

# MINUTES



## Meeting of Council

Held via Zoom

On

Monday 27 September 2021

The Agenda for the Meeting of Council, Monday 27 September 2021, forms part of these Minutes and is attached in full at the end of the Minutes.

These Minutes are considered draft until adopted and confirmed at the next Meeting of Council

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The meeting commenced at 7:05 pm.

**PRESENT:**

*Cr L Cooper (Mayor) Scott Ward*  
*Cr Y Allred Baird Ward*  
*Cr J Dwight Chandler Ward*  
*Cr M Timmers-Leitch Collier Ward*  
*Cr S Grasso Dinsdale Ward*  
*Cr M Baker Dobson Ward*  
*Cr S Laukens Friberg Ward*  
*Cr D Pearce Taylor Ward*  
*Cr N Seymour Tirhatuan Ward*

*Mr B Dobson Chief Executive Officer*

*Mr G Thorne Director – Infrastructure*

*Mr M Kelleher Director - City Strategy and Integrity*

*Ms N Columbine Acting Director – Connected Communities*

*Ms I Kelly Acting Director - City Centre*

*Ms S Stanton Executive Manager - Strategy, People and Culture, Interim Information  
Technology & Transformation*

*Mr P McQue Manager, Governance*

*Mr A Dowling Coordinator, Governance*

**THE MEETING OPENED WITH A PRAYER, STATEMENT OF ACKNOWLEDGEMENT AND A  
STATEMENT OF COMMITMENT**

***“Knox City Council acknowledges we are on the traditional land of the Wurundjeri and Bunurong  
people and pay our respects to elders both past and present.”***

## 1 Apologies and Requests for Leave of Absence

Nil.

## 2 Declarations of Conflict of Interest

*Councillor Laukens foreshadowed she would be declaring a conflict of interest in relation to Item 9.1 Minor Grants Program 2021-22 Monthly Report.*

## 3 Confirmation of Minutes

The Chairperson, Councillor Cooper invited Councillors to raise any opposition to the Minutes of the Meeting of Council held on 23 August 2021 and the Minutes of the Ad Hoc Meeting of Council held on 6 September 2021. There being none, the Chairperson declared the 23 August 2021 Minutes and the 6 September 2021 Minutes be confirmed.

## 4 Presentations, Petitions and Memorials

Nil.

## 5 Reports by Councillors

### 5.1.1 Councillor Allred

Councillor Allred reported attending the following meetings:

- Eastern Regional Libraries Board Meeting
- Meeting to discuss Norvel Estate (Former Quarry) Section 173 Agreement
- Women On the Go Forum
- Premiere of 'Still Me' film involving the Knox Rainbow Youth Action Group
- Meeting with Ferntree Gully Football and Cricket Clubs
- CDF Evaluation Panel Assessment Meetings
- Knox Recreation and Leisure Committee Meeting
- Knox Youth Summit
- Meet and Greet with new CEO of Knox City Council
- Update on Awards and Consultation for Knox Sport and Leisure Awards

Councillor Allred also:

- Described many reports of rubbish dumping and graffiti in the municipality.
- Acknowledged the upcoming replacement of a playground in Genista Reserve, Boronia which has pleased local residents.
- Referenced the praise provided by a resident towards Council's response to remove excessive weeds in a Boronia nature strip
- Noted the importance of R U OK Day as a reminder for residents to look out for family, friends and colleagues with helpful links available on the Council website.

### 5.1.2 Councillor Dwight

Councillor Dwight reported attending the following meetings:

- Millers Homestead Tenancy Panel Meeting
- Premiere of 'Still Me' film involving the Knox Rainbow Youth Action Group.
- Knox Youth Summit
- Meet and Greet with new CEO of Knox City Council
- MAV Community Leadership Councillor Workshop
- MAV Social Media Workshop

Councillor Dwight also:

- Acknowledged the tough times experienced by people in the Knox community and the kindness shown between residents.

### 5.1.3 Councillor Timmers-Leitch

Councillor Timmers-Leitch reported attending the following meetings:

- Women on the Go Forum
- Eastern Regional Libraries Board Meeting
- Knox Youth Advisory Committee Meeting

- Knox Audit and Risk Committee Meeting
- Virtual AICD Climate Governance Initiative Australia Meetings
- 'Still Me' Film Premiere created by the Knox Rainbow Youth Action Group
- Councillor Briefing for Melbourne's Future Planning Framework
- Webinar on Electric Vehicles, Charging Infrastructure and Zero Emission Transport
- MAV Meeting Procedures Workshop
- Meet and Greet with new Knox City Council CEO
- Knox Arts and Culture Committee Meeting
- Company Directors Course
- VLGA Live Panel Leadership Discussion
- Back Yourself Masterclass
- Knox Youth Summit

