SEHO, CEH, EHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	SEHO, CEH, EHO	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	SEHO, CEH, EHO	Where Council is the registration authority
s 19FA(1)	Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program		Where Council is the registration authority Only in relation to temporary food premises or mobile food premises Subject to 19FA(2), which requires a time limit for compliance to be specified
s 19FA(3)(a)	Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)		Where Council is the registration authority Only in relation to temporary food premises or mobile food premises Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19FA(3)(b)	Power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)		Where Council is the registration authority Only in relation to temporary food premises or mobile food premises
s 19FA(3)(c)	Power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)		Where Council is the registration authority Only in relation to temporary food premises or mobile food premises
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	SEHO, CEH, EHO	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	SEHO, CEH, EHO	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	SEHO, CEH, EHO	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	SEHO, CEH, EHO	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19N(2)	Function of receiving notice from the auditor	EHT, SEHO, CEH, EHO, BSOEH	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	SEHO, CEH, EHO	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	SEHO, CEH, DComm, MDS	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	SEHO, CEH, DComm, MDS	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	SEHO, CEH, EHO	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	SEHO, CEH, EHO	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	SEHO, CEH, EHO	Where Council is the registration authority
	Power to register or renew the registration of a food premises	SEHO, CEH, EHO, DComm, MDS	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	SEHO, CEH, EHO	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	CEH, DComm, MDS	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	SEHO, CEH, EHO	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	SEHO, CEH, EHO, DComm, MDS	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38A(4)	Power to request a copy of a completed food safety program template	SEHO, CEH, EHO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	SEHO, CEH, EHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	SEHO, CEH, EHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	SEHO, CEH, EHO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	SEHO, CEH, EHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	SEHO, CEH, EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	SEHO, CEH, EHO	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38E(2)	Power to register the food premises on a conditional basis	SEHO, CEH, EHO	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	SEHO, CEH, EHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	SEHO, CEH, EHO	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	SEHO, CEH, EHO	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	EHT, SEHO, CEH, EHO, BSOEH	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	SEHO, CEH, EHO	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	EHT, SEHO, CEH, EHO	

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 39A	Power to register, or renew the registration of a food premises despite minor defects	SEHO, CEH, EHO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	SEHO, CEH, EHO	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	CEH	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	SEHO, CEH, EHO, DComm, MDS	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	SEHO, CEH, EHO, DComm, MDS	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CEH, DComm, MDS	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	CEH	

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40F	Power to cancel registration of food premises	SEHO, CEH, EHO, MDS	Where Council is the registration authority
s 43	Duty to maintain records of registration	CEH	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	SEHO, CEH, EHO	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	SEHO, CEH, EHO	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 45AC	Power to bring proceedings	CP, SEHO, CEH, EHO	
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	SEHO, CEH, EHO, DComm, MDS	Where Council is the registration authority

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	DComm, MDS, MCF	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

Local Government Act 1989			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	DMBS, MFIP, DComm, DCCS, MBS	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	To be retained by Council	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CStP, DComm, MCF	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	CStP, DComm, MCF	
s 4I(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	CStP, DComm, MCF	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CStP, DComm, MCF	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CStP, DComm, MCF	
s 8A(5)	Function of receiving notice of the Minister's decision	CStP, DComm, MCF	
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	CStP, DComm, MCF	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	To be retained by Council	
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	To be retained by Council	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 12B(1)	Duty to review planning scheme	CStP, DComm, MCF	
s 12B(2)	Duty to review planning scheme at direction of Minister	CStP, DComm, MCF	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CStP, DComm, MCF	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	CStP, DComm, MCF	
s 17(1)	Duty of giving copy amendment to the planning scheme	CStP, DComm, MDS, SPC, MCF, CMD	
s 17(2)	Duty of giving copy s 173 agreement	CStP, DComm, MDS, SPC, MCF, CMD	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CStP, DComm, MDS, SPC, MCF, CMD	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	CStP, DComm, MDS, SPC, MCF, CMD	Until the proposed amendment is approved or lapsed
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CStP, DComm, MCF	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CStP, DComm, MCF	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	CStP, DComm, MCF	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	CStP, DComm, MDS, SPC, MCF, CMD	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice	CStP, DComm, MDS, SPC, MCF, CMD	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	CStP, DComm, MDS, SPC, MCF, CMD	Except submissions which request a change to the items in s 22(5)(a) and (b)

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 22(2)	Power to consider a late submission. Duty to consider a late submission, if directed by the Minister	DComm, MDS, SPC, TLSP, PLSP	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CStP, DComm, MCF	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	DComm, MCF	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	SSP, CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	SSP, CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	SSP, CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	DComm, MCF	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 28(1)	Duty to notify the Minister if abandoning an amendment	SSP, CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	CStP, MCF	
s 28(4)	Duty to make notice of the decision available on Council’s Internet site for a period of at least 2 months	CStP, MCF	
s 30(4)(a)	Duty to say if amendment has lapsed	CStP, DComm, MCF	
s 30(4)(b)	Duty to provide information in writing upon request	CStP, DComm, MCF	
s 32(2)	Duty to give more notice if required	CStP, DComm, MCF	
s 33(1)	Duty to give more notice of changes to an amendment	CStP, DComm, MCF	
s 36(2)	Duty to give notice of approval of amendment	CStP, DComm, MCF	
s 38(5)	Duty to give notice of revocation of an amendment	CStP, DComm, MCF	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CStP, DComm, MCF	
s 40(1)	Function of lodging copy of approved amendment	CStP, DComm, MCF	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	CStP, DComm, MCF	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	CStP, MCF	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	CStP, DComm, MCF	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	Not applicable	Where Council is a responsible public entity and is a planning authority
s 46AW	Function of being consulted by the Minister	CStP, DComm, MDS, SPC, MCF, CMD	Where Council is a responsible public entity

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	CStP, DComm, MDS, SPC, MCF, CMD	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CStP, DComm, MCF	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CStP, DComm, MCF	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CStP, DComm, MCF	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GK	Duty to comply with a Minister’s direction that applies to Council as the planning authority	CStP, DComm, MCF	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CStP, DComm, MCF	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CStP, DComm, MCF	
s 46GP	Function of receiving a notice under s 46GO	CStP, DComm, MCF	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CStP, DComm, MCF	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CStP, DComm, MCF	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CStP, DComm, MCF	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CStP, DComm, MCF	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CStP, DComm, MCF	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CStP, DComm, MCF	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CStP, DComm, MCF	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CStP, DComm, MCF	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	CStP, DComm, MCF	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	CStP, DComm, MCF	Where Council is the collecting agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DComm	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DComm	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DComm	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CStP, DComm, MCF	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CStP, DComm, MCF	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CStP, DComm, MCF	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CStP, DComm, MCF	Where Council is the collecting agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GY(1)	Duty to keep proper and separate accounts and records	CStP, DComm, MCF	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CStP, DComm, MCF	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	DComm	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	CStP, DComm, MCF	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	DComm	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CStP, MFIP, DComm, DCCS, MCF	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DComm	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CStP, MFIP, DComm, DCCS, MCF	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(9)	Function of receiving the fee simple in the land	DComm	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	CStP, DComm, MCF	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CStP, DComm, MCF	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	CStP, DComm, MCF	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CStP, DComm, MCF	If the VPA is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CStP, DComm, MCF	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	CStP, DComm, MCF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CStP, DComm, MCF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	MFIP, DComm, DCCS, MCF	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	CStP, DComm, MCF	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DComm	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	CStP, DComm, MCF	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Function of receiving proceeds of sale	DComm	Where Council is the collection agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	MFIP, DComm, DCCS, MCF	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DComm	Where Council is a collecting agency or development agency

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46LB(3)	Duty to publish, on Council’s Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	DComm	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DComm, MDS, MCF	
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	SBS, DMBS, DComm, MBS, MDS, MCF	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DComm, MDS, MCF	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	
s 46Q(1)	Duty to keep proper accounts of levies paid	MFIP, DCCS	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	TLSPS, CStP, MFIP, DComm, DCCS, MDS, SPC, MCF, CMD	
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	DIO, MFIP, DComm, DCCS, MES, MDS	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DComm, MDS, MCF	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)	MFIP, DComm, DCCS, MDS, MCF	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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CStP, DComm, MDS, MCF	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	DIO, MCWD, MFIP, DCCS, CES, CEStr	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	MFIP, DComm, DCCS, MDS, MCF	
s 46QD	Duty to prepare report and give a report to the Minister	DComm, MDS, MCF	Where Council is a collecting agency or development agency
s 47	Power to decide that an application for a planning permit does not comply with that Act	SSP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	SSP, TLSPS, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	SSP, TLSPS, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 50(4)	Duty to amend application	SSP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 50(5)	Power to refuse to amend application	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 50(6)	Duty to make note of amendment to application in register	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 50A(1)	Power to make amendment to application	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50A(4)	Duty to note amendment to application in register	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
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	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
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	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 52(3)	Power to give any further notice of an application where appropriate	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54(1)	Power to require the applicant to provide more information	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 54(1B)	Duty to specify the lapse date for an application	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	To be retained by Council	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 57A(5)	Power to refuse to amend application	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 57A(6)	Duty to note amendments to application in register	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57B(1)	Duty to determine whether and to whom notice should be given	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 57C(1)	Duty to give copy of amended application to referral authority	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 58	Duty to consider every application for a permit	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 58A	Power to request advice from the Planning Application Committee	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 60	Duty to consider certain matters	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 60(1A)	Duty to consider certain matters	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, PLSP, MCF, CMD, PP	
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	DComm, MDS, SPC, TLSP, PLSP, CMD, PP, SUBO	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	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DComm, MDS, SPC, TLSP, CMD, PP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 62(2)	Power to include other conditions	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	This provision applies also to a decision to grant an amendment to a permit - see s 75

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 64(5)	Duty to give each objector a copy of an exempt decision	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	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	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 69(1A)	Function of receiving application for extension of time to complete development	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 69(2)	Power to extend time	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 71(1)	Power to correct certain mistakes	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 71(2)	Duty to note corrections in register	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 73	Power to decide to grant amendment subject to conditions	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 74	Duty to issue amended permit to applicant if no objectors	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	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	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	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

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and 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 s 64 or 76	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 83	Function of being respondent to an appeal	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 83B	Duty to give or publish notice of application for review	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 84AB	Power to agree to confining a review by the Tribunal	DComm	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	TLPI, DComm, MDS, SPC, CMD	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	SPIO, TLPI, DComm, MDS, SPC, PIO, CMD, CPI, LCO	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 91(2)	Duty to comply with the directions of VCAT	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	SPIO, SSP, StatP, TLPI, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, PIO, CMD, PP, CPI, LCO	
s 93(2)	Duty to give notice of VCAT order to stop development	SPIO, SSP, StatP, TLPI, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, PIO, CMD, PP, CPI, LCO	
s 95(3)	Function of referring certain applications to the Minister	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 95(4)	Duty to comply with an order or direction	SPIO, SSP, StatP, TLPI, ParaP, DComm, MDS, SUBO, SPC,	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		TLSP, PLSP, PIO, CMD, PP, CPI, LCO	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	To be retained by Council	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	To be retained by Council	
s 96F	Duty to consider the panel's report under s 96E	To be retained by Council	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996	To be retained by Council	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96H(3)	Power to give notice in compliance with Minister's direction	SSP, StatP, CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	
s 96J	Duty to issue permit as directed by the Minister	SSP, StatP, TLSPS, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 97C	Power to request Minister to decide the application	To be retained by Council	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	SSP, StatP, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	SSP, StatP, TLSPS, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	SSP, StatP, TLSPS, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	To be retained by Council	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	SSP, StatP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	SSP, StatP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	SSP, StatP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 97Q(4)	Duty to comply with directions of VCAT	SSP, StatP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	SSP, StatP, TLSPS, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, CMD, PP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DComm, MDS, SPC, CMD	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DComm, MDS, SPC, CMD	
s 101	Function of receiving claim for expenses in conjunction with claim	DComm, MDS, SPC, CMD	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 103	Power to reject a claim for compensation in certain circumstances	DComm, MDS, SPC, CMD	
s.107(1)	function of receiving claim for compensation	DComm, MDS, SPC, CMD	
s 107(3)	Power to agree to extend time for making claim	DComm, MDS, SPC, CMD	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	DComm, MDS	
s 114(1)	Power to apply to the VCAT for an enforcement order	SPIO, TLPI, DComm, MDS, SPC, PIO, CMD, CPI, LCO	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	SPIO, TLPI, DComm, MDS, SPC, PIO, CMD, CPI, LCO	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	SPIO, TLPI, DComm, MDS, SPC, PIO, CMD, CPI, LCO	
s 123(1)	Power to carry out work required by enforcement order and recover costs	SPIO, TLPI, DComm, MDS, SPC, PIO, CMD, CPI, LCO	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DComm, MDS, SPC, CMD	Except Crown Land

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
S 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order	DComm, MDS, SPC, CMD, CPI	Section 123 of the <i>Victorian Civil and Administrative Tribunal Act 1998</i> applied on an application to the Tribunal
s 129	Function of recovering penalties	SPIO, TLPI, DComm, MDS, SPC, PIO, CMD, CPI, LCO	
s 130(5)	Power to allow person served with an infringement notice further time	SPIO, TLPI, DComm, MDS, SPC, PIO, CMD, CPI, LCO	
s 149A(1)	Power to refer a matter to the VCAT for determination	To be retained by Council	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DComm, MDS, SPC, CMD	
S 148B	Power to apply to the Tribunal for a declaration	DComm, MDS, SPC, CMD, CPI	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to	CStP, DComm, MDS, SPC, CMD	Where Council is the relevant planning authority

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)		
s 171(2)(f)	Power to carry out studies and commission reports	CStP, DComm, MDS, SPC, CMD	
s 171(2)(g)	Power to grant and reserve easements	DComm, MDS, SPC, CMD	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DComm	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DComm	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	DComm	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	DComm, MDS, SPC, CMD	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	DComm, MDS, SPC, CMD	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DComm, MDS, SPC, CMD	
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	DComm, MDS, SPC, CMD	
s 178A(1)	Function of receiving application to amend or end an agreement	DComm, MDS, SPC, CMD	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DComm, MDS, SPC, CMD	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DComm, MDS, SPC, CMD	
s 178A(5)	Power to propose to amend or end an agreement	DComm, MDS, SPC, CMD	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DComm, MDS, SPC, CMD	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DComm, MDS, SPC, CMD	
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	DComm, MDS, SPC, CMD	
s 178C(4)	Function of determining how to give notice under s 178C(2)	DComm, MDS, SPC, CMD	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DComm, MDS, SPC, CMD	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DComm, MDS, SPC, CMD	If no objections are made under s 178D Must consider matters in s 178B

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DComm, MDS, SPC, CMD	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	DComm, MDS, SPC, CMD	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DComm, MDS, SPC, CMD	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DComm, MDS, SPC, CMD	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	DComm, MDS, SPC, CMD	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	DComm, MDS, SPC, CMD	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	DComm, MDS, SPC, CMD	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DComm, MDS, SPC, CMD	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	DComm, MDS, SPC, CMD	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DComm, MDS, SPC, CMD	
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	DComm, MDS, SPC, CMD	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DComm, MDS, SPC, CMD	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	TLSPS, DComm, MDS, SPC, CMD	
s 181	Duty to apply to the Registrar of Titles to record the agreement	DComm, MDS, SPC, CMD	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DComm, MDS, SPC, CMD	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DComm, MDS, SPC, CMD	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 182	Power to enforce an agreement	SPIO, TLPI, DComm, MDS, SPC, PIO, CMD, CPI, LCO	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DComm, MDS, SPC, CMD	
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	DComm, MDS, SPC, CMD	
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	DComm, MDS, SPC, CMD	
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	DComm, MDS, SPC, CMD	
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	DComm, MDS, SPC, CMD	
s 184G(2)	Duty to comply with a direction of the Tribunal	DComm, MDS, SPC, CMD	
s 184G(3)	Duty to give notice as directed by the Tribunal	DComm, MDS, SPC, CMD	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	SSP, StatP, TLSPS, ParaP, MDS, SPC, TLSP, PLSP, PP	
s 198(1)	Function to receive application for planning certificate	TLSPS, DComm, MDS, SPC, CMD	
s 199(1)	Duty to give planning certificate to applicant	TLSPS, DComm, MDS, SPC, CMD	
s 201(1)	Function of receiving application for declaration of underlying zoning	CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	
s 201(3)	Duty to make declaration	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
	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	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
	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	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	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	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
	Power to give written authorisation in accordance with a provision of a planning scheme	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
	Power, in relation to an application where the Minister for Planning is the Responsible Authority, to determine whether Council supports or objects to the application, and to communicate that determination to the Minister.	DComm, MDS, SPC, TLSP, PLSP, CMD, PP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	

Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	SBS, EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS	
s 522(1)	Power to give a compliance notice to a person	SBS, EHT, SEHO, DMBS, CEH, EHO, MBS	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO	
s 525(4)	Duty to issue identity card to authorised officers	DCIA, CBP, DComm, MPC, CPS, MDS	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	DComm, MDS	
s 526A(3)	Function of receiving report of inspection	EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CG, DCCS, MG, PLA, TLG	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CG, DCCS, MG, PLA, TLG	
s 11(9)(b)	Duty to advise Registrar	CG, DCCS, MG, PLA, TLG,	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CG, DCCS, MG, PLA, TLG,	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CG, DCCS, MG, PLA, TLG,	Where Council is the coordinating road authority
s 12(10)	Duty to notify of decision made	DCCS, MG	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	MSA, CG, DIO, DCCS, MG, PLA,	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	MSA, DIO, DCCS, MG, MES	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	MSA, DIO, DCCS, MG, MES	
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	MSA, DIO, MES, OPM, CES, CEStr	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	MSA, DIO, MES, OPM	
s 15(2)	Duty to include details of arrangement in public roads register	CAP, MSA, DIO	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 16(7)	Power to enter into an arrangement under s 15	MSA, DIO, OPM	
s 16(8)	Duty to enter details of determination in public roads register	CAP, MSA, DIO	
s 17(2)	Duty to register public road in public roads register	CAP, MSA, DIO	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CAP, MSA, DIO	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	CAP, MSA, DIO	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	CAP, MSA, DIO, DCCS, MG, MES	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	CAP, MSA, DIO	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	CAP, MSA, DIO, CEStr	Where Council is the coordinating road authority, and obtain consent in