Councillor Timmers-Leitch also:

- Endorsed the 'Women on the Go' forum

#### **5.1.4 Councillor Grasso**

Councillor Grasso reported attending the following meetings:

- Inaugural Knox Mental Health Roundtable Discussion

Councillor Grasso also:

- Noted resident concern directed towards the cat curfew issue and the proposed development on Burwood Highway.
- Outlined another occurrence of illegal dumping at Marie Wallace Bayswater Park and stated she has been in touch with Council's Director Infrastructure, Grant Thorne to work to hold those responsible to account.
- Encouraged residents to get vaccinated.

#### **5.1.5 Councillor Laukens**

Councillor Laukens:

- Noted she has commenced a Community Conversations Weekly Forum online on Facebook for residents, which included guest speaker Murray Wilson (President Rowville Lysterfield Rotary Club) regarding the formation of a new environment group established by Rotary.
- Stated she is looking forward to meeting residents face to face when lockdown ends.

#### **5.1.6 Councillor Cooper**

Councillor Cooper reported attending the following meetings:

- Inaugural Knox Mental Health Roundtable Discussion
- Knox Youth Summit
- Knox Recreation and Leisure Committee Meeting
- Premiere of 'Still Me' film created by the Knox Rainbow Youth Action Group.

- Knox Audit and Risk Committee Meeting
- Knox Youth Advisory Committee Meeting
- MAV Regional Meeting
- MAV Resilience and Wellbeing Workshop
- Knox Recreation and Leisure Committee Meeting
- Meet and Greet with new Knox City Council CEO
- Metropolitan Mayoral Briefing with Shaun Leane MP
- Knox Sport and Leisure Awards Update on Consultation
- Boronia Revitalisation Board Meeting
- Meeting with Jackson Taylor MP
- Meeting with Alan Tudge MP

Councillor Cooper also:

- Noted planning is underway for the next Knox Citizenship Ceremony to be held on Zoom.

#### **5.1.7 Councillor Baker**

Councillor Baker reported attending the following meeting:

- Zoom Meeting with First Ferntree Gully Scout Group

#### **5.1.8 Councillor Pearce**

Councillor Pearce reported attending the following meeting:

- Knox Audit and Risk Committee Meeting
- Lysterfield Quarry Community Reference Group Meeting



6 City Strategy and Integrity Officers' Reports for consideration

6.1 Report of Planning Applications Decided Under Delegation 1 August 2021 to 31 August 2021

**SUMMARY: Manager, City Planning & Building, Paul Dickie**

**Details of planning applications considered under delegation are referred for information. It is recommended that the items be noted.**

**RECOMMENDATION**

That the planning applications decided under delegation reports (between 1 August 2021 to 31 August 2021) be noted

**RESOLUTION**

**MOVED: Councillor Timmers-Leitch**

**SECONDED: Councillor Allred**

**That the planning applications decided under delegation reports (between 1 August 2021 to 31 August 2021) be noted**

**CARRIED**

## 6.2 Norvel Estate S173 Agreement and Urban Design Guidelines

### **SUMMARY: Senior Strategic Planner, Patrick Dubuc**

**After concluding its use as a quarry, in 2006 Council entered into a Section 173 Agreement with the former owner of the Norvel Estate, to facilitate a number of actions ahead of the site being considered for rezoning. These include a land swap, land rehabilitation, fencing, future urban design requirements and the future public open space contribution along Blind Creek.**

**Since that time, progress has been made and a number of requirements that were prescribed have either been achieved or require updating. A new Section 173 Agreement is needed to reflect these changes.**

**The Director City Strategy and Integrity currently has delegated authority to end an existing Section 173 Agreement and to enter into a new agreement. However this delegation does not apply to an agreement that was entered into via a resolution of Council.**

**Consequently, this report seeks a Council resolution to end the current Agreement AG370823M and replace it with a new agreement.**

### **RECOMMENDATION**

That Council resolves to:

- 1.** Enter into an agreement under Section 173 of the *Planning and Environment Act 1987* (the “New 173 Agreement”) relating to land situated at Norvel Road, Ferntree Gully, generally in accordance with the draft agreement set out in Attachment 3 to the officer report.
- 2.** End the agreement under Section 173 of the *Planning and Environment Act 1987* (recorded in dealing AG370823M and set out in Attachment 1 to the officer report) applying to the land situated at Norvel Road, Ferntree Gully (the “Existing 173 Agreement”):
  - a.** subject to the owner entering into the New 173 Agreement with Council, in accordance with Resolution 1 above; and
  - b.** in accordance with the Terms of the New 173 Agreement, namely effective from the date of recording on title of the New 173 agreement.
- 3.** Authorise the Chief Executive Officer (or such person as the Chief Executive Officer selects) to:
  - a.** negotiate and modify, in the delegates discretion, the New 173 Agreement including in respect of the proposed revised Urban Design Guidelines set out in Attachment 3, noting any such amendments should maintain general accordance with the draft referred to in Resolution 1; and
  - b.** sign any relevant documents (including the New 173 Agreement), take any actions and provide any necessary consents, to give effect to these resolutions.