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	CAP, MSA, DIO	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	CAP, MSA, DIO	
s 19(4)	Duty to specify details of discontinuance in public roads register	CAP, MSA, DIO	
s 19(5)	Duty to ensure public roads register is available for public inspection	CAP, MSA, DIO	
s 21	Function of replying to request for information or advice	CAP, MSA, DIO	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CAP, MSA, DIO	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	CAP, MSA, DIO	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 22(5)	Duty to give effect to a direction under s 22	CAP, MSA, DIO	
s 40(1)	Duty to inspect, maintain and repair a public road.	CAP, MSA, CWME, CCW, DIO, CCI, CS, MCWD, MES, OPM, CES, CWPM, CWSPM, CEStr, PMMP	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CAP, MSA, CWME, CCW, DIO, MES, OPM, CES, CEStr	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	MSA, CWME, CCW, DIO, CCI, CS, MCWD, MES, OPM, CES, CWPM, CWSPM, CEStr, PMMP	
s 42(1)	Power to declare a public road as a controlled access road	CAP, MSA, DIO	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CAP, MSA, DIO	Power of coordinating road authority and sch 2 also applies

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	CAP, MSA, DIO	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	MSA, DIO, MES, CES, CEStr	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	CAP, MSA, DIO, MES	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	CAP, MSA, DIO	
s 49	Power to develop and publish a road management plan	CAP, MSA, DIO	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 51	Power to determine standards by incorporating the standards in a road management plan	CAP, MSA, DIO	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CAP, MSA, DIO	
s 54(2)	Duty to give notice of proposal to make a road management plan	CAP, MSA, DIO	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CAP, MSA, DIO	
s 54(6)	Power to amend road management plan	CAP, MSA, DIO	
s 54(7)	Duty to incorporate the amendments into the road management plan	CAP, MSA, DIO	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CAP, MSA, DIO	
s 63(1)	Power to consent to conduct of works on road	MSA, CWME, CCW, DIO, CCI, CS, MCWD, MES, OPM, CES, CWPM, CWSPM, CESTr, PMMP	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	MSA, CWME, CCW, DIO, CCI, CS, MCWD, MES, OPM, CES, CWPM, CWSPM, CEStr, PMMP	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	MSA, DIO, MES, OPM, CES, CEStr	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	MSA, DIO, MES, OPM	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	DIO, MES, OPM	Where Council is the coordinating road authority
s 67(3)	Power to request information	MSA, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
s 68(2)	Power to request information	MSA, DIO, CCI, MCWD, MES, OPM, PMMP	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO	Refer to S11 Instrument

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 72	Duty to issue an identity card to each authorised officer	MSA, DCIA, DIO, CBP, PCBP, MCWD, MES, MPC, OPM	
s 85	Function of receiving report from authorised officer	MSA, CWME, CPV, CCW, DIO, MCWD, MES, OPM, COS	
s 86	Duty to keep register re s 85 matters	MSA, DIO, MCWD, MES, OPM	
s 87(1)	Function of receiving complaints	MSA, CWME, CPV, CCW, DIO, MCWD, MES, OPM, COS	
s 87(2)	Duty to investigate complaint and provide report	MSA, CWME, CPV, CCW, DIO, MCWD, MES, OPM, COS	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	To be retained by the CEO	Refer to s11 Instrument
s 112(2)	Power to recover damages in court	MSA, DIO, MCWD, MFIP, DCCS, MES, OPM	
s 116	Power to cause or carry out inspection	MSA, CWME, CCW, DIO, CCI, CS, MCWD, MES, OPM, CWPM, CWSPM, PMMP	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 119(2)	Function of consulting with the Head, Transport for Victoria	MSA, CWME, CPV, CCW, DIO, CCI, CS, MCWD, MES, OPM, COS, CWPM, CWSPM, PMMP	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	MSA, CWME, CPV, CCW, DIO, CCI, CS, MCWD, MES, OPM, COS, CWPM, CWSPM, PMMP	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	MSA, CPV, DIO, MCWD, MES, OPM, COS	
s 121(1)	Power to enter into an agreement in respect of works	MSA, DIO, MCWD, MES, OPM	
s 122(1)	Power to charge and recover fees	MSA, DIO, MCWD, MES, OPM	
s 123(1)	Power to charge for any service	MSA, DIO, MCWD, MES, OPM	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	MSA, DIO, MES	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	MSA, DIO, MES	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	MSA, DIO, MES	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	MSA, DIO, MCWD, DComm, MES, CES, CEStr	
sch 2 cl 5	Duty to publish notice of declaration	CAP, MSA, DIO, MES, CES, CEStr	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CAP, MSA, DIO, CCI, MCWD, MES, COS, CES, CWPM, CWSPM, CEStr, PMMP	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CAP, MSA, DIO, CCI, MCWD, MES, OPM, COS, CES, CWPM, CWSPM, CEStr, PMMP	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CAP, MSA, DIO, CCI, MCWD, MES, OPM, COS, CES, CWPM, CWSPM, CEStr, PMMP	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	CAP, MSA, DIO, CCI, MCWD, MES, OPM, COS, CES, CWPM, CWSPM, CEStr, PMMP	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CAP, MSA, CWME, CCW, DIO, CCI, MCWD, MES, OPM, COS, CES, CWPM, CWSPM, CEStr, PMMP	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	CAP, MSA, DIO, CCI, MCWD, MES, COS, CES, CWPM, CWSPM, CEStr, PMMP	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CAP, MSA, DIO, CCI, MCWD, MES, COS, CES, CWPM, CWSPM, PMMP	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	MSA, DIO, CCI, CS, MCWD, MES, COS, CWPM, CWSPM, PMMP	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	MSA, MPPR, DIO, MCWD, MFIP, DCCS, MES, OPM	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	MSA, DIO, CCI, MCWD, MES, OPM, COS, CES, CWPM, CWSPM, CEStr, PMMP	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	MSA, DIO, CCI, MCWD, MES, OPM, COS, CES, CEStr, PMMP	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	DIO, CCI, MCWD, MES, OPM, COS, PMMP	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	DIO, MCWD, MES, OPM, CES, CEStr	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CAP, MSA, DIO, MCWD, MES, OPM, CES, CEStr	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	DIO, MCWD, MES, OPM, CES, CEStr	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	DIO, MCWD, MES, OPM, CES, CEStr	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 16(8)	Power to include consents and conditions	DIO, MCWD, MES, OPM, CES, CEStr	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	DIO, MCWD, MES, OPM, CES, CEStr	Where Council is the coordinating road authority
sch 7 cl18(1)	Power to enter into an agreement	DIO, MCWD, MES, OPM, CES, CEStr	Where Council is the coordinating road authority
sch7 cl 19(1)	Power to give notice requiring rectification of works	DIO, MCWD, MES, OPM, CES, CEStr	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CWME, CCW, DIO, MCWD, MES, OPM, CES, CEStr	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DIO, MCWD, CWLA, MES, OPM, COS, CES, CWPM, CWSPM, CEStr	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	CWME, CCW, DIO, CCI, MCWD, CWLA, MES, OPM, COS, CES, CWPM, CWSPM, CEStr, PMMP	Power of responsible road authority where it is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	DIO, CCI, MCWD, MES, COS, CES, CEStr, PMMP	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	DIO, CCI, MCWD, MES, COS, CES, CEStr, PMMP	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	DIO, CCI, MCWD, MES, COS, CES, CEStr, PMMP	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Cemeteries and Crematoria Regulations 2015			
##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 24	Duty to ensure that cemetery complies with depth of burial requirements	DCCS, MG, TLC, CemO, GO, BSOG	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	DCCS, MG, TLC, CemO, GO, BSOG	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	DCCS, MG, TLC, CemO,	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	DCCS, MG, TLC, CemO,	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	DCCS, MG,	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	DCCS, MG, TLC, CemO, GO, BSOG	

Cemeteries and Crematoria Regulations 2015			
##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	Note only	
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	DCCS, MG,	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	DCCS, MG, TLC, CemO, GO, BSOG	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	DCCS, MG, TLC, CemO, GO, BSOG	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	DCCS, MG, TLC, CemO, GO, BSOG	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	DCCS, MG, TLC, CemO, GO, BSOG	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	DCCS, MG, TLC, CemO, GO, BSOG	See note above regarding model rules

Cemeteries and Crematoria Regulations 2015			
##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	DCCS, MG, TLC, CemO, GO, BSOG	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	DCCS, MG, TLC, CemO, GO, BSOG	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	DCCS, MG, TLC, CemO,	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	DCCS, MG, TLC, CemO	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	CEO, DCCS, MG	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	CEO, DCCS, MG	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	DCCS, MG, TLC	See note above regarding model rules

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CStP, DComm, MDS, MCF	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	CStP, DComm, MDS, SPC, TLSP, PLSP, MCF, CMD, PP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	SSP, StatP, TLSPS, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	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 in accordance with the public availability requirements	SSP, StatP, TLSPS, CStP, ParaP, DComm, MDS, SUBO, SPC, TLSP, PLSP, MCF, CMD, PP	where Council is not the responsible authority but the relevant land is within Council's municipal district

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CStP, StrP, SSTRP, DComm, MDS, CSPP, MCF	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CStP, DComm, MCF	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CStP, DComm, MCF	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	CStP, DComm, MCF	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 7	Power to enter into a written agreement with a caravan park owner	SBS, MPPR, CPM, EHT, SEHO, DMBS, CEH, EHO, DComm, DCCS, MBS, MDS	CEH and MBS in a coordinated approach
r 10	Function of receiving application for registration	EHT, SEHO, CEH, EHO	
r 11	Function of receiving application for renewal of registration	SBS, EHT, SEHO, DMBS, CEH, EHO, MBS	Approach to be coordinated between CEH and MBS
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHT, SEHO, CEH, EHO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHT, SEHO, CEH, EHO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHT, SEHO, CEH, EHO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	DMBS, CEH, DComm, MBS, MDS	Approach to be coordinated between CEH and MBS

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHT, SEHO, DMBS, CEH, EHO, MBS	Approach to be coordinated between CEH and MBS
r 12(4) & (5)	Duty to issue certificate of registration	CEH, DComm, MDS	
r 14(1)	Function of receiving notice of transfer of ownership	EHT, SEHO, CEH, EHO	
r 14(3)	Power to determine where notice of transfer is displayed	EHT, SEHO, CEH, EHO	
r 15(1)	Duty to transfer registration to new caravan park owner	EHT, SEHO, CEH, EHO	
r 15(2)	Duty to issue a certificate of transfer of registration	CEH, DComm, MDS	
r 15(3)	Power to determine where certificate of transfer of registration is displayed		
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CEH, DComm, MDS	
r 17	Duty to keep register of caravan parks	CEH, DComm, MDS	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 21(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	SBS, EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS	
r 21(2)	Duty to consult with relevant emergency services agencies	SBS, EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS	
r 22	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHT, SEHO, CEH, EHO, DComm, MDS	
r 23	Power to determine places in which caravan park owner must display copy of public emergency warnings	SBS, EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS	
r 24(2)	Power to consult with relevant floodplain management authority	EHT, SEHO, CEH, EHO, DComm, MBS, MDS, MFPO	EHO, EHT, SEHO, CEH and MBS in coordinated approach
r 26(b)(i)	Power to approve system for the discharge of sewage and wastewater from a movable dwelling	EHT, SEHO, CEH, EHO, DComm, MDS	
r 38	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	SBS, SEHO, DMBS, CEH, DComm, MBS, MDS	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 38(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	SBS, SEHO, DMBS, CEH, DComm, MBS, MDS	
r 39(3)	Function of receiving installation certificate	SBS, EHT, SEHO, DMBS, CEH, EHO, DComm, MBS, MDS	
r 45(3)	Power to determine places in which caravan park owner must display name and telephone number of an emergency contact person		
r 45(5)	Power to determine places in which caravan park owner must display the certificate of registration or certificate of renewal of registration, the plan of the caravan park and a copy of the caravan park rules		

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	CAP, MSA, DIO	

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 9(2)	Duty to produce written report of review of road management plan and make report available	CAP, MSA, DIO	
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)	CAP, MSA, DIO	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	CAP, MSA, DIO	
r 13(1)	Duty to publish notice of amendments to road management plan	CAP, MSA, DIO	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	CAP, MSA, DIO	
r 16(3)	Power to issue permit	CWME, DIO, MES, OPM, CES, CEStr	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	CWME, DIO, MES, OPM, CES	Where Council is the coordinating road authority

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 23(2)	Power to make submission to Tribunal	MSA, DIO, MES, CES, CEStr	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	MSA, DIO, MFIP, DCCS, MES, CES, CEStr	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CWME, CCW, DIO, CCI, CS, MCWD, MES, OPM, CES, CEStr, PMMP	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	CWME, CCW, DIO, MES, OPM, CES, CEStr	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	DIO, MFIP, DCCS, MES, OPM, CES, CEStr	

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	CWME, DIO, MES, OPM, CES, CEStr	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	CWME, DIO, MES, OPM, CES, CEStr	Where Council is the coordinating road authority

Consideration of Reports of Officers

UPDATE ON LANDSCAPE COMPLIANCE PROCESS AND GUIDELINES

Updated Landscape Guidelines

Meeting Date: 9 September 2024

Attachment: A

Frankston City



FRANKSTON CITY COUNCIL LANDSCAPE GUIDELINES

A guide for preparing Landscape Plans for Planning
Applications

September 2024





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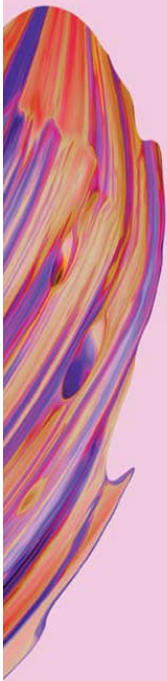
Plant image: *Epacris impressa* (Common Heath)

Acknowledgement of Country

Frankston City Council acknowledges the Bunurong people of the Kulin Nation as the Traditional Custodians of the lands and waters in and around Frankston City, and value and recognise local Aboriginal and Torres Strait Islander cultures, heritage and connection to land as a proud part of a shared identity for Frankston City.

Council pays respect to Elders past and present and recognises their importance in maintaining knowledge, traditions and culture in our community.

Council also respectfully acknowledges the Bunurong Land Council as the Registered Aboriginal Party responsible for managing the Aboriginal cultural heritage of the land and waters where Frankston City Council is situated.





Plant image: *Correa reflexa* (Common Correa)

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1.0 Introduction

Plant image: *Clematis microphylla* (Small-leaved Clematis)





Landscape Guidelines: A guide for preparing landscape plans for planning applications

Frankston City Council is committed to ensuring there is a net gain in tree and vegetation cover across the municipality. Council assesses the landscape response as part of the development application and approval process.

1.1 Purpose

The purpose of this document is to:

- Provide guidance and direction for developing a functional, practical, and aesthetically pleasing landscape response for development applications.
- Provide applicants, developers, landscape architects/designers, and contractors with a clear understanding of the requirements and steps involved in submitting a landscape plan consistent with Council's current policies and strategies.
- Assist in the efficient processing of planning permit applications and encourage well-designed and sustainable landscapes across Frankston City Council.

The desired outcomes and benefits of this document are:

- Establish Council's expectations for landscaping in residential, commercial, and industrial developments.
- Ensure the proposed landscape will function within the landscape i.e., appropriate species selection and planting locations (Soil types, Hydrology etc) to reach full growth potential.
- Ensure the development's landscaping integrates with the local character.
- Ensure that there is not net loss of tree cover and contribute to an increase the overall tree canopy cover in line with the Urban Forest Action Plan.
- Provide guidance on increasing biodiversity services of landscape designs.
- Provide guidance on the landscape application process and avoid resubmissions.
- Preserve and enhance the landscape response to a changing climate.
- Ensure that the landscapes installed now are enduring, sustainable and enjoyable for both current and future residents.



Landscape Guidelines: A guide for preparing landscape plans for planning applications

1.2 Scope

These guidelines outline the Council's expectations for development applications requiring a landscape plan as part of the statutory planning approval process.

1.2.1 Development Types Requiring a Landscape Plan

A concept landscape plan will be requested to demonstrate landscaping opportunities for:

- Residential Developments (Including outbuildings)
- Vacant lot subdivisions
- Medium Density Housing
- Discretionary Uses
- Commercial Developments
- Alterations to Land or Building Use
- Rural Developments
- Vegetation removal
- Major Earthworks
- Multi-Dwelling Applications
- Mixed-Use Residential Applications
- Industrial Developments (new warehouses/factories)
- Buildings and Works Applications (aged care facilities, childcare centres, schools, medical centres etc.)

1.2.2 Additional Requirements

- **Arboricultural Impact Assessment:**

May be required depending on the scope and location of the development. Refer to Frankston City Council Arboricultural Report Writing Guide, December 2015 for report preparation.

- **Native Vegetation Assessment Report:**

Refer to Clause 52.17 of the Frankston Planning Scheme for application requirements.

- **Developments in Bushfire**

- **Management Overlays (BMO):**

Refer to Clause 44.06 of the Frankston Planning Scheme for application requirements and Schedule 1 and 2 to Clause 44.06 for defendable space requirements.

1.2.3 Preparation and Submission

- **Qualified Personnel:** Landscape plans must be prepared by a suitably qualified Landscape Designer or Landscape Architect.

- **Endorsement:** Upon approval, the landscape plan and, where relevant, the associated Tree Protection Management Plan will be endorsed and form part of the permit.

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1.2.4 Skills Required for Landscape Plan Preparation

- **Minimum Qualification:** Suitably qualified landscape/horticultural professional
- **Understanding of EVCs:** Knowledge of Frankston's Ecological Vegetation Classes
- **Horticultural Expertise and Botanical Knowledge:** Ability to select plants suitable for the site conditions.
- **Construction Details:** Knowledge of landscape construction details and diagrams
- **Technical Drafting Skills:** Ability to produce clear and legible landscape plans to Council standards.

1.2.5 Finding a Landscape Architect or Designer

- **Australian Institute of Landscape Architects (AILA):** www.aila.org.au
- **Landscaping Victoria Master Landscapers:** www.landscapingvictoria.com.au/

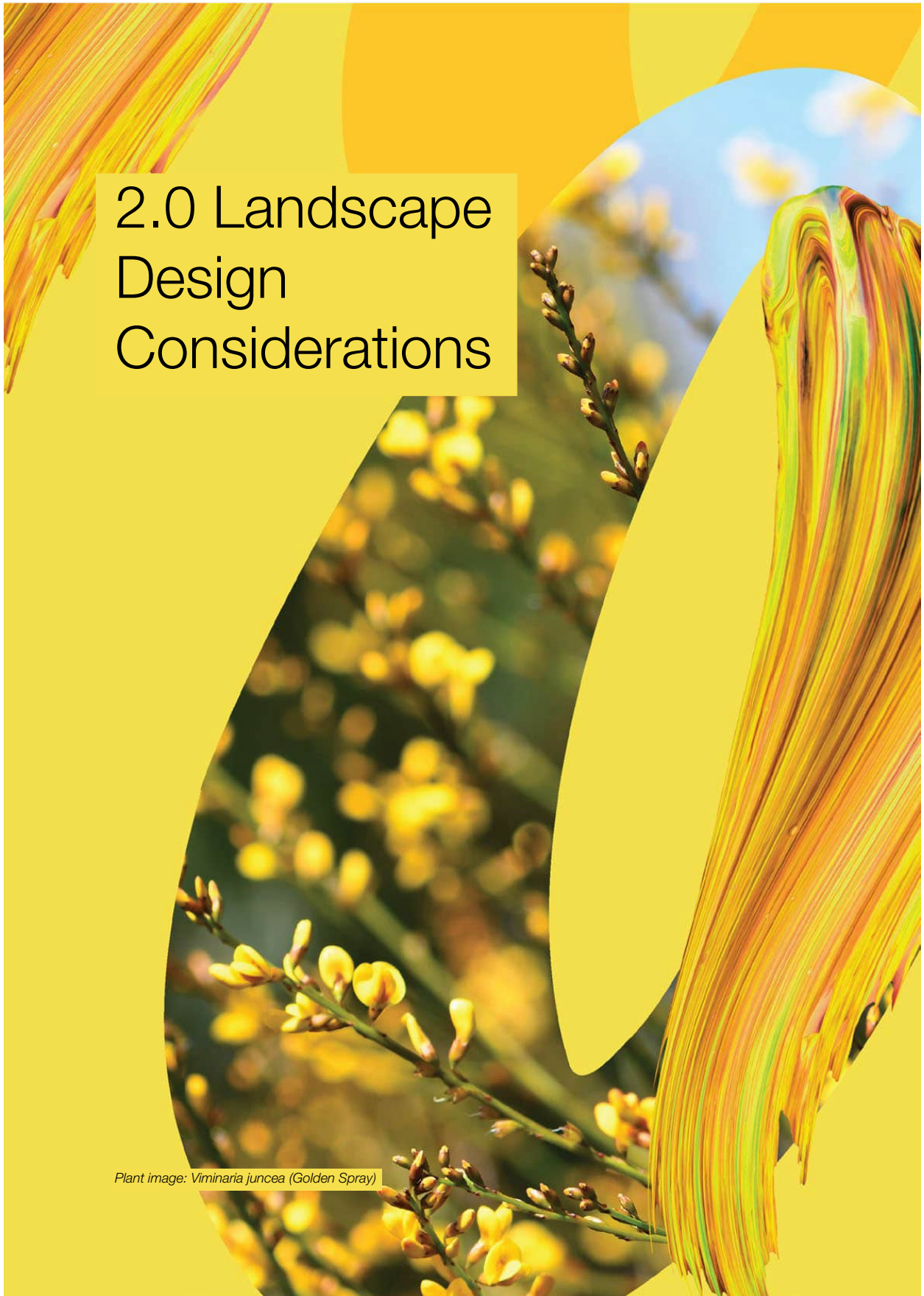
1.2.6 Relevant Documents

- Urban Forest Action Plan 2020-2040
- Open Space Strategy 2016-2036
- Ecologically Sustainable Development Design Guide – Urban Design 2009
- Built Form Guidelines for Precincts
- Neighbourhood Character Guidelines
- Industrial Design Guidelines 2024
- Frankston Green Wedge Management Plan 2019
- Frankston City Council Arboricultural Report Writing Guide, December 2015
- Frankston Biodiversity Action Plan 2021
- Greening our Future Frankston City's Environment Strategy 2014-2024
- Frankston Indigenous Plant Guide
- Frankston City Council Local Law 2016 No 22: Tree Protection Local Law
- Frankston City Council Nature Strip Planting Guidelines 2022
- Relevant policies and documents

Copies of these documents are available Online at frankston.vic.gov.au or by contacting Customer Service on 1300 322 322.

2.0 Landscape Design Considerations

Plant image: *Vimiharia juncea* (Golden Spray)



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Landscape design principles must be established during the early stages of the planning and design phase of a new development. These principles outline important issues and elements that will guide decision making with the aim to develop a landscape plan that is:

- Visually appealing and maintains compliance with the guidelines.
- In keeping with the purpose of the development.
- Complementary to the streetscape and neighbourhood character.
- Considerate of environmental and biodiversity values.
- Low maintenance and sustainable.

Note: Existing vegetation and site context must be considered BEFORE development is designed, landscaping should not be an afterthought.



2.1 Site Analysis

The key to good design is understanding the site and its wider context, which then informs the design. The factors below are specific to the site or have influence on the site externally. Council expects that you undertake a thorough analysis of the site.

Relevant factors to consider may include:

- Neighbourhood character.
- Topography and drainage (management of surface water flows and/or ponding).
- Titles, boundaries, and fence lines.
- Location of underground and above ground services e.g., power lines, drainage, and sewer.
- Consideration of location of required site services (storage, bins clotheslines, mailboxes, water metres etc.)
- Solar orientation.
- Sensitive environmental factors on site or nearby creeks, natural reserves, wetlands etc.
- Easements.
- Climate – rainfall, prevailing winds.
- View lines to be retained or screened.
- Soil types.
- Ecological Vegetation Class (EVC).
- Existing vegetation (retained or to be removed).
- Adjacent neighbouring vegetation.
- Planning controls, overlays, and regulations.

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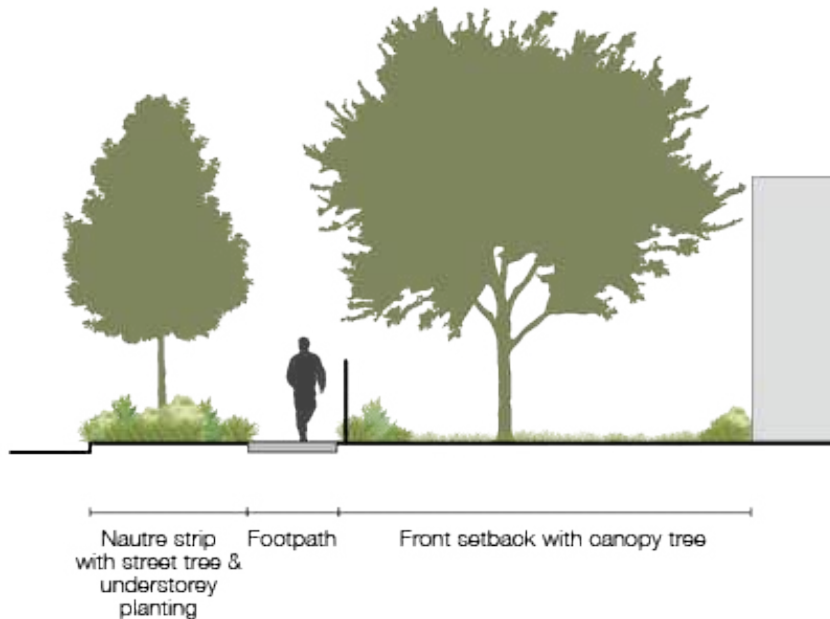
2.2 Good Site Access

- **Pathways:** Provide clear paths from garage/parking/driveway to front entrance - avoid paths from mailbox/front fence to front door which reduce available planting opportunities and are rarely used.
- **Private Open Spaces:** Private open spaces should have gated access to front gardens or through garages.
- **Driveway Planting:** Maximise garden bed areas. For e.g., meander driveways to create large planting spaces for trees.

2.3 Front Setbacks and Driveways

Landscaping to provide a visually appealing outcome responding to site conditions and local character.

- **Canopy Tree in Front Setback:** Front setbacks to include at least one canopy tree per standard lot, combined with understorey planting. Refer to the planning scheme requirements applicable to development for specific canopy cover requirements. Also refer to specific landscape application requirements included in these guidelines.



Landscape Guidelines: A guide for preparing landscape plans for planning applications

- **Green Front Setback:** Planted areas should cover 60% of the front setback.
- **Nature Strip Planting:** Nature strip planting is encouraged but does not contribute to garden area calculations. A permit is required to modify nature strips from the standard 'mown lawn' nature strip. There is no cost to apply for a nature strip planting permit, but permit applications must comply with council's nature strip planting guidelines and ongoing maintenance requirements. Refer to Nature Strip Planting Guidelines for further information.
- **Minimise Hard Surfaces:** Maximise planted and permeable surfaces, reduce hard surfaces draining into stormwater systems.
- **Varied Plant Heights:** Use varying plant heights to screen front and side fences to break up hard surfaces. Trellis structures with climbing plants can be used to break up building mass while providing planting in limited spaces.
- **Site services:** Avoid placing services in the preferred landscaping areas in the front setback to ensure a visually appealing presentation to the street.
- **Reuse Topsoil:** Retain and reuse existing site topsoil post-construction.
- **Natural Lawns:** Turf or seeded lawns are accepted. Consider using indigenous grass species. Council will NOT accept synthetic lawn.
- **Garden beds:** Lawns require high maintenance. Consider minimising lawn extents in favour of garden beds. Garden beds provide increased aesthetic value and street appeal.
- **Permeable Paving:** Reduce site outflow and ease drainage network impacts.
- **Green Roofs and Walls:** Enhance biodiversity, improve air quality, and reduce the urban heat island effect.
- **Active Transportation Infrastructure:** Prioritise pedestrian and cycling infrastructure in new developments.
- **Inclusive Communal Spaces:** Design accessible and environmentally friendly communal spaces with amenities like vegetable gardens, shade structures, and seating.
- **Passive Solar Design:** Plant evergreen trees to the west of residences to shade windows. Deciduous trees to the North will allow penetration to the building in winter, while providing extra shading in summer.
- **Irrigation:** Rainwater collection water tanks to be used for landscaping use. Passive irrigation techniques to minimise supplementary water dependency.

2.4 Environmentally Sustainable Design

- **Water-Sensitive Urban Design:** Utilise techniques like rain gardens, bio-retention basins, and wetlands to treat stormwater run-off.
- **Sustainable Materials:** Use materials that are renewable, locally sourced, recyclable, durable, and/or rapidly renewable.

Landscape Guidelines: A guide for preparing landscape plans for planning applications

2.5 Plant Selection

Private land plays a crucial role in expanding the tree canopy across the landscape, creating vital connections between larger areas of native vegetation. This network supports urban biodiversity. Effective species selection and planting themes should respond to local conditions and reflect the local character and scale of the development.

2.5.1 Species Diversity

A diverse range of plants enhances the urban ecosystem's productivity and stability, making it more resilient to environmental changes. Landscapes should aim for:

- **Variety of Plants:** Include a diverse range of plant forms, species, and cultivars where appropriate.
- **Indigenous and Native Plants:** Indigenous and native plant use is encouraged.
- **Site-Suited Species:** Emphasise plants appropriate to the site, low maintenance, hardy, and long-lived. Choose plants suited to the soil conditions and microclimate.
- **Water sensitive:** Use species which are drought tolerant. Where possible, use plants that will rarely require supplementary irrigation post establishment.

2.5.2 Plant Selection Considerations

- **Canopy Trees:** Design areas to include sufficient space for canopy trees.
- **Functional Purpose:** E.g., shade, screening.

- **Site Conditions:** Consider aspect, soil type, and wind direction.
- **Hardiness and Maintenance:** Choose long-lived species with low maintenance needs.
- **Biodiversity Contribution:** Provide food and shelter for local fauna.
- **Indigenous and Native Balance:** Prefer indigenous plants of local provenance.
- **Ecological Vegetation Class (EVC):** Align with the site's EVC.
- **Appropriate Size:** Ensure the mature size of the plant and root system fits the planting area.
- **Advanced Stock:** Use advanced stock for canopy trees (minimum 2 meters in height) for immediate landscape impact.
- **Quality Stock:** Adhere to Australian Standards Tree Stock for Landscape Use, AS 2303-2015.
- **Commercial availability:** Ensure the proposed plant species are available in local nurseries before specifying them.
- **Hybrids and cultivars:** Research potential weediness and invasiveness of new hybrids and cultivars. Seedless varieties can reduce weediness potential.
- **Plant Densities:** Use appropriate densities based on the mature width of plants. A mix of canopy trees, understorey planting and grasses is required.
- **Water Needs:** Select species with low water needs. Group plants with similar water requirements and irrigate accordingly to plant establishment.

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2.5.3 Prohibited Species:

Do not use plants listed as environmental/noxious weeds in the Frankston Invasive Species Guide (2019), declared noxious weeds listed under the Catchment and Lands Protections Act 1994 and weeds listed under the Frankston City Council Local Law 22.

2.5.4 Indigenous and Native Plants

Indigenous plants are those species of plants native to Frankston and Native plants are those species of plants native to Australia. Council encourages the use of indigenous plants for their numerous benefits, including:

- **Adaptability:** Suited to local climate and soil.
- **Resilience:** More resistant to local environmental stresses including local pests and diseases.

- **Drought Tolerance:** Require less water. Efficient water use reduces irrigation needs.
- **Quick Growth and Flowering:** Establish and bloom faster.
- **Low Maintenance:** Generally, require less care.
- **Cost Savings:** Lower water and maintenance costs.
- **Soil Health:** Enhance soil quality.
- **Weed Suppression:** Out compete invasive species.
- **Local Character:** Enhance and preserve local aesthetics.
- **Biodiversity Services:** Sustains local biodiversity while providing shelter and food for native fauna. Aids in environmental conservation
- **Cultural Significance:** Important cultural and historical value.



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2.5.5 Selecting Indigenous Plants

Choose species from the relevant Ecological Vegetation Classes (EVC) and based on site context. Importantly, indigenous plants should be sourced from local nurseries and where possible local seed provenance. In selecting indigenous species, ensure that these are suitable for use as a landscape plant for development purposes. Not all indigenous species are compatible with spaces for people and care should be taken in determining the appropriateness of plants for the development.

Indigenous plants not only reflect the local character but also promote sustainable, low-maintenance landscapes that support the broader ecosystem. Where site conditions are radically changed or at Frankston City Council officer's discretion, substitutions from other EVCs located in Frankston may be used.

2.6 Ecological Vegetation Classes (EVC)

Ecological Vegetation Classes (EVC) are the standard unit for classifying vegetation in Victoria. EVCs are described through a combination of plant species present in an area and ecological characteristics, associated to specific environmental attributes.

Frankston's ecological vegetation varies across 16 different classes in the Gippsland Plain bioregion as follows:

- EVC 1: Coastal Dune Grassland
- EVC 2: Coast Banksia Woodland
- EVC 3: Damp Sands Herb-rich Woodland
- EVC 6: Sand Heathland

- EVC 16: Lowland Forest
- EVC 48: Healthy Woodland
- EVC 53: VC 688: Swampy Riparian Woodland/ Swamp Scrub Mosaic
- EVC 83: Swampy Riparian Woodland
- EVC 125: Plains Grassy Wetland
- EVC 160: Coastal Dune Scrub
- EVC 161: Coastal Headland Scrub
- EVC 175: Grassy Woodland
- EVC 897: Plains Grassland/ Plains Grassy Woodland Mosaic
- EVC 902: Gully Woodland
- EVC 904: Coast Banksia Woodland/ Swamp Scrub Mosaic

Detailed information about these EVC's including pre 1790's landscape characters, tree and plant species can be accessed through the [Council website](#).

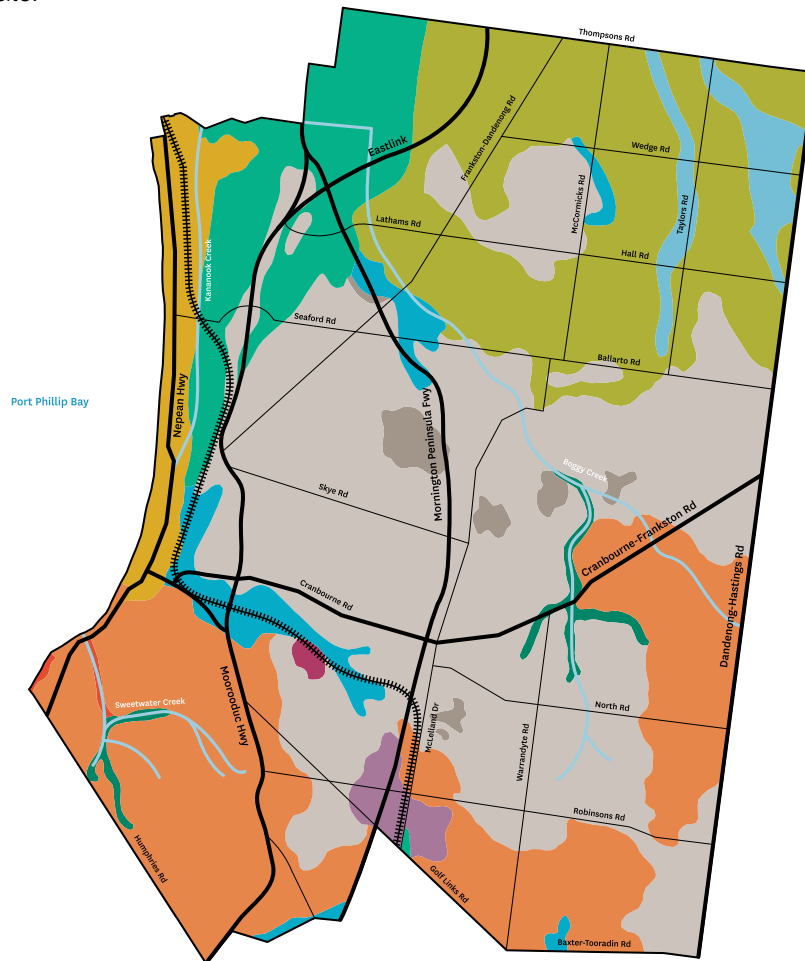
While the EVC's provide information about plant species indigenous to the area, they might not always be appropriate to the site. In many locations site conditions have changed over time.