**RESOLUTION**

**MOVED:** Councillor Allred

**SECONDED:** Councillor Dwight

**That Council defers consideration of the Norvel Estate S173 Agreement and Urban Design Guidelines to the October 2021 Council meeting.**

**CARRIED**

## 6.3 Climate Response Plan

**SUMMARY:** Senior Program Manager – Climate Response, Tracie Armstrong

The Local Government Act 2020 requires councils to manage climate change risks by adapting to the changing climate as well as put in place actions to reduce emissions. The Climate Response Plan 2021 – 2031 has been developed after carrying out a Climate Risk Assessment, determining both Knox City Council's and the Knox community's greenhouse emissions, as well as taking into account the latest climate science and community consultation. The Plan sets a goal to reduce Knox City Council's corporate greenhouse emissions to zero by 2030 and the Knox community's greenhouse emissions to zero by 2040. Fifty-five (55) key actions totalling nearly \$33m have been identified.

### **RECOMMENDATION**

That Council:

1. Adopt the Climate Response Plan 2021 – 2031 (CRP) as provided at Attachment 1;
2. Note the CRP for adoption identifies 55 recommended actions (Attachment 2) that form the implementation summary within the CRP;
3. Use the adopted CRP as the basis of advocacy and promotion of climate change initiatives to stakeholders including with other levels of Government; and
4. Note that implementation of the CRP includes approximately 25 new initiatives that are not identified in any existing work programs or policies and their implementation will be subject to business cases and Council's budget processes into the future.

### **RESOLUTION**

**MOVED:** Councillor Dwight

**SECONDED:** Councillor Timmers-Leitch

That Council:

1. Recognises that we are in a state of climate emergency.
2. Adopt the Climate Response Plan 2021 – 2031 (CRP) as provided at Attachment 1 subject to the following changes:
  - a. Include acknowledgement of Council's recognition of the Climate Emergency; and
  - b. Include an additional short term action in the CRP – "To review relevant Council report templates to introduce a new section entitled 'Climate Change Considerations' so that all future Council reports are assessed against the CRP and relevant mitigation and adaptation considerations".
3. Note the CRP for adoption identifies 55 recommended actions (Attachment 2) that form the implementation summary within the CRP and an additional action at Point 2(b) of this resolution;
4. Use the adopted CRP as the basis of advocacy and promotion of climate change initiatives to stakeholders including with other levels of Government;

- 5. Note that implementation of the CRP includes approximately 25 new initiatives that are not identified in any existing work programs or policies and their implementation will be subject to business cases and Council's budget processes into the future; and**
- 6. Receive an annual report by 30 June each year that presents Council's progress in monitoring and implementing the CRP actions.**

**CARRIED**

A Division was called by Councillor Cooper

For the motion: Councillor Allred, Councillor Baker, Councillor Dwight, Councillor Grasso, Councillor Laukens, Councillor Seymour and Councillor Timmers-Leitch

Against the motion: Councillor Cooper and Councillor Pearce

Abstention: Nil

**CARRIED 7:2**

## 6.4 Audit and Risk Committee - Chairperson's Report

### **SUMMARY: Manager Governance, Phil McQue**

This report presents the Audit and Risk Committee Chairperson's Report for September 2020 to August 2021, in accordance with the Committee Terms of Reference.

### **RECOMMENDATION**

That Council receive and note the Audit and Risk Committee Chairperson's Report for September 2020 to August 2021, shown at Attachment 1.

### **RESOLUTION**

**MOVED: Councillor Pearce**

**SECONDED: Councillor Cooper**

**That Council receive and note the Audit and Risk Committee Chairperson's Report for September 2020 to August 2021, shown at Attachment 1.**

### **CARRIED**

## 6.5 Proposed 2022 Council and Committee Meeting Schedule

**SUMMARY: Senior Administration Officer, Joanne Ellis**

**This report outlines the proposed Council and Delegated Committee meeting schedule for the 2022 calendar year.**

**It also proposes minor updates to the Meeting Structures and Cycle Policy on which the schedule is based, consequential upon the implementation of the Local Government Act 2020.**

### **RECOMMENDATION**

That Council:

1. Approve the 2022 Council and Committee meeting schedule as per Attachment 1; and
2. Adopt the revised Meeting Structures and Cycle Policy in accordance with Attachment 2.