With more than one EVC covering the Frankston area, it is important to refer to the EVC that applies to the subject site when selecting indigenous species. The use of indigenous species from local EVC's particularly applies in areas that are close to native reserves, areas forming habitat corridors or other areas with remnant indigenous flora. The use of indigenous species in these areas provides some protection to the introduction of invasive species and extends local habitat beyond the reserve boundaries.

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2.7 Ecological Vegetation Class Map

The map below broadly demonstrates the Ecological Vegetation Class (EVC), a suite of species that naturally occurring in a particular location. Further information can be found in the Frankston Indigenous Plant Guide and species lists are available on the website.

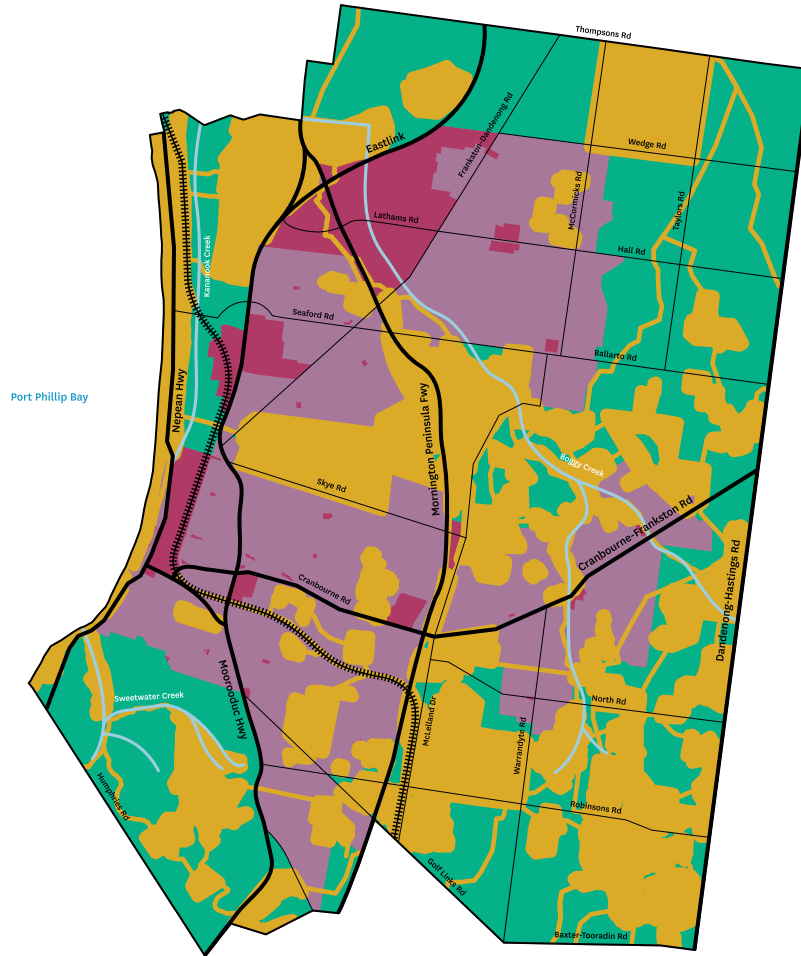


48	Healthy Woodland	83	Swampy Riparian Woodland	904	Coast Banksia Woodland / Swamp Scrub Mosaic
897	Plains Grassland / Plains Grassy Woodland Mosaic	53	Swamp Scrub	160	Coastal Dune Scrub
175	Grassy Woodland	688	Swampy Riparian Woodland / Swamp Scrub Mosaic	1	Coastal Dune Grassland
16	Lowland Forest	125	Plains Grassy Wetland	161	Coastal Headland Scrub
3	Damp Sands Herb-rich Woodland	902	Gully Woodland		
6	Sand Heathland	2	Coast Banksia Woodland		

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2.8 Landscape Character Map

The Landscape Character Map provides a guide for selecting a suitable species balance to achieve the appropriate landscape character and support our natural features throughout Frankston City.

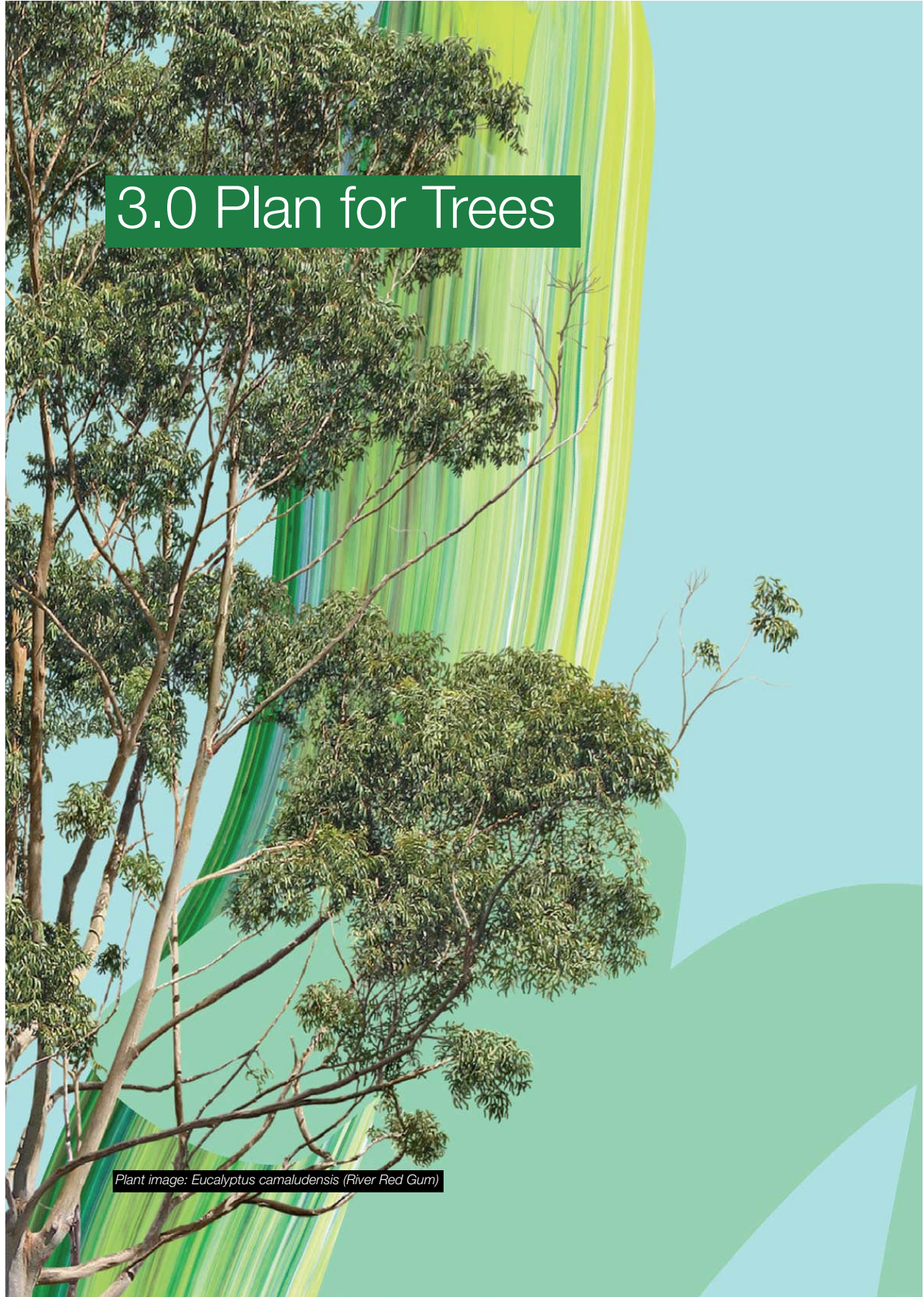


Areas/Zones	Percentage of plant species (min)
INDIGENOUS ZONE: Developments within 500m of natural reserves and recognised wildlife corridors. These areas play an important role in buffering our natural reserves.	100% Indigenous species*
BUSH ZONE: A mixture of indigenous and native species is to be selected to enhance the existing bush character throughout the region.	60% Indigenous*, 30% Native
URBAN ZONE: A mixture of plant species can be incorporated throughout with an emphasis on plants that will continue the tree character throughout the region.	40% Indigenous*, 40% Native
INDUSTRIAL & COMMERCIAL ZONE: An emphasis on selecting and implementing sustainable landscapes by utilising hardy, drought tolerance and low maintenance species.	30% Indigenous*, 40% Native

18

* Indigenous species per cent is a minimum and can be increased in lieu of native or exotic plants.

3.0 Plan for Trees



Plant image: *Eucalyptus camaludensis* (River Red Gum)

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Existing trees play a crucial role in new developments by offering immediate visual appeal, shade, habitat, biodiversity value etc. Retaining healthy trees helps to minimise canopy loss, ensuring the area remains green and inviting. When canopy loss is unavoidable, it is essential to include suitable replacement trees in the landscape plan to restore the lost canopy cover.

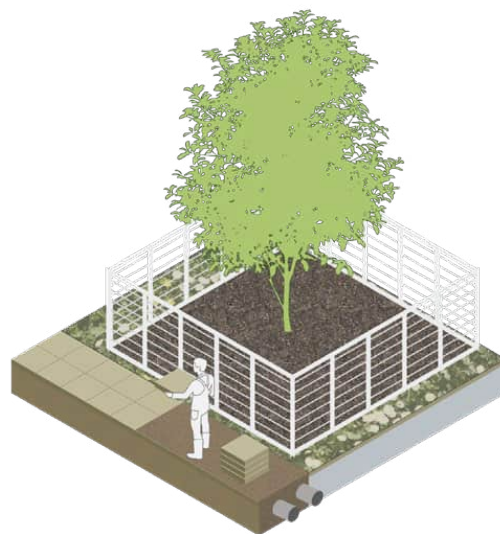
- **Certification:** The arborist consultant/project arborist must certify tree protection measures throughout all development stages.
- **Standards and Guidelines:** Refer to Frankston City Council Arboricultural Report Writing Guide, December 2015 for further information.

3.1 Early Planning

- **Protection and Placement:** Plan for the protection of existing trees and the placement of new trees early in the design process.
- **Retain Vegetation:** Retain significant vegetation including mature trees.
- **Neighbouring Trees:** Include trees located on neighbouring land (within 5m of the subject site) and nature strips on all plans and in the Arboricultural report.

3.2 Arboricultural Impact Assessment

- **Assessment:** An arborist report provides advice on which trees are worth retaining, in their opinion, and the required protection area around them.
- **Tree Protection:** Ensure trees including those on adjoining properties are considered and not impacted by the development proposal. Tree protection is to be implemented through all stages of development including, pre, during and post construction.



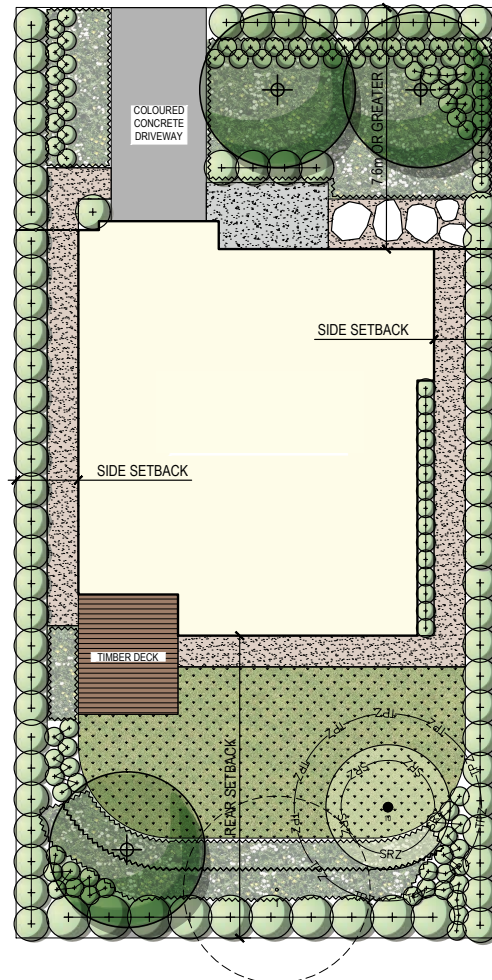
Tree protection as per standard

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3.3 Replacement and Proposed Trees

- New Canopy Trees:** In addition to retaining existing trees, new canopy trees must be provided and planned for.
- No Net Loss:** If existing trees cannot be retained, replacement trees are to be proposed to ensure there is no net loss of canopy cover in new developments. Development must also provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.
- Minimum New Tree Requirements:** For each new dwelling, a minimum of one canopy tree in the front setback and secluded private open space must be provided where existing trees are not being retained. More trees are to be planted where space allows. Refer to specific landscape applications section of these guidelines and the Frankston Planning Scheme for specific advice related to development type.
- Selection and Siting:** Carefully select and site new trees to achieve potential mature size, provide useful shade and amenity, achieve privacy between facing dwellings, or mitigate the scale of high-density development.

Example of landscape plan showing proposed canopy trees and trees to be removed



LEGEND

	EXISTING TREE TO BE RETAINED WITH TPZ AND SRZ		PROPOSED GARDEN BED PLANTING
	EXISTING TREE TO BE REMOVED		PROPOSED CONCRETE DRIVEWAY
	PROPOSED EVERGREEN TREE		PROPOSED LAWN
	PROPOSED DECIDUOUS TREE		PROPOSED GRANITIC GRAVEL
	PROPOSED SHRUB		



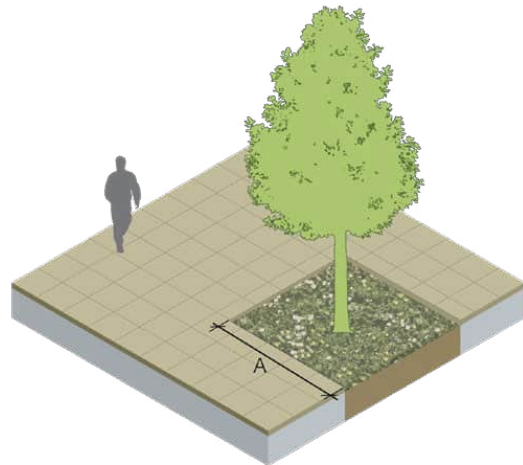
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3.4 Deep Soil Areas

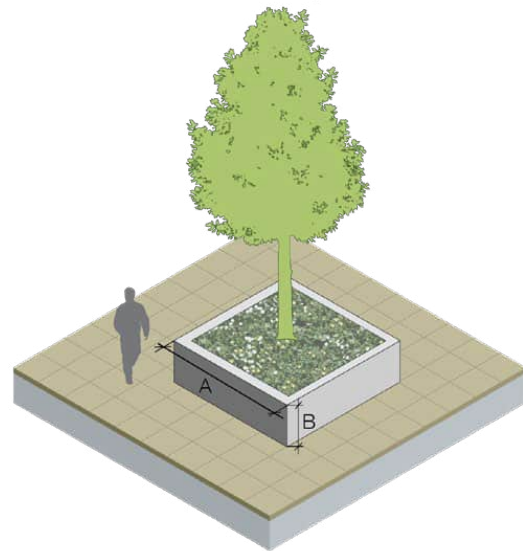
Deep soil areas are natural ground areas without obstructions above or below, promoting healthy growth for large trees and facilitating rainwater infiltration. These are essential for achieving meaningful tree canopy cover in developments. Deep soil areas must exclude areas on structures (above basements), pools, and non-permeable paved areas. To be effective, deep soil areas should have a minimum dimension of 4.5 meters by 4.5 meters.

Deep soil area placement considerations:

- **Contiguous Areas:** Where possible, locate deep soil areas adjacent to those on adjoining properties to form larger contiguous areas for tree planting.
- **Infrastructure:** Consider overhead power lines and infrastructure to minimise maintenance on trees and to allow landscaping to reach full genetic potential height unimpeded.
- **Easements:** Trees cannot be located within easements. A suitable alternative area must be provided. A two-metre setback from the easement is required for canopy trees. Large shrubs with non-invasive roots can be planted within easement.



Tree in deep soil



Tree in planter

Tree type	Tree in deep soil		Tree in planters		
	Area of deep soil (in square metres)	Minimum plan dimension - A (in metres)	Volume of planter soil (in cubic metres)	Minimum plan dimension - A (in metres)	Depth of planted soil - B (in metres)
Small	12	2.5	12	2.5	2.5
Medium	49	4.5	28	4.5	1
Large	121	6.5	64	6.5	1.5

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3.5 Trees in planters

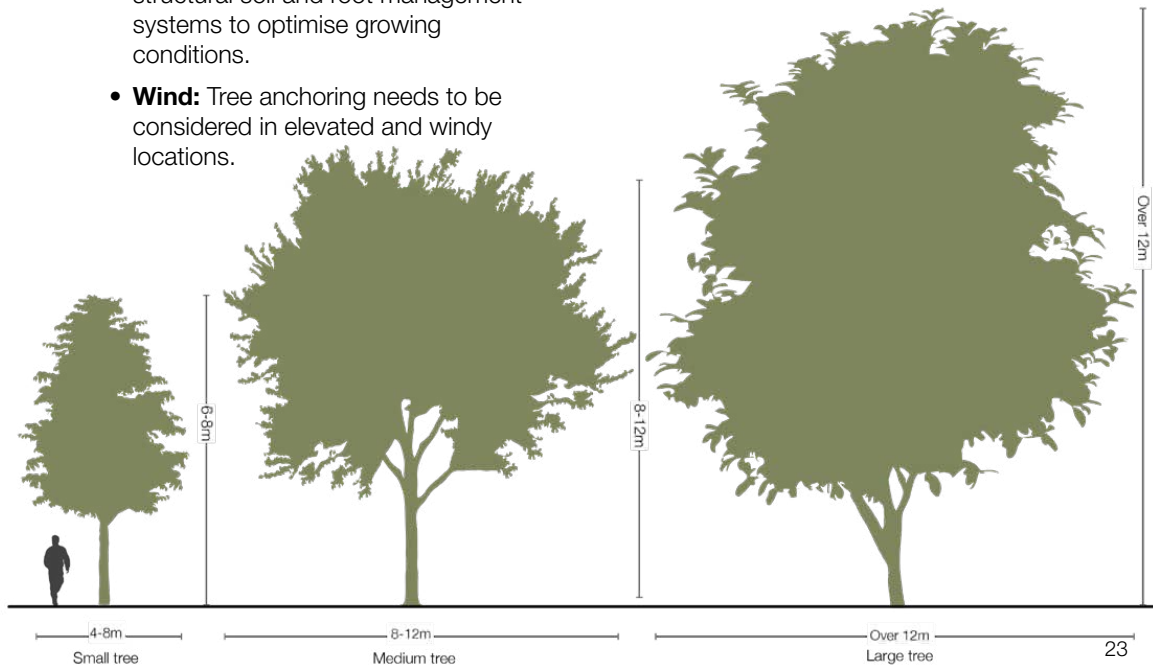
In some developments, trees may need to be placed in enclosed planters, podiums, or limited spaces. Ensure planters can accommodate adequate soil volumes based on the desired mature size of the trees. Use online calculation tools to determine the required soil volume and provide detailed design of the structure e.g., tree pit.

Factors Influencing Soil Volume Needs:

- **Tree size:** Optimal growing conditions for potential mature tree size.
- **Local Climate:** Rainfall, sunlight and wind exposure.
- **Soil Quality:** Type of soil to be utilised.
- **Maintenance:** Irrigation requirement and ongoing maintenance level.
- **Limited or Poor Soil Areas:** In locations such as car parks, use structural soil and root management systems to optimise growing conditions.
- **Wind:** Tree anchoring needs to be considered in elevated and windy locations.

3.6 Standard Tree Sizes

- **Small:** 6 - 8 metres high x 4 - 8 metres canopy
- **Medium:** 8 - 12 metres high x 8 - 12 metres canopy
- **Large:** >12 metres high x >12 metres canopy



4.0 Landscape Plan Application Process



Plant image: *Bursaria spinosa* (Sweet Bursaria)

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4.1 Before you start preparing your application

Determine if you need a planning permit by checking the council website. If unsure, request written advice on whether you need a planning permit.

4.2 Application preparation

Collect relevant information required to prepare your application such as planning property report from VicPlan, Copy of Title from Landata, copy of Certificate of Title, Frankston Planning Scheme for information required and any contact external referral authorities required due to land zoning.

4.3 Application Process

4.3.1 Stage 1: Pre-Application Meeting

- For advice prior to submitting an application, a pre-application meeting may be booked online on Council's website. Pre-application information is available on the council website.
- In the pre-application meeting council will explain the application process, provide advice on information needed to support application, discuss key issues with the proposal and discuss if the application meets the requirements of the Frankston Planning Scheme.
- Two types of pre application meetings are offered:

Standard	<ul style="list-style-type: none">• Residential - 4 or less dwellings• Subdivision – 2 lots• Non-Residential – less than 500sqm• Minor use applications, e.g., office, medical centre, liquor licence.
Major	<ul style="list-style-type: none">• Residential – more than 4 dwellings• Subdivision – more than 2 lots• Non-Residential – greater than 500sqm• Major uses, e.g. place of assembly, mixed uses.

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4.3.2 Stage 2: Application Stage

Step 1: Lodge permit application

- Submit your application with a concept landscape plan along with other documents listed on the website.
- Relevant application fees apply. Refer to the Planning fee schedule for details.
- Concept landscape plans are required for:
 - Multi-Dwelling applications.
 - Mixed use residential applications.
 - Industrial developments for new warehouses/factories.
 - Use and buildings and works applications for aged care facilities, childcare centres, schools, medical centres etc.

Refer to the concept landscape plan checklist in these guidelines for further information on what to include.

Step 2: Initial Assessment/ Referral

- A council officer will start the initial assessment of the submitted planning application referring to internal departments or external agencies.
- If the application is missing information, council will email the applicant requesting additional information. This is called a Request for Further Information.
- If plans are not satisfactory, council may ask for design changes to the submitted plans.
- Plans must be amended and resubmitted by due date listed on the Request for Further Information.
- If the submitted concept plan is satisfactory, a planning permit may be

issued. Any conditions as required by council officer may be included on the permit, if one is issued.

Refer to council [website](#) for more information.

Stage 3: Endorsement Stage

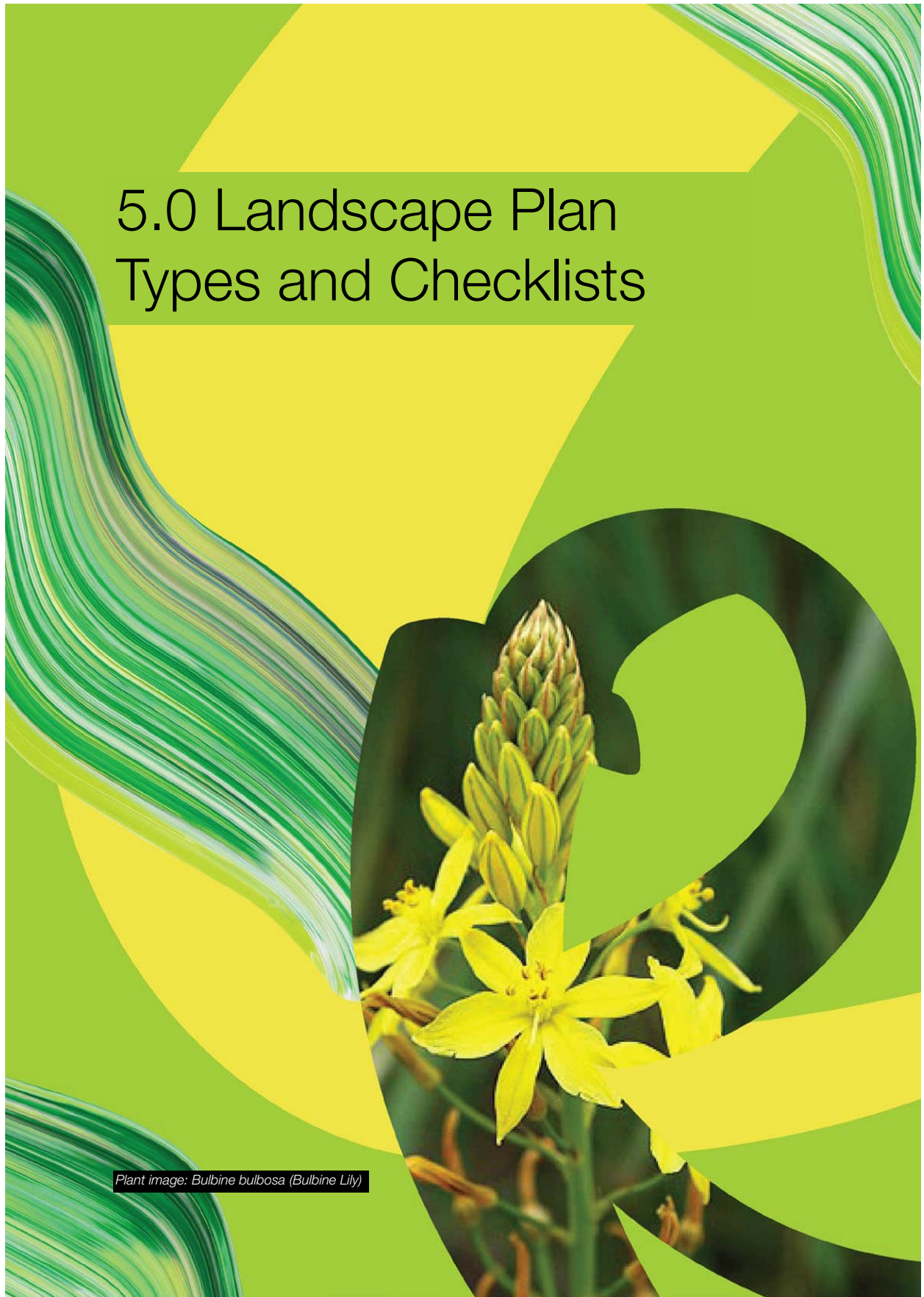
- If a conditional permit is issued, a detailed landscape plan that meets/ addresses the permit conditions is to be lodged.
- The detailed landscape plan will be assessed by council officer and referred to relevant teams for review.
- If plans are not satisfactory, council may ask for design changes to the submitted plans. Plans must be amended and resubmitted.
- If satisfactory, the Landscape Plan will be endorsed along with other submitted plans.
- If not satisfactory, a Condition 1- Not Satisfactory letter will be sent to the applicant with feedback on the required changes.
- Any subsequent resubmission of plans will be re-referred to Council's Planning compliance team for review. Condition 1 resubmissions incur a fee.

Refer to Planning fee schedule on the council [website](#) for further information.

Stage 4: Inspection and Approval

- On completion of landscaping works, a council officer will inspect the landscape to ensure compliance against the endorsed landscape plan.
- If not satisfactory, applicant may be required to rectify landscape works to comply with endorsed plans and permit conditions or 'compliance action'.

5.0 Landscape Plan Types and Checklists



Plant image: *Bulbine bulbosa* (Bulbine Lily)

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5.1 Concept Landscape Plan

A concept landscape plan is a scaled drawing of the development conceptually showing the extent of areas to be landscaped including:

- Site features including easements, fences, boundaries, existing/proposed crossovers, drainage pits etc.
- Details of the proposed development including any proposed dwellings/buildings (including associated utilities, water tanks, clothes lines etc.), paving/decked areas, bin storage, access ways and car parking areas.
- Existing vegetation to be removed/retained. Clause 54/55.01-1 of the Frankton Planning Scheme requires significant trees removed within the last 12 months to be illustrated on the plan.
- Areas of proposed landscaping including the location of canopy trees, garden beds, pathways and deep soil areas.
- Indicative planting palette's can be included.

When is it required ?

Concept landscape plans are required for:

- Multi-Dwelling applications.
- Mixed use residential applications.
- Industrial developments for new warehouses/factories.
- Use and buildings and works applications for aged care facilities, childcare centres, schools, medical centres etc.

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5.1.1 Concept Landscape Plan Checklist

Concept landscape plans should include the following information

- Plan title box, including:
 - Project name/subdivision name.
 - Site address.
 - Proponent/client's name.
 - Consultant's name, address and contact details.
 - Date and issue/revision number.
 - North point: this to be orientated to point up or the 9 or 3 o'clock position.
- Plans should be to scale and include a scale bar. 1:100 to 1:200 scale preferred, or at a scale suitable for detail e.g., scale for sub-division plans (1:500 to 1:1000).
- A legend identifying all relevant features.
- Adjacent neighbouring buildings/dwellings and trees within 3 metres of development site.
- Built structures on site: location of dwellings (including internal layout), fences, boundaries, driveways and paths, retaining walls, sheds, bin storage, water tanks and clothes lines.
- Existing vegetation nominated to be retained or removed (to include street trees and any trees removed within the last 12 months) clearly identified by number in accordance with the supplied arborist report. Trees to be removed identified with a dashed or solid circle with a cross shown through the entire circle.

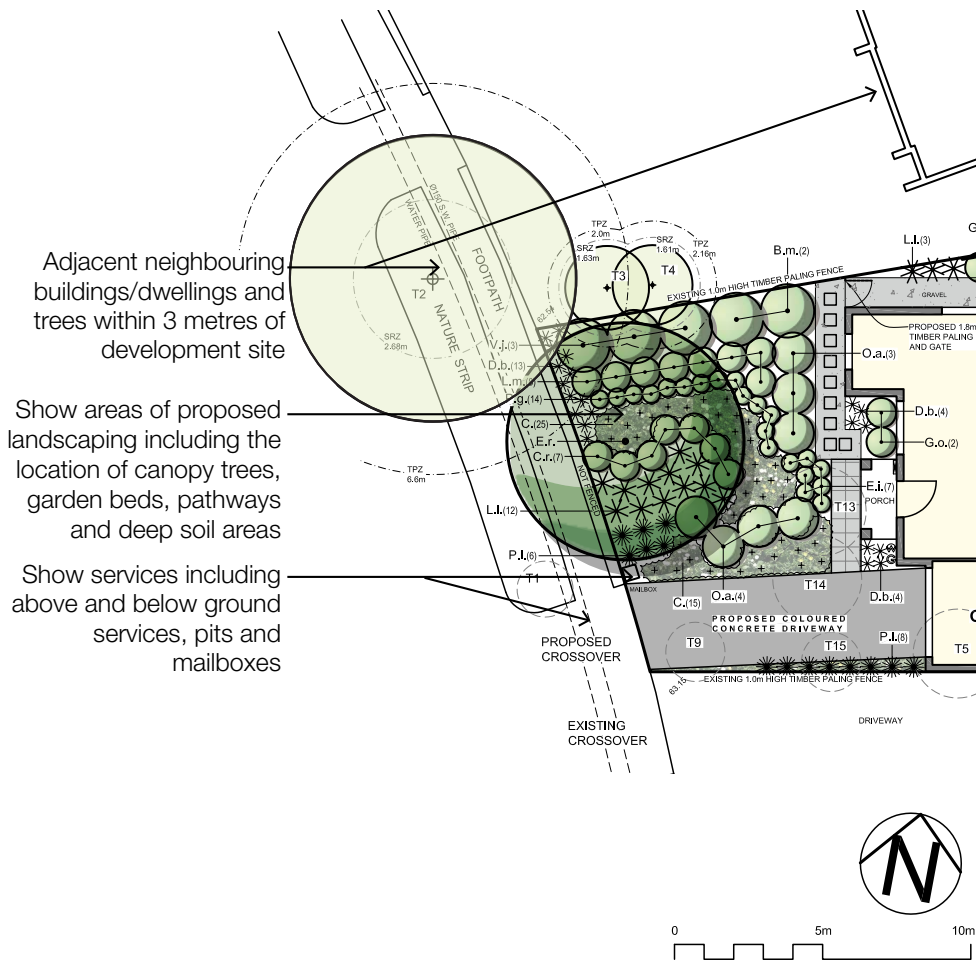
- Tree protection zones (TPZs) and Structural Root Zone (SRZs) for retained trees on site and neighbouring trees.
- Services including above and below ground services, pits and mailboxes.
- Easements, cross overs, kerb edging, footpaths, road/street names.
- Proposed plantings and locations of trees.

Plans must be:

- Clear, legible and defined graphics that clearly show the proposed intentions in landscape works.
- Ability to be photocopied, scanned or reduced and remain legible.
- Ability to be legible as black/white photocopies.
- Information for concept plans to be consolidated into minimal amount of sheets as required to help readability.