### **RESOLUTION**

**MOVED: Councillor Timmers-Leitch**

**SECONDED: Councillor Seymour**

That Council:

1. Approve the 2022 Council and Committee meeting schedule as per Attachment 1; and
2. Adopt the revised Meeting Structures and Cycle Policy in accordance with Attachment 2.

### **CARRIED**

Councillor Pearce left the meeting at 8:06 pm before the vote on item 6.5

## 6.6 Ferntree Gully Cemetery Trust Annual Report for the Year Ended 30 June 2021

**SUMMARY: Coordinator Governance, Andrew Dowling**

**This report presents to Knox City Council, as Trustee for the Ferntree Gully Cemetery, relevant statutory documentation pertaining to the 2020/21 financial year of operations for consideration and adoption, prior to submission to the Department of Health.**

### **RECOMMENDATION**

That Council, as the Trustee for the Ferntree Gully Cemetery Trust, resolve to:

1. Receive and note the audited financial statements for the Ferntree Gully Cemetery Trust for the year ended 30 June 2021 (Attachment 1);
2. Receive and note the Independent Auditor's Report to the Trustees of the Ferntree Gully Cemetery Trust (Attachment 2); and
3. Adopt the Abstract of Accounts from the Trust Members of the Ferntree Gully Public Cemetery for the 2020/21 financial year (Attachment 3) and authorise Councillors \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ to sign the accounts on behalf of the Trust for submission to the Department of Health.

*The Mayor acknowledged on behalf of officers there was a typographical error in Councillor Baker's name in Attachment 1 on page 172 of the Agenda papers.*

### **RESOLUTION**

**MOVED: Councillor Baker**

**SECONDED: Councillor Timmers-Leitch**

That Council, as the Trustee for the Ferntree Gully Cemetery Trust, resolve to:

1. Receive and note the audited financial statements for the Ferntree Gully Cemetery Trust for the year ended 30 June 2021 (Attachment 1, subject to amendment to correct Cr Baker's name on page 11);
2. Receive and note the Independent Auditor's Report to the Trustees of the Ferntree Gully Cemetery Trust (Attachment 2); and
3. Adopt the Abstract of Accounts from the Trust Members of the Ferntree Gully Public Cemetery for the 2020/21 financial year (Attachment 3) and authorise Councillors Cooper, Laukens and Baker to sign the accounts on behalf of the Trust for submission to the Department of Health.

### **CARRIED**



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

**SUMMARY: Coordinator Governance, Andrew Dowling**

**Instruments of Delegation represent the formal delegation of powers by Council and enable the effective functioning of Council.**

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

### **RECOMMENDATION**

That Council:

- A. In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation – Cemeteries and Crematoria (Attachment 1 to the officers' report), resolve that:
  1. There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the Instrument of Delegation – Cemeteries and Crematoria (Attachment 1) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument
  2. The Instrument of Delegation – Cemeteries and Crematoria set out in Attachment 1 come into force immediately upon this resolution being made and following the acceptance of tracked changes, the instrument being signed by the Mayor and Council's Chief Executive Officer;
  3. On the coming into force of the Instrument of Delegation – Cemeteries and Crematoria, the respective previous Instrument of Delegation – Cemeteries and Crematoria executed in April 2021 be revoked; and
  4. The duties and functions set out in the Instrument of Delegation – Cemeteries and Crematoria must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may adopt from time to time.
- B. In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation – Road Management Responsibilities (Attachment 2 to the officers' report), resolve that:
  1. There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the Instrument of Delegation – Road Management Responsibilities (Attachment 2) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument
  2. The Instrument of Delegation – Road Management Responsibilities set out in Attachment 2 come into force immediately upon this resolution being made and, following the acceptance of tracked changes, the instrument being signed by the Mayor and Council's Chief Executive Officer;