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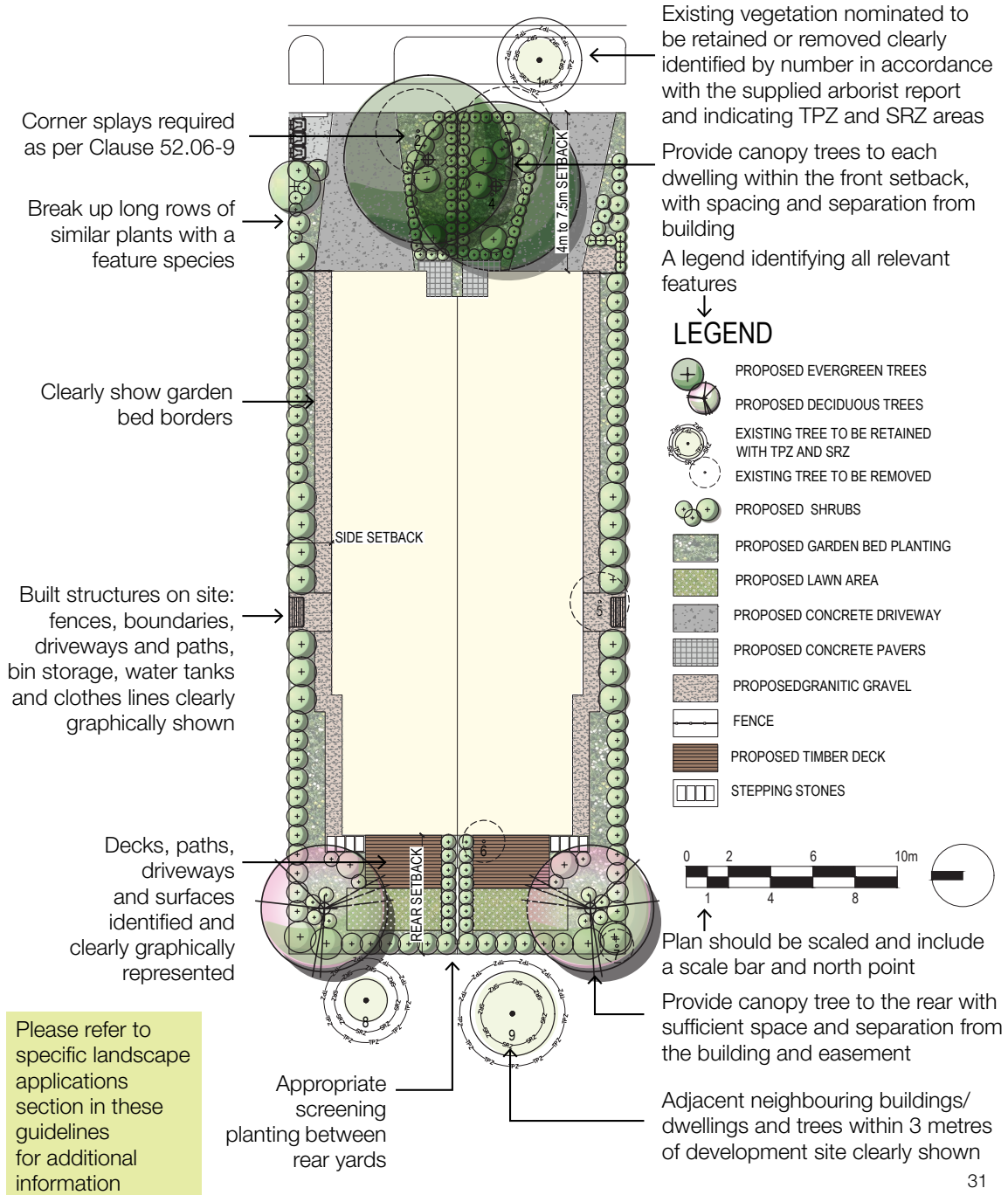
Example of Residential Concept Plan - Front Garden



Please refer to specific landscape applications section in these guidelines for additional information

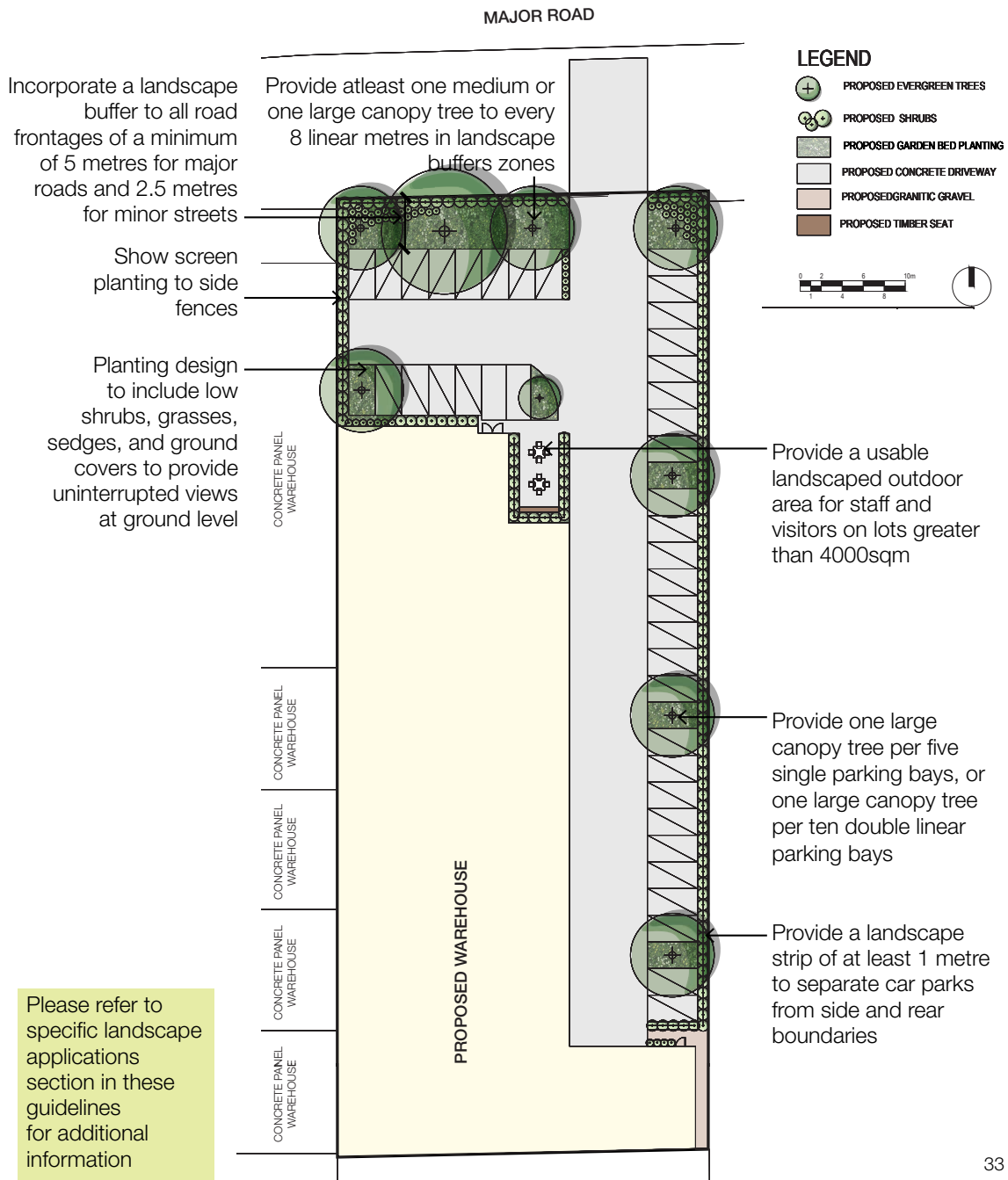
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Example of Residential Concept Plan - 'Side by side' Development



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Example of Industrial Development Concept Plan



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5.2 Detailed Landscape Plan

While a concept landscape plan is submitted as part of a planning permit application, a detailed landscape plan is usually submitted to address any permit conditions required as part of the satisfactory assessment of the concept landscape plan.

A detailed or final landscape plan is a scaled drawing of the development showing the extent, function, and attributes of areas to be landscaped. A detailed plan builds on the concept plan and provides details of any retaining walls, nominates all surfaces and the location of individual plants including a planting schedule.

Detailed landscape plans are required to be endorsed and in most instances are required to be approved by Council prior to the commencement of works. The planning permit provides further detail on the required timing.

Detail is also provided on existing vegetation to be retained, their tree protection zones and any tree protection fencing required.

When is it required?

If a concept landscape plan submitted as part of a permit is deemed satisfactory, a permit issued will provide conditions to inform specific requirements to be addressed in a detailed landscape plan.

A detailed landscape plan is required once the Planning Permit is issued as it will need to respond to the relevant conditions set out in the planning permit. Before the development starts, a detailed landscape plan consistent with these guidelines must be submitted and approved.

An electronic copy of the detailed landscape plan is generally submitted at the same time as lodging the other relevant plans and documents for endorsement under Condition 1 of your Planning Permit.

Landscape Guidelines: A guide for preparing landscape plans for planning applications

5.2.1 Detailed Landscape Plan Checklist

Detailed landscape plans should build upon the concept landscape plan and include the information included in the Concept Landscape Plan Checklist in these guidelines and also include the following additional information:

Proposed Planting (from ground cover planting to canopy trees)

- Use clear graphics to show location of proposed plantings: trees, shrubs, ground covers and climbers, plants drawn to represent mature size.
- Screen planting along property boundaries and driveways with a minimum mature height of 1.5 metres.
- Planting theme with minimum percentages of indigenous and native plant species as identified in the landscape character map included in these guidelines.
- Plans prepared in colour must also use symbols or labels that enable features to be identified if the plan is printed in black and white.
- Plants must be labelled and numbered e.g. *Correa alba* – Ca(3).
- Do not place plant codes over the top of plant symbols that are not easily read.

Planting Schedule

- Divide 'Planting Schedule' into trees, shrubs, tussock/grasses, groundcovers, and climbers.
- List all proposed plants with botanical and common names, mature height and width, quantities, and pot size.

- Size at the time of installation; pot sizes for shrubs and height for tree planting.
- Proposed purchased tree stock to be minimum 2 metres in height when planting (or as stated in the planning permit). Recommended pot size 45 litre bag or greater for advanced tree stock. All tree stock used must be in accordance with Australian standard AS 2303-2015 Tree stock for Landscape Use.
- Notation stating which plants are indigenous, Australian native and exotic.
- Planting densities appropriate to the mature width of plant to be noted in schedule.

Notes and Diagrams

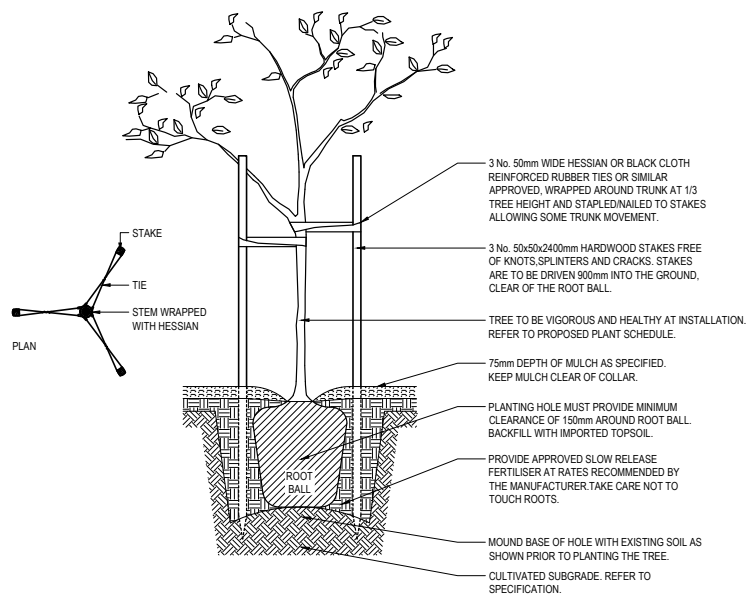
- Nominate surfaces, lawn, paths: paving, crushed rock, Lilydale toppings, concrete etc.
- Construction detail drawings for any hard landscaping structures: retaining walls, planter boxes, garden edging.
- Garden bed preparation notes (including soil cultivation, pre-treatment to soil, weed control, topsoil application.
- Mulch Specifications (e.g., organic mulch used at a depth of between 75-100mm. Particle size 10-30mm to allow water to percolate into soil surface.
- Planting notes (including stakes for advanced trees).
- Climbing plants support, free standing post and rail/trellis, no attachment directly onto fences.
- Maintenance notes- Ongoing maintenance required to keep

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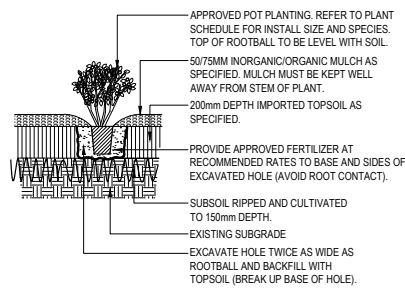
landscaping and plants at a good standard and including an establishment period.

- Tree protection notes- Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of retained trees with annotations or notes on tree protection methods

Example of planting details to include in detailed Landscape Plan



01 ADVANCED TREE PLANT DETAIL
 SCALE 1:30 @A4 1:15 @A3



02 SHRUB / GRASSES PLANTING
 SCALE 1:30 @A4 1:15 @A3

Example of detailed Landscape Plan

Landscape Guidelines: A guide for preparing landscape plans for planning applications

Proposed Plant Schedule					
QTY	TAG	Species	Common Name	H X W (m)	Pot Size
TREES					
4	EUC pau	Eucalyptus pauciflora	Snow Gum	12 x 5	45L, 2M HIGH AT INSTALLATION
9	BAN mar	Banksia marginata	Silver Banksia	5 x 3	45L, 2M HIGH AT INSTALLATION
LARGE SHRUBS					
5	ATR cin	Atlixia cinerea	Coastal Saltbush	1.8 X 2	200mm
24	COR alb	Cornia alba	Cornea	1.5 X 1.5	200mm
52	EPA imp	Euphorbia ingens	Common Heath	1.5 x 1.5	200mm
30	LEU bro	Leucophylla brownii	Moonahine	1 x 1	200mm
SMALL SHRUBS					
44	AUS sil	Austrobaileya stipitata	Prickly Spear-grass	0.8 x 0.6	130mm
124	POA lab	Poa labillardierei	tussock grass	1.2 x 0.6	130mm
24	DIA bre	Dianella brevicaulis	Small-flowered Flax-lily	0.45 x 0.45	130mm
GROUND COVERS					
158	CAR ros	Carpobrotus rossii	Karkala	0.2 x spreading	50mm
61	VIO hed	Viola hederacea	Native Violet	0.6 x spreading	50mm

Existing Tree Schedule						
No	Species	Common Name	SRZ	TPZ	H	H
TREES						
1	Eucalyptus conspicua	Gippsland swamp box	2.7m	7m	14.4m	Retain
2	Pitiosporum tenuifolium	Kohuhu	/	/	5.5m	Remove
3	Callistemon sp.	Bottlebrush	/	/	3m	Remove
4	Callistemon sp.	Bottlebrush	/	/	8.8m	Remove
5	Ligustrum lucidum	Ligustrum lucidum	/	/	4m	Remove
6	Callistemon sp.	Bottlebrush	/	/	8.8m	Remove
7	Pitiosporum tenuifolium	Kohuhu	/	/	8.5m	Remove
8	Phytolacca caroliniana	Black cherry plum	/	/	5m	Remove
9	Callistemon sp.	Bottlebrush	/	/	5.5m	Remove
10	Agonis flexuosa	Willow myrtle	/	/	9.5m	Remove
11	Callistemon citrinus	Crimson Bottlebrush	/	/	3m	Remove
12	Pitiosporum tenuifolium	Kohuhu	/	/	9m	Remove
13	Streitizia nicotian	Giant white bird of paradise	/	/	7.3m	Remove
14	Yucca elephantipes	Spiral yucca	/	/	3m	Remove
15	Robinia pseudoacacia	Black locust	/	/	5.5m	Remove
16	Syagrus romanzoffiana	Cocos palm	12 x 5	45L	5.5m	Remove
17	Pitiosporum tenuifolium	Kohuhu	/	/	7.1m	Remove
18	Leptospermum petersonii	Lemon scented tea tree	1.5m	2m	6.3	Retain
19	Eucalyptus conspicua	Gippsland swamp box	2.7m	6	14m	Retain
20	Leptospermum petersonii	Lemon scented tea tree	2m	2.4m	5m	Retain
21	Syagrus romanzoffiana	Cocos palm	NA	4m	9.6m	Retain
22	Conylyne australis	Cabbage tree	NA	2m	5m	Retain
23	Pitiosporum tenuifolium	Kohuhu	1.5	2m	4m	Retain

Legend

- PROPOSED EVERGREEN TREES
- EXISTING TREE TO BE RETAINED WITH TPZ AND SRZ
- EXISTING TREE TO BE REMOVED
- PROPOSED SHRUBS
- PROPOSED GARDEN BED PLANTING
- PROPOSED LAWN AREA
- PROPOSED CONCRETE DRIVEWAY
- PROPOSED CONCRETE PAVERS
- PROPOSED GRANITIC GRAVEL
- PROPOSED TIMBER DECK

TREE PROTECTION
TREE PROTECTION MUST BE CARRIED OUT IN ACCORDANCE WITH THE AUSTRALIAN STANDARD AS 4970-2009 PROTECTION OF TREES ON DEVELOPMENT SITES TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

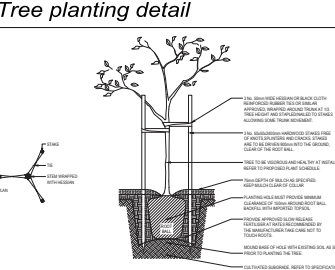
GROUND PROTECTION
THE FOLLOWING TREE PROTECTION CONDITIONS APPLY WITHIN THE IDENTIFIED TREE PROTECTION ZONES AS NOMINATED ON THE DEVELOPMENT PLANS. ALL TREE PROTECTION CONDITIONS MUST BE UNDERTAKEN TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

- NO EXCAVATION WORKS ARE PERMITTED FOR THE CONSTRUCTION OF THE DRIVEWAY.
- THE EXISTING DRIVEWAY IS TO BE REMOVED BY HAND WITH WORKS OVERSEEN BY A SUITABLY QUALIFIED AND EXPERIENCED ARBORIST.
- TO AVOID COMPACTION AND DAMAGE TO THE TREE, A LAYER OF ORGANIC MULCH 200MM THICK MUST BE LAID WITH RUBBLE FRANKS/CROSSING PLANKS LAID ABOVE THE MULCH IMMEDIATELY AFTER THE EXISTING DRIVEWAY IS REMOVED. THIS GROUND PROTECTION IS TO BE MAINTAINED UNTIL THE CONSTRUCTION OF THE NEW DRIVEWAY IS COMPLETED.
- NO FUELS, OILS, CHEMICALS, POISONS, RUBBISH OR OTHER MATERIALS HARMFUL TO TREES ARE TO BE DISPOSED OF OR STORED.
- NO STORAGE OF EQUIPMENT, MACHINERY OR MATERIALS TO OCCUR.
- NO OPEN TRECHING TO LAY UNDERGROUND SERVICES.
- OPEN TRECHING TO LAY UNDERGROUND SERVICES (E.G. DRAINAGE, WATER, GAS, ETC.) MUST NOT BE USED UNLESS APPROVED BY THE RESPONSIBLE AUTHORITY TO TUNNEL BENEATH.
- IF PROPERTY BOUNDARY FENCING IS TO BE REMOVED, A TREE PROTECTION FENCE DEFINED BY A 1.8 METRE HIGH MINIMUM TEMPORARY FENCE CONSTRUCTED OF CYCLONE MESH WIRE OR SIMILAR STRONG METAL MESH OR NETTING WITH A HIGH VISIBILITY PLASTIC HAZARD TAPE MUST BE INSTALLED AT THE PROPERTY FENCE LINE.
- IF MACHINERY IS USED TO REMOVE EXISTING STRUCTURES, CONCRETE, BRICKS OR OTHER MATERIALS IT MUST BE LOCATED OUTSIDE OF THE DEFINED TREE PROTECTION ZONES WITH ONLY THE MAIN ARM OF THE MACHINE REACHING INTO THIS ZONE.

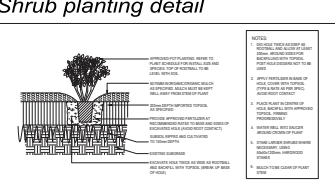
GENERAL NOTES

- ALL TREE PRUNING IS TO BE CARRIED OUT BY A QUALIFIED AND EXPERIENCED ARBORIST WHO HAS A THOROUGH KNOWLEDGE OF TREE PHYSIOLOGY AND PRUNING METHODS. PRUNING MUST BE CARRIED OUT IN ACCORDANCE WITH AUSTRALIAN STANDARD AS4373-2007 PRUNING OF AMENITY TREES.
- IF PRUNING WORKS ARE TO BE UNDERTAKEN THESE WORKS SHOULD BE CARRIED OUT PRIOR TO ANY CONSTRUCTION WORKS BEGINNING ON SITE. ANY PRUNING OF TREES LOCATED ON A NEIGHBOURING PROPERTY SHOULD BE UNDERTAKEN IN CONSULTATION WITH THE PROPERTY OWNER.
- PRUNE PLANTS TO CONTROL THEIR SIZE, GIVE THEM AN APPROPRIATE FORM AND MAINTAIN THEIR VIGOR. TREES SHOULD BE PRUNED TO MAINTAIN STRONG BRANCH FRAMEWORKS AND SHRUBS TO OBTAIN THEIR DESIRED DENSITY AND HEIGHT.
- USE EXCAVATION TO PREPARE GARDEN BEDS TO A DEPTH OF 100MM DEPTH.
- ALL EXISTING ENVIRONMENTAL WEED SPECIES ARE TO BE REMOVED FROM THE SITE AND ENVIRONMENTAL AND NOXIOUS WEEDS FOUND IN CITY COUNCIL SOCKET ARE NOT TO BE PLANTED.
- ALL GARDEN BEDS TO BE FORMED WITH TIMBER EDGINGS.
- IN-GROUND IRRIGATION SYSTEMS TO BE PROVIDED TO ALL LANDSCAPED AREAS.
- HIGH QUALITY STOCK TO BE SELECTED WITH STRAIGHT TRUNK AND SINGLE LEADER.
- ALL TREE STOCK MUST BE IN ACCORDANCE WITH AUSTRALIAN STANDARD AS 4373-2007 TREE STOCK FOR LANDSCAPE USE.
- WATERING OF TREES SHALL BE COMPLETED THE SAME DAY AS PLANTING, SUFFICIENTLY TO CONSOLIDATE THE BACKFILL AROUND THE ROOTS.
- EXCAVATE PLANTING HOLE 400MM GREATER THAN ROOT BALL DIAMETER. PLANT TREE AT GROUND LEVEL WITH ROOT BALL RESTING ON THE BASE OF HOLE. ROOT BALL IS TO BE TEASED OUT AND PRUNED PRIOR TO PLANTING, ENSURING NO ROOTS ARE PROTRUDING ABOVE THE FINISHED SURFACE.
- CONTRACTOR TO SUPPLY AND INSTALL ALL TREES.
- FERTILISE LAWN TO MAINTAIN VIGOR, MORE REGULARLY TO PROVIDE A USEABLE AND NEAT SURFACE.
- CULTIVATE ALL GARDEN BED AREAS TO A DEPTH OF 200MM WHERE SAFE TO DO SO (IF AWAY FROM PIPES AND TREE PROTECTION ZONES) AND ADD GYPSUM AT AN APPLICATION RATE OF 100G PER METRE DURING CULTIVATION PROGRAM.
- APPROVED TOP SOIL SHALL BE FREE FROM CLODS, STONES AND OTHER EXTRANEOUS MATERIALS GREATER THAN 20MM. LANDSCAPE CONTRACTOR TO SUPPLY AND SPREAD APPROVED TOPSOIL TO GARDEN BEDS, AREAS, IMPORTED TOPSOIL, IF REQUIRED, SHALL BE SANDY LOAM TEXTURE WITH PH OF 6-7 AND BE FREE FROM RUBBLE, STONE AND EXTRANEOUS MATERIAL.
- GARDEN BEDS SHALL HAVE A DEPTH OF 100MM TOPSOIL AND GRASSED AREAS A DEPTH OF 70MM.
- ALL EXISTING ENVIRONMENTAL WEED SPECIES ARE TO BE REMOVED FROM THE SITE AND ENVIRONMENTAL AND NOXIOUS WEEDS FOUND IN THE CITY COUNCIL INVASIVE SPECIES GUIDE ARE NOT TO BE PLANTED.

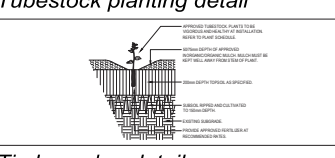
Tree planting detail



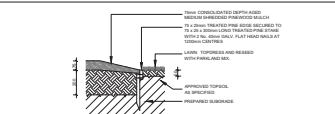
Shrub planting detail

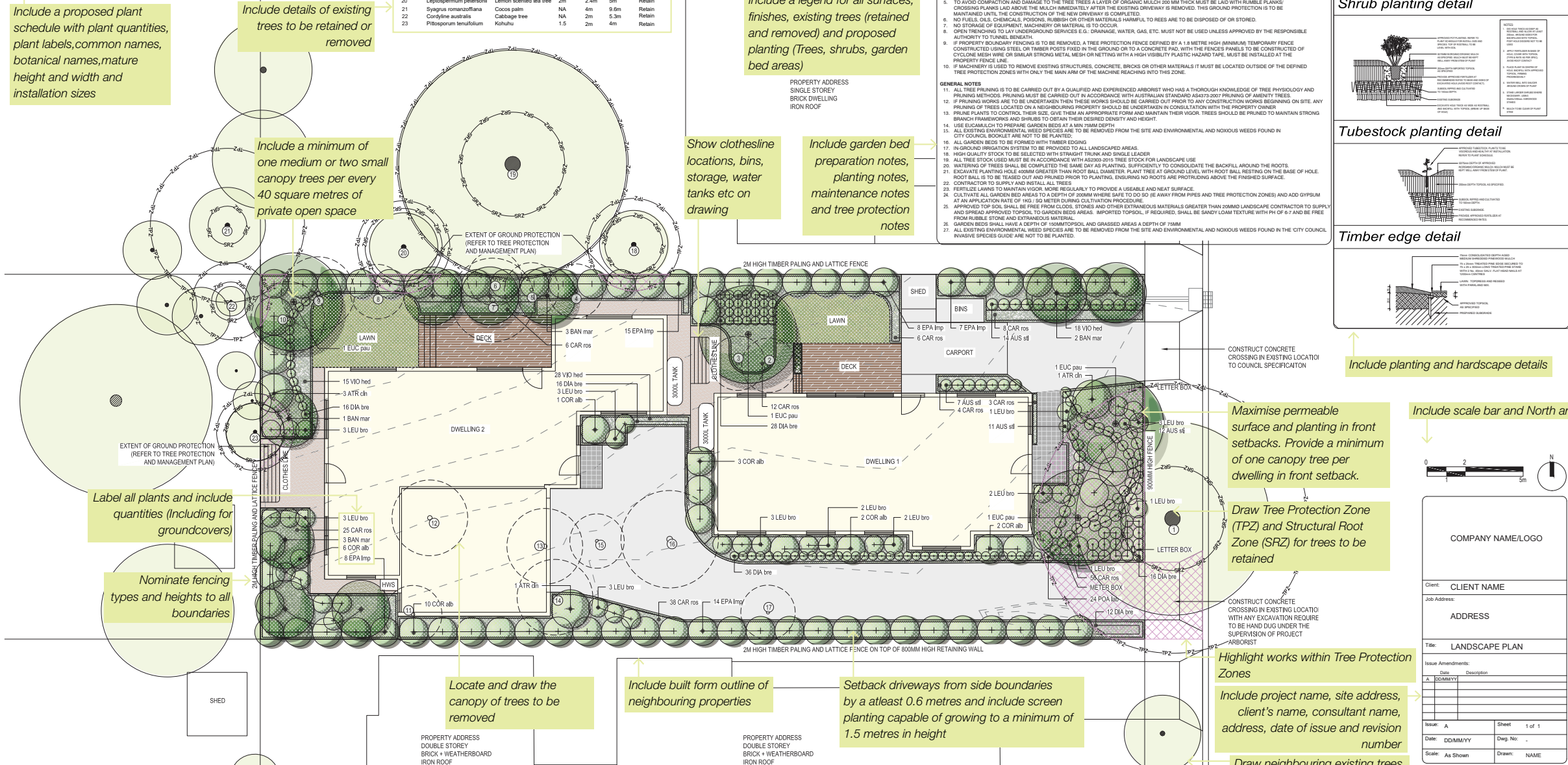


Tubestock planting detail



Timber edge detail

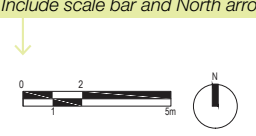




Annotations:

- Include a proposed plant schedule with plant quantities, plant labels, common names, botanical names, mature height and width and installation sizes
- Include details of existing trees to be retained or removed
- Include a minimum of one medium or two small canopy trees per every 40 square metres of private open space
- Show clothesline locations, bins, storage, water tanks etc on drawing
- Include garden bed preparation notes, planting notes, maintenance notes and tree protection notes
- Label all plants and include quantities (including for groundcovers)
- Nominate fencing types and heights to all boundaries
- Locate and draw the canopy of trees to be removed
- Include built form outline of neighbouring properties
- Setback driveways from side boundaries by a atleast 0.6 metres and include screen planting capable of growing to a minimum of 1.5 metres in height
- Maximise permeable surface and planting in front setbacks. Provide a minimum of one canopy tree per dwelling in front setback.
- Draw Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) for trees to be retained
- Highlight works within Tree Protection Zones
- Include project name, site address, client's name, consultant name, address, date of issue and revision number
- Draw neighbouring existing trees

Include scale bar and North arrow



COMPANY NAME/LOGO

Client: CLIENT NAME
Job Address: ADDRESS
Title: LANDSCAPE PLAN
Issue Amendments:
A. DCMMYY
Issue: A Sheet 1 of 1
Date: DDMMYY Dwg No: -
Scale: As Shown Drawn: NAME

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5.3 Re-planting Plan

A re-planting plan is a scaled drawing of the development showing a specific location and nominated trees/plants generally to compensate for trees/vegetation approved for removal or to screen a new built form.

The required planting will be specified as a condition in the planning permit. The plan must show a suitably sized mulched garden bed area and illustrate individual plants including a schedule of each plant's mature dimension, size at planting and quantity.

When is it required?

Re-planting plans can be provided once the Planning Permit is issued. Re-planting plans are required to be endorsed. In most instances they are required to be approved by Council prior to the commencement of works with planting timing to occur as nominated in the planning permit.

An electronic copy of the replanting plan can be submitted at the same time as lodging the other relevant plans and documents for endorsement under Condition 1 of your Planning Permit.

Who should prepare the plan?

Re-planting Plans can be prepared by the owner, drafts person, or landscape professional.

It is recommended that a landscape professional, horticulturalist, or nursery hand provide advice on suitable tree selection and placement considering any requirements to satisfy permit conditions.

Re-planting plan inclusions:

- Where indigenous trees or vegetation is being removed, indigenous trees/vegetation should be used as a replacement.
- Submitted plans must be clear and provide all the required information as elucidated in the Planning permit.

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5.3.1 Re-planting Plan Checklist

Re-planting plans should include the following information:

- Plan title box, including:
 - Project name/subdivision name.
 - Site address.
 - Proponent/client's name.
 - Consultant's name, address and contact details.
 - Date and issue/revision number.
- North point: this to be orientated to point up or the 9 or 3 o'clock position.
- To scale with scale bar. 1:100 to 1:200 preferred, or at a scale suitable for detail e.g., scale for sub-division plans (1:500 to 1:1000).
- A legend.
- Clear, legible and defined graphics that clearly show the proposed intentions in landscape works.
- Ability to be photocopied, scanned or reduced and remain legible.
- Ability to be legible as black/white photocopies.

Notes including:

- Garden bed preparation notes (including soil cultivation, pre-treatment to soil, weed control, top soil application).
- Mulch Specifications (e.g. organic mulch used at a depth of between 75-100mm. Particle size 10-30mm to allow water to percolate into soil surface).
- Planting notes (including stakes for advanced trees).

- Maintenance notes - on-going maintenance required to keep landscaping and plants at a good standard and including an establishment period.

Proposed Planting (from ground covers to canopy trees)

- Use clear graphics to show location of proposed plantings: trees, shrubs, groundcovers and climbers, plants drawn to represent mature size.
- Plans prepared in colour must also use symbols or labels that enable features to be identified if the plan is printed in black and white.
- Each plant labelled and numbered e.g. *Correa alba* – Ca(3).
- Do not place plant codes over the top of plant symbols that are not easily read.

Planting Schedule

- Divide 'Planting Schedule' into trees, shrubs, tussock/grasses, groundcovers and climbers.
- List all proposed plants with botanical and common names, mature height and width, quantities and pot size.
- Size at the time of installation; pot sizes for shrubs and height for tree planting.
- Proposed purchased tree stock to be minimum 2metres in height when planting. (or as stated in the planning permit) Recommended pot size 45 litre bag or greater for advanced tree stock.
- Notation stating which plants are indigenous, Australian native and exotic.

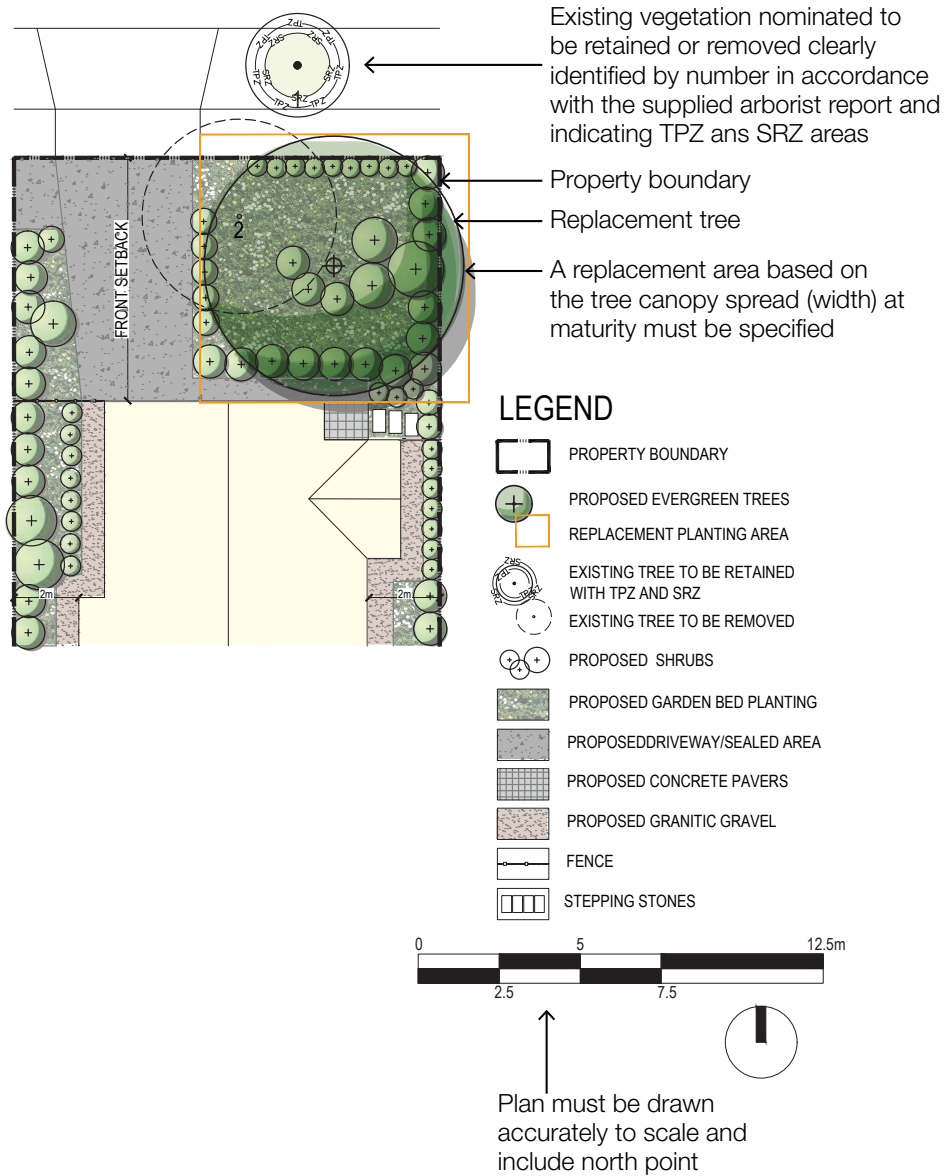
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The following is required to be shown in re-planting plans, where they exist within a 15 metre radius of proposed planting locations

- Surfaces, lawn, paths: paving, crushed rock, lilydale toppings, concrete.
- Adjacent neighbouring buildings/ dwellings and trees within 3 metres of development site.
- Built structures on site: location of dwellings (including internal layout), fences, boundaries, driveways and paths, sheds, bin storage, water tanks and clothes lines.
- Existing vegetation nominated to be retained or removed (to include street trees and any trees removed within the last 12 months) clearly identified by number in accordance with the supplied arborist report. Trees to be removed identified with a dashed or solid circle with a cross shown through the entire circle.
- Tree protection zones (TPZs) and Structural Root Zone (SRZs) for retained trees, as demonstrated within arborist report produced within the last 12 months.
- Services including above and below ground services, pits and pipes.
- Easements, cross overs, kerb edging, footpaths, road/street names.
- Construction detail drawings for any hard landscaping structures: retaining walls, planter boxes, garden edging.