3. On the coming into force of the Instrument of Delegation – Road Management Responsibilities, the respective previous Instrument of Delegation – Road Management Responsibilities executed in April 2021 be revoked; and
  4. The duties and functions set out in the Instrument of Delegation – Road Management Responsibilities must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may adopt from time to time.
- C. In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation – Domestic Animals and Food Acts (Attachment 3 to the officers’ report), resolve that:
1. There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the Instrument of Delegation – Domestic Animals and Food Acts (Attachment 3) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument
  2. The Instrument of Delegation – Domestic Animals and Food Acts set out in Attachment 3 come into force immediately upon this resolution being made and, following the acceptance of tracked changes, the instrument being signed by the Mayor and Council’s Chief Executive Officer;
  3. On the coming into force of the Instrument of Delegation – Domestic Animals and Food Acts, the respective previous Instrument of Delegation – Domestic Animals, Environment Protection and Food Acts executed in April 2021 be revoked; and
  4. The duties and functions set out in the Instrument of Delegation – Domestic Animals and Food Acts must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may adopt from time to time.
- D. In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation – Planning (Attachment 4 to the officers’ report), resolve that:
1. There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the Instrument of Delegation – Planning (Attachment 4) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument
  2. The Instrument of Delegation – Planning set out in Attachment 4 come into force immediately upon this resolution being made and, following the acceptance of tracked changes, the instrument being signed by the Mayor and Council’s Chief Executive Officer;
  3. On the coming into force of the Instrument of Delegation – Planning, the respective previous Instrument of Delegation – Planning executed in July 2020 be revoked; and
  4. The duties and functions set out in the Instrument of Delegation – Planning must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may adopt from time to time.

## **RESOLUTION**

**MOVED:** Councillor Laukens

**SECONDED:** Councillor Dwight

**That Council:**

- A.** In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation – Cemeteries and Crematoria (Attachment 1 to the officers’ report), resolve that:
- 1.** There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the Instrument of Delegation – Cemeteries and Crematoria (Attachment 1) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument
  - 2.** The Instrument of Delegation – Cemeteries and Crematoria set out in Attachment 1 come into force immediately upon this resolution being made and following the acceptance of tracked changes, the instrument being signed by the Mayor and Council’s Chief Executive Officer;
  - 3.** On the coming into force of the Instrument of Delegation – Cemeteries and Crematoria, the respective previous Instrument of Delegation – Cemeteries and Crematoria executed in April 2021 be revoked; and
  - 4.** The duties and functions set out in the Instrument of Delegation – Cemeteries and Crematoria must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may adopt from time to time.
- B.** In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation – Road Management Responsibilities (Attachment 2 to the officers’ report), resolve that:
- 1.** There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the Instrument of Delegation – Road Management Responsibilities (Attachment 2) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument
  - 2.** The Instrument of Delegation – Road Management Responsibilities set out in Attachment 2 come into force immediately upon this resolution being made and, following the acceptance of tracked changes, the instrument being signed by the Mayor and Council’s Chief Executive Officer;
  - 3.** On the coming into force of the Instrument of Delegation – Road Management Responsibilities, the respective previous Instrument of Delegation – Road Management Responsibilities executed in April 2021 be revoked; and
  - 4.** The duties and functions set out in the Instrument of Delegation – Road Management Responsibilities must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may adopt from time to time.
- C.** In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation – Domestic Animals and Food Acts (Attachment 3 to the officers’ report), resolve that:
-

1. There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the Instrument of Delegation – Domestic Animals and Food Acts (Attachment 3) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument
  2. The Instrument of Delegation – Domestic Animals and Food Acts set out in Attachment 3 come into force immediately upon this resolution being made and, following the acceptance of tracked changes, the instrument being signed by the Mayor and Council’s Chief Executive Officer;
  3. On the coming into force of the Instrument of Delegation – Domestic Animals and Food Acts, the respective previous Instrument of Delegation – Domestic Animals, Environment Protection and Food Acts executed in April 2021 be revoked; and
  4. The duties and functions set out in the Instrument of Delegation – Domestic Animals and Food Acts must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may adopt from time to time.
- D. In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation – Planning (Attachment 4 to the officers’ report), resolve that:
1. There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the Instrument of Delegation – Planning (Attachment 4) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument
  2. The Instrument of Delegation – Planning set out in Attachment 4 come into force immediately upon this resolution being made and, following the acceptance of tracked changes, the instrument being signed by the Mayor and Council’s Chief Executive Officer;
  3. On the coming into force of the Instrument of Delegation – Planning, the respective previous Instrument of Delegation – Planning executed in July 2020 be revoked; and
  4. The duties and functions set out in the Instrument of Delegation – Planning must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may adopt from time to time.
- E. Note a further review of the Instrument of Delegation- Planning is underway and will be presented to Council by December 2021.

**CARRIED**

## 7 Public Question Time

Following the completion of business relating to Item 6, City Strategy and Integrity, the business before the Council Meeting was deferred to consider questions submitted by the public.

Question Time commenced at 8:23 pm.

The following question was raised with Council:

### 7.1 Question 1 - Allan Rimmer

In relation to item 6.2 Norvel Estate the Friends of Blind Creek have had a long standing involvement & interest in the future of the Bushland in the Northern section of the site.

In view of this why have the Friends of Blind Creek & residents not been kept informed or updated on current & future developments regarding the future of this significant Bushland?

The Director City Strategy and Integrity, Matt Kelleher, responded by stating that:

- Item 6.2 of tonight's agenda related to the updating of an existing legal agreement that Council has with the owners of the land at 29Q Norvel Road, Ferntree Gully and does not consider any current or future development proposals. The existing legal agreement is now over 10 years old and a number of actions have been completed or required updating through a new legal agreement. The officer report at item 6.2 sets out these matters.
- Importantly, the new legal agreement is required to assert the transfer of approximately 1.70ha of bushland as a reserve to Council to be used for public conservation purposes and reflect updated urban design guidelines which will be used to guide future development proposals for the site. This intent needs to be updated and reflected as part of a new legal agreement between Council and the landowners and is recommended ahead of Council considering any development proposals.
- Council officers are also currently assessing a rezoning and subdivision proposal for the site. This proposal is intended to be considered by Council in November 2021 to seek a resolution to commence the planning scheme amendment process to publicly exhibit and seek feedback. If supported by Council, feedback from the wider community and key stakeholders including Friends of Blind Creek will be sought at that time.

Question Time Concluded at 8:26 pm.

Councillor Pearce returned to the meeting at 8:23 pm during item 7.1

## 8 Infrastructure Officers' Reports for consideration

### 8.1 Contract 2723 - Eildon Parade Children Centre Refurbishment and Upgrade Works

**SUMMARY:** Facilities Project Officer, Ben Zhang

**This report considers and recommends the appointment of the successful tender for Contract 2723 – Eildon Parade Children Centre Refurbishment and Upgrade Works.**

#### **RECOMMENDATION**

That Council:

1. Accept the tender submitted by Building Impressions Pty Ltd for the lump sum of \$1,098,000.00 (excl. GST), \$1,207,800.00 (incl. GST) for Contract No. 2723 – Eildon Parade Children Centre Refurbishment and Upgrading Works;
2. Authorise the Chief Executive Officer (or such person the Chief Executive Officer selects) to execute contract documentation of Contract No. 2723 - Eildon Parade Children Centre Refurbishment and Upgrading Works to give effect to Council's decision; and
3. Advises all tenders accordingly.

#### **RESOLUTION**

**MOVED:** Councillor Pearce

**SECONDED:** Councillor Seymour

That Council:

1. **Accept the tender submitted by Building Impressions Pty Ltd for the lump sum of \$1,098,000.00 (excl. GST), \$1,207,800.00 (incl. GST) for Contract No. 2723 – Eildon Parade Children Centre Refurbishment and Upgrading Works;**
2. **Authorise the Chief Executive Officer (or such person the Chief Executive Officer selects) to execute contract documentation of Contract No. 2723 - Eildon Parade Children Centre Refurbishment and Upgrading Works to give effect to Council's decision; and**
3. **Advises all tenders accordingly.**

**CARRIED**

## 8.2 Arterial Road Project Priorities 2021

**SUMMARY:** Sustainable Transport Planner, Winchelle Chuson

**As part of Council's advocacy program, a list of arterial road priority projects is submitted to the Department of Transport for consideration. This report provides a summary of Council's priorities for arterial road projects and will be used by officers in submissions to State and Federal Governments for funding and delivery of these projects.**

### **RECOMMENDATION**

That Council:

1. Adopt the priority lists for the Arterial Road Projects Priorities 2021 as presented in Appendix A of this report;
2. Send a copy of all the priority lists in Appendix A to the Federal Minister for Communications, Urban Infrastructure, Cities and the Arts, the State Ministers for Transport Infrastructure; Public Transport, Roads and Road Safety; and all local State and Federal Members of Parliament and the Department of Transport for consideration;
3. Incorporates the top 10 priority projects listed in the 'Combined Categories' list in Council's advocacy campaign in the lead up to the Federal and State Elections; and
4. Continues to advocate for funding to improve transport infrastructure across Knox.