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Example of a Landscape Plan for a single tree replacement



6.0 Specific Landscape Applications

Plant image: *Billardiera mutabilis* (Common Apple Berry)

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6.1 Specific Landscape Applications: Residential

This section identifies the information required for landscape plans prepared for residential applications including single dwelling on lot, multiple dwellings on lot and townhouses. Apartment developments of five or more storeys (excluding a basement) in a residential zone and all apartment developments in other zones will be assessed against Clause 58 of the Frankston Planning Scheme. Also refer to Apartment Design Guidelines.

Key requirements include:

- **Tree Retention and Integration:**

- Preserve mature trees and incorporate them into site planning.
- Follow neighbourhood character guidelines for landscaping.

- **Landscaping:**

- Predominantly indigenous plants should be used. Use local EVC's as a guide. Consider biodiversity corridors for better planting outcomes. Refer to Landscape Character Map included in these guidelines to understand balance of plant selection parameters based on location of development.
- Consider extending landscape onto nature strips. Nature strip planting as part of development is encouraged and additional, not instead of other landscaping/open space requirements etc. Refer to [Nature Strip Planting Guidelines, October 2022](#) on the council website for further information. Permit holder/property owner is responsible for nature strip planting maintenance.

- Ensure space for garden beds to accommodate mature plants.
- Position large shrubs and trees to break up built forms and hard surfaces.
- Courtyard and alfresco area to also be included in the landscape design of development.
- Landscape communal areas proposed in developments.
- Ensure maintenance access for all garden beds.
- Address the impact of retaining walls, hardscaping, or structural elements such as footings and services on plant growth, including details such as the height of retaining walls in landscape plans.

- **Planter boxes:**

- Planter boxes with appropriate planting should be used to soften and scale down blank facades and scale down built forms where in ground planting is not possible.
- Ensure maintenance access for planter boxes on balconies and facades.
- Planter boxes require details and successful precedents.

- **Standard Tree Sizes**

- Small: 6 - 8 metres high x 4 - 8 metres canopy
- Medium: 8 - 12 metres high x 8 - 12 metres canopy
- Large: > 12 metres high x > 12 metres canopy spread

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• **Canopy Tree Size and Placement:**

- Corner sites to have landscaped setbacks on both street frontages with a minimum of one canopy tree along each frontage.
- Canopy tree requirements are based on location within the site and available space as follows:

Location on site	Setback	Minimum canopy tree requirements
Front Setback	Less than 4 metres	One small canopy tree
	4 metres to 7.5 metres	One small and one large canopy trees or two medium canopy trees
	7.6 metres and greater	Two large canopy trees
Garden beds along driveway	-	One small canopy tree per additional dwelling
Private open space (40 Sq.m)	-	One medium or two small canopy trees per every 40 Square metres
Secluded private open space (25 sq.m)	-	One small canopy tree per every 25 Square metres

• **Plant stock:**

- Plant stock should create an immediate effect, with min. specific pot sizes:

Plant type	Pot size
Trees*	45L – 200 L
Shrubs	200mm
Small border plants	130mm
Grasses	50mm

**All canopy trees at a minimum to be 1.5 metres tall*

• **Front setback:**

- Front setbacks must be 60% permeable surfaces and plants, excluding driveways and pathways.
- Lawns can require high maintenance compared to some garden bed plantings. Where front setbacks are limited, front setbacks that do not include Private Open Space (POS) and in front setbacks where POS is insignificant, consider the provision of native grasses rather than lawn or planted garden areas with mixed plantings and mulch. Landscaping to blend and soften building lines, driveways, letterboxes, and meter boxes in front setbacks.
- Setbacks to allow vertical greening and a landscape setting for buildings.
- Incorporate bike racks, seating, raised garden beds, lighting, and other elements in front setbacks.

• **Driveways:**

- Setback driveways from side boundaries by a minimum of 0.6m for screening landscaping where practicable. Screen planting or trellis, minimum 1.5m high in this landscape strip.
- Meander driveways where practicable for planting along fences.

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- Clear sightlines at driveway entrances/exits per Design Standard 1 of Clause 52.06-9; corner splays landscaped with plants under 0.9m in height.
- **Fencing:**
 - Screen fence lines with advanced planting and large shrubs
 - Side fencing to be located at or behind the building line with screen planting.
- **Deep Soil Areas:**
 - Deep soil areas on the north side and adjacent to neighbouring deep soil areas for contiguous large tree planting.
- **Water Sensitive Urban Design (WSUD) Initiatives:**
 - Utilise WSUD techniques for stormwater runoff treatment and passive irrigation as per Frankston City Council WSUD Guidelines.

Please note there are other specific requirements located within the Frankston Planning Scheme.

Landscape Guidelines: A guide for preparing landscape plans for planning applications

6.2 Specific Landscape Applications: Discretionary Uses in Residential Areas

This section identifies the information required for landscape plans prepared for discretionary uses in residential areas for applications such as childcare centres, medical centres, and aged care facilities. Good quality landscaping outcomes of these developments are crucial to soften proposed developments impacts to adjoining and surrounding residential properties.

Key requirements include:

• **Setbacks:**

- The design must allow for appropriate boundary setbacks for suitable landscaping between the development, adjacent properties, and street, as relevant to the neighbourhood character.

• **Landscape Buffer:**

- Landscape buffer to street setbacks, to reduce impact from building and car parks.

• **Canopy Trees:**

- A minimum of one large canopy tree included in landscape buffer per frontage. If space allows, more canopy trees may be needed.
- The use of canopy trees throughout car parking areas, one canopy tree per four single parking bays, or one tree per eight double linear parking bays, to be provided.

• **Lighting:**

- Public lighting should be considered where appropriate within the landscaping areas. Any lighting used must be wildlife sensitive.

• **Landscaping:**

- Planting selection to relate to building structure and be scaled to reduce and soften development impact on landscape.
- Perimeter planting to provide privacy and screening to adjoining properties.

• **Water Sensitive Urban Design (WSUD) Initiatives:**

- Water Sensitive Urban Design (WSUD) to be incorporated into landscaping for water runoff from hard surfaces, as per Frankston City Council WSUD Guidelines.

Please note there are other specific requirements located within the Frankston Planning Scheme.

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6.3 Specific Landscape Applications: Office, Commercial and Retail

This section identifies the information required for landscape plans prepared for commercial developments including shopping centres, office complexes, and various retail and associated carparks. Commercial areas can have a significant impact on the appearance of the municipality.

To protect and enhance its value and character, the landscape design of commercial developments is to provide an inviting and attractive destination for residents, visitors, and the work force.

Applications for these developments should consider the following:

- **Tree Retention and Integration:**

- Retain and protect existing mature trees where possible and integrate into the overall site planning.

- **Landscape Buffer:**

- Incorporate a landscape buffer to all road frontages of a minimum of 10 metres for major roads and 5 metres for minor streets.
- Where a development adjoins a residential zone, a landscape buffer of a minimum of 5 metres must be provided to the entire boundary and may include acoustic fencing or other screening.

- **Landscaping:**

- Landscaping is to provide safe movement, good connections, and access through clear paths of travel for accessibility and provide clear sightlines to meet the Crime Prevention Through Environmental

Design (CPTED) principles.

- Corner sites should provide landscaped setbacks to both street frontages.
- Plant selection to be hardy and robust species, low maintenance, with trees being relevant to scale in relation to size of buildings being proposed.
- Landscape should be designed to soften built form, carparks, and hard surfaces.
- Low shrubs, grasses, sedges, and ground covers can be utilised in combination with the canopy trees to provide uninterrupted views at ground level.
- Refer to Landscape Character Map included in these guidelines to understand balance of plant selection parameters based on location of development.

- **Canopy Trees:**

- Where soil volume is limited investigate the use of tree root and structural soil systems to reduce damage to hard surfaces and provide improved growing conditions.

- **Parking areas:**

- Parking areas abutting a building should have a minimum 0.5 metres wide landscaping strip, unless the area is utilised for pedestrian access that is paved and kerbed.
- The use of canopy trees throughout car parking areas, one canopy tree per four single parking bays, or one tree every eight double linear parking bay be planted.

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- The landscape design layout to allow for clear sight-lines at conflict points between cars and pedestrians, such as low plantings adjacent to paths, pedestrian crossings, and roads.

- **Communal Areas:**

- Provide open space for communal areas for staff and customers use; seating, shade treatment, rubbish bins and push bike parking are a few items to include.
- Waste bins, utility and storage facilities should be located away from, and not be visible from public areas.

- **Water Sensitive Urban Design (WSUD) Initiatives:**

- WSUD (Water Sensitive Urban Design) to be incorporated into landscaping for water runoff from hard surfaces, as per Frankston City Council WSUD Guidelines.

- **Plant stock:**

- Plant stock needs to create an immediate effect and survive. Pot sizes should be as follows:

Plant type	Pot size
Trees*	45L – 200 L
Shrubs	150 – 200mm
Small border plants and grasses at least 50%	Minimum 130mm

**All canopy trees at a minimum to be 1.5 metres tall*

Please note there are other specific requirements located within the Frankston Planning Scheme.

6.4 Specific Landscape Applications: Industrial Developments

This section identifies the information required for landscape plans prepared for industrial developments. The perception of industrial developments has changed over the years from seeing hard surfaces and concrete structures, void of any vegetation with little aesthetic appeal, to green garden industrial areas.

Quality building design and site layout, generous setbacks and adequate landscaping has now improved the surrounding landscape and environment of industrial developments.

Industrial developments to consider the following:

- **Tree Retention:**

- Retain and protect existing mature trees where possible and integrate into the overall site planning.
- New development, driveways, and vehicle crossovers must be setback from the tree protection zones of retained trees.

- **Canopy trees:**

- Clear trunked canopy trees must be provided within the front setback with preference given to indigenous and native tree species, a general guide is one medium or one large canopy tree to every 8 linear metres throughout all landscape buffer zones.
- The use of large canopy trees throughout car parking areas, one large canopy tree per five single parking bays, or one large canopy tree per ten double linear parking bays.

- Provide adequate space for the planting of new canopy trees.
- Where possible locate deep soil zones adjacent to deep soil zones on adjoining properties to form contiguous areas for large tree planting.

- **Landscape Buffer:**

- Incorporate a landscape buffer to all road frontages of a minimum of 5 metres for major roads and 2.5 metres for minor streets.
- Landscaping should be incorporated into a 1.5m wide (minimum) side and rear setback with consideration of vehicle access.
- Landscape buffers, a minimum of 2 metres wide, along all boundaries adjacent to public or private open spaces, dependant on requirements of permit conditions.
- A landscape strip of at least 1 metre should be provided to separate car parks from side and rear boundaries.

- **Landscaping:**

- Minimise large expanses of hard surfaces. Provide shade over large, paved areas to reduce heat island effect.
- Protect landscaped areas around car parks and vehicle access ways through appropriate barriers and tree outstands to minimise likelihood of impacts with vehicles.
- Plant selection to be hardy and robust species, low maintenance, with trees being relevant to scale in relation to size of buildings being proposed.

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- Refer to Landscape Character Map included in these guidelines to understand balance of plant selection parameters based on location of development.
- Low shrubs, grasses, sedges, and ground covers can be utilised in combination with the canopy trees to provide uninterrupted views at ground level.
- The landscape design layout to allow for clear sightlines at conflict points between cars and pedestrians, such as low plantings (less than 900mm high) adjacent to paths, pedestrian crossings, and roads.
- Corner sites should provide landscaped setbacks to both street frontages.
- Provide for ongoing maintenance of landscaped areas and appropriate irrigation systems.

• **Communal space:**

- Consider providing landscaped open space for staff and visitor use.
- Usable landscaped outdoor areas for staff and visitors to be provided on lots greater than 4000sqm.
- Appropriate location of waste bins, utility, and storage facilities, so as not to be in public view.

• **Lighting:**

- Car park areas that are obscured from public view should be lit at night for safety.
- Lighting should be wildlife sensitive. Motion sensor lighting should be used to reduce light impacts.

• **Water Sensitive Urban Design (WSUD) Initiatives:**

- WSUD to be incorporated into landscaping to treat stormwater runoff from hard surfaces to passively irrigate vegetation. Refer to Frankston City Council WSUD Guidelines for further information.

• **Plant Stock:**

- Plant stock needs to create an immediate effect and survive. Pot sizes should be as follows:

Plant type	Pot size
Trees *	45L – 200 L
Shrubs	150 – 200mm
Small border plants and grasses	Tubestock

**All canopy trees at a minimum to be 1.5 metres tall*

Please note: There are other specific requirements located within the Frankston Planning Scheme and Frankston City Industrial Design Guidelines, March 2024.

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Glossary of terms

Accessibility

The ease of reaching destinations. In a highly accessible location, a person, regardless of age, ability, or income, can reach many activities or destinations quickly, whereas people in places with low accessibility can reach fewer places in the same amount of time.

Activity centres

The traditional focus for services, employment and social interaction in cities and towns. People shop, work, meet, relax, and live in activity centres. Usually well served by public transport, they range in size and intensity from local neighbourhood strip shopping centres to traditional town centres and major regional malls.

Amenity

The features of an area, street or building, that provide facilities and services that contribute to physical or material comfort and benefit and are valued by users. An amenity can be either tangible, such as open space, seating, a swimming pool or gym; or intangible, such as pleasant views, air quality, or proximity to a local school or supermarket.

Arboricultural Report

An Arboricultural Report evaluates the key characteristics of trees on a site, including their health, structure, longevity, and retention value. It follows the Australian Standard 4970:2009 and categorises trees into high, medium, or low retention value. The report includes

essential information such as Tree Protection Zones (TPZ) and Structural Root Zones (SRZ).

Arborist

An Arborist is a tree care professional qualified to assess and report on trees. To be recognised, they must have at least a Diploma in Arboriculture (AQF Level 5) or higher, plus three years of experience in tree assessment and report writing.

Arterial road

The principal routes for the movement of people and goods within a road network. They connect major regions, centres of population, major transport terminals and provide principal links across and around cities. Arterial roads are divided into primary and secondary arterial roads. Declared arterial roads are managed by the Department of Transport. Also see 'Major roads'.

Crime Prevention Through Environmental Design (CPTED)

An analytical tool used to redesign and modify the built environment to reduce opportunities for crime. CPTED focuses on the effective design and use of the built environment to reduce the incidence and fear of crime and improve quality of life.

Defendable space

An area of land around a building where vegetation is modified and managed to reduce the effects of flame contact and radiant heat associated with bushfire.

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Ecological Vegetation Classes (EVC)

Ecological Vegetation Classes (EVC) are the standard unit for classifying vegetation types in Victoria. EVCs are described through a combination of plant species and ecological characteristics.

Facade

The wall of a building that is usually facing the street and visible from the public realm.

Frontage

The road alignment at the front of a lot. If a lot abuts two or more roads, the one to which the building, or proposed building, faces.

Habitable areas

Areas in which patrons and users of the building typically carry out day to day activities. Examples include office spaces, meeting rooms, etc.

Indigenous plants

Indigenous plants are the original flora, or plants that occur naturally, in any given location. These species have evolved to the conditions within the local environment, so are well adapted to the soils, topography, and climate of the local area.

Interface

Where different types of land use meet or are near each other, and where there may be conflict due to air emissions and noise from a land use detrimentally affecting another.

Landscape buffer

An area in which landscaping is used to screen or protect the amenity adjacent land or property.

Lot

A part (consisting of one or more pieces) of any land (except a road, a reserve, or common property) shown on a plan, which can be disposed of separately and includes a unit or accessory unit on a registered plan of strata subdivision and a lot or accessory lot on a registered cluster plan.

Major road

Major roads accommodate high volumes of motor vehicle traffic including public transport and freight and have higher design speeds (60–100 km/h). Major roads can have two or more traffic lanes in each direction and may provide for on-street car parking, bus lanes or tram tracks, bicycle lanes, as well as verge space for pedestrian paths, infrastructure and landscaping.

Native plants

A native plant refers to any plant species naturally found in Australia.

Nature Strip

A nature strip is the public land between a property boundary and the road kerb, excluding the footpath, kerb, or driveway. It serves as a buffer between private properties and roadways, supports utilities, provides space for bins, and ensures safe access for services and transportation. It is part of the road reserve and must maintain visibility for safety.

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Neighbourhood character

Neighbourhood character refers to the distinctive identity and visual appeal of a local area, shaped by elements like the pattern of small lot subdivisions, narrow-fronted development parcels, and the overall 'grain' of the area.

Passive surveillance

Observation, from the street or from adjacent buildings, provided by ordinary people as they go about their daily activities. This kind of observation can deter criminal activity or anti-social behaviour and make places feel safer. Sometimes termed 'casual surveillance' and 'eyes-on-the-street'.

Permeable / Permeability

The extent to which the urban structure permits, or restricts, movement of people or vehicles through an area, and the capacity of the area network to carry people or vehicles.

Private open space

An outdoor area of a dwelling, small second dwelling or residential building or land for the exclusive use of the occupants.

Frontage

The street frontage which holds the main address to the lot and from which the site is most accessed.

Scale

The size of a building in relation to its surroundings particularly in relation to the scale of a person. Scale refers to the apparent size, not the actual size.

Secluded private open space

That part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy.

Setback

The distance of a building wall from any lot boundary.

Sightline

Lines of clear, uninterrupted sight from a viewer's location to other locations and distances.

Streetscape

The visual character of a street space that results from the combination of street width, curvature, paving, street furniture, plantings and the surrounding built form and detail. The people and activities present in the street also contribute to the streetscape.

Subdivision

The act of subdivision means the division of a land parcel into two or more parts which can be disposed of separately. It is also a term used for the resulting pattern of blocks and lots, and streets.

Urban context

Urban context refers to the broader setting of an identified area. The context may include the physical surroundings of topography, movement patterns and infrastructure, built form and uses, and the cultural, social and economic environment.



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