### **RESOLUTION**

**MOVED:** Councillor Seymour

**SECONDED:** Councillor Laukens

That Council:

1. **Adopt the priority lists for the Arterial Road Projects Priorities 2021 as presented in Appendix A of this report;**
2. **Send a copy of all the priority lists in Appendix A to the Federal Minister for Communications, Urban Infrastructure, Cities and the Arts, the State Ministers for Transport Infrastructure; Public Transport, Roads and Road Safety; and all local State and Federal Members of Parliament and the Department of Transport for consideration;**
3. **Incorporates the top 10 priority projects listed in the 'Combined Categories' list in Council's advocacy campaign in the lead up to the Federal and State Elections; and**
4. **Continues to advocate for funding to improve transport infrastructure across Knox.**

### **CARRIED**

### 8.3 Capital Works Ranking Criteria Report

**SUMMARY:** Coordinator – Capital Works, Gene Chiron

**This report presents the ranking criteria proposed to be used to prioritise New/Upgrade projects within individual 2022-2026 Capital Works Programs. The criteria considers Council’s Community Facilities Planning Policy and Climate Change Response Plan where appropriate and are presented for Council’s consideration.**

#### **RECOMMENDATION**

That Council:

1. Adopt the Capital Works Program ranking criteria for New/Upgrade Programs as shown in Attachment 1; and
2. Note that the Capital Works Program ranking criteria will be utilised for the development of the Draft 2022-2026 Capital Works Program.

#### **RESOLUTION**

**MOVED:** Councillor Seymour

**SECONDED:** Councillor Timmers-Leitch

That Council:

1. Adopt the Capital Works Program ranking criteria for New/Upgrade Programs as shown in Attachment 1; and
2. Note that the Capital Works Program ranking criteria will be utilised for the development of the Draft 2022-2026 Capital Works Program.

**CARRIED**



## 9 Connected Communities Officers' Reports for consideration

*Pursuant to Section 130 of the Local Government Act 2020 (the Act) and Chapter 5 of the Governance Rules of Knox City Council, Councillor Laukens declared a general conflict of interest in Item 9.1 on the grounds that she is a long term member of Knox Community Gardens who have applied for a minor grant this month.*

*Councillor Laukens left the meeting at 8:35 pm before discussion on item 9.1*

### 9.1 Minor Grants Program 2021-22 Monthly Report

**SUMMARY: Community Partnerships Officer, Deb Robert**

**This report summarises the grant applications recommended for approval in September 2021 for the 2021-22 Minor Grants Program. All applications have been assessed against the criteria set out in the Minor Grants Program Policy.**

**Applications under the Minor Grants Policy are limited to a maximum of \$3,000 within the current financial year.**

#### RECOMMENDATION

That Council:

- Approve five applications for a total of \$9,739.85 as detailed below:

Applicant Name	Project Title	Amount Requested	Amount Recommended
Eildon Park Cricket Club	Honour Boards	\$2055.00	\$2055.00
Knox Community Gardens Society	Fruit Netting Compliance	\$2164.80	\$2,000.00
Footscape Inc.	Foot Care Kits	\$1000.00	\$1000.00
Knoxfield Kindergarten	Inspiring Creative Play and Healthy Lifestyles in Outdoor Play	\$1684.85	\$1684.85
Wantirna South Football Club	Gym Equipment	\$3000.00	\$3,000.00
TOTAL		\$9,904.65	\$9,739.85

- Note that inclusive of the above recommended grants, totalling \$9,739.85, a total of \$53,146.74 has been awarded to date under the 2021-22 Minor Grants Program supporting 25 different community-based organisations and their programs.

**RESOLUTION**

**MOVED:** Councillor Seymour

**SECONDED:** Councillor Baker

That Council:

1. Approve five applications for a total of \$9,739.85 as detailed below:

Applicant Name	Project Title	Amount Requested	Amount Recommended
Eildon Park Cricket Club	Honour Boards	\$2055.00	\$2055.00
Knox Community Gardens Society	Fruit Netting Compliance	\$2164.80	\$2,000.00
Footscape Inc.	Foot Care Kits	\$1000.00	\$1000.00
Knoxfield Kindergarten	Inspiring Creative Play and Healthy Lifestyles in Outdoor Play	\$1684.85	\$1684.85
Wantirna South Football Club	Gym Equipment	\$3000.00	\$3,000.00
<b>TOTAL</b>		<b>\$9,904.65</b>	<b>\$9,739.85</b>

2. Note that inclusive of the above recommended grants, totalling \$9,739.85, a total of \$53,146.74 has been awarded to date under the 2021-22 Minor Grants Program supporting 25 different community-based organisations and their programs.

**CARRIED**

Councillor Laukens returned to the meeting at 8:37 pm after the vote on item 9.1

## 9.2 Contract 2866 Windermere Reserve Oval Upgrade

**SUMMARY:** Project Manager Recreation, Shell Wilkes

**This report considers and recommends the appointment of SJM Turf and Civil Pty Ltd as the successful tenderer for the Windermere Reserve Oval Upgrade project at Windermere Reserve, Ferntree Gully.**

### **RECOMMENDATION**

That Council:

1. Accepts the tender submitted by SJM Turf and Civil Pty Ltd for Contract No. 2866 – Windermere Reserve Oval Upgrade at Windermere Reserve, Ferntree Gully; for the lump sum price of \$1,210,323.99 (excluding GST);
2. Authorises the Chief Executive Officer (or such person as the Chief Executive Officer selects) to negotiate and formalise the execution of all documents associated with Contract No. 2866 – Windermere Reserve Oval Upgrade at Windermere Reserve, Ferntree Gully under delegated authority; and
3. Advises all tenderers accordingly.

### **RESOLUTION**

**MOVED:** Councillor Laukens

**SECONDED:** Councillor Seymour

That Council:

1. **Accepts the tender submitted by SJM Turf and Civil Pty Ltd for Contract No. 2866 – Windermere Reserve Oval Upgrade at Windermere Reserve, Ferntree Gully; for the lump sum price of \$1,210,323.99 (excluding GST);**
2. **Authorises the Chief Executive Officer (or such person as the Chief Executive Officer selects) to negotiate and formalise the execution of all documents associated with Contract No. 2866 – Windermere Reserve Oval Upgrade at Windermere Reserve, Ferntree Gully under delegated authority; and**
3. **Advises all tenderers accordingly.**

### **CARRIED**

## 10 Office of the CEO Reports for consideration

### 10.1 Quarter 4 2020-21 Annual Plan Progress Report

**SUMMARY:** Corporate Reporting Officer, Elisa De Iuliis

**This report provides the fourth quarter progress report on initiatives identified in the 2020-21 Annual Plan, adopted by Council on 22 June 2020 as part of the 2020-21 Annual Budget. The Annual Plan satisfies the requirements of the *Local Government Act 1989* by outlining the services provided by Council and the initiatives that Council completed in the 2020-21 year.**

#### **RECOMMENDATION**

That Council receive and note the 2020-21 Annual Plan progress report for the period ending 30 June 2021.

#### **RESOLUTION**

**MOVED:** Councillor Laukens

**SECONDED:** Councillor Baker

That Council receive and note the 2020-21 Annual Plan progress report for the period ending 30 June 2021.

#### **CARRIED**

11 City Centre Reports for Consideration

Nil

## 12 Items for Information

### 12.1 ICT Capital Works Report

**SUMMARY: Chief Information Officer, Scott Coleman**

**The ICT Capital Works Report shows projects on Council's ICT Capital Works Program and indicates the monthly status of each project.**

#### **RECOMMENDATION**

That Council receive and note the ICT Capital Works Report, as of 16 September 2021.

#### **RESOLUTION**

**MOVED: Councillor Seymour**

**SECONDED: Councillor Pearce**

**That Council receive and note the ICT Capital Works Report, as of 16 September 2021.**

#### **CARRIED**

13 Notices of Motion

Nil.

## 14 Supplementary Items

### 14.1 Rent Relief for Commercial Tenants in Council Owned Facilities 2021

**SUMMARY:** Acting Coordinator Property Management, Paige Kennett

In August 2021, the Victorian State Government released regulations with respect to eligible lease rent relief for the period between 28 July 2021 to 15 January 2022. The temporary measures apply to tenants and landlords under certain eligible leases to mitigate the impacts of COVID-19 pandemic and related government restrictions.

Council has received requests from commercial tenants for rent relief in respect of eligible leases in Council owned property and these have been assessed according to the prescribed regulations.

#### **RECOMMENDATION**

That Council:

1. Note the applications for rent relief from commercial tenants as detailed in Confidential Attachment 1.
2. Approve an initial total rent relief offer for the months of August, September and October 2021 of \$8,145.71, broken down into \$4,072.86 waived rent, and \$4,072.86 deferred rent.
3. Authorise the Chief Executive Officer to consider and approve all future commercial rent relief offers during the relevant period that meet regulation eligibility criteria.
4. Authorise the Chief Executive Officer to execute any necessary lease variations in accordance with the Regulations to give effect to these resolutions.

#### **RESOLUTION**

**MOVED:** Councillor Timmers-Leitch

**SECONDED:** Councillor Laukens

That Council:

1. Note the applications for rent relief from commercial tenants as detailed in Confidential Attachment 1.
2. Approve an initial total rent relief support package for the months of August, September and October of \$8,145.71, broken down into \$4,072.86 waived rent, and \$4,072.86 deferred rent.
3. Authorise the Chief Executive Officer to consider and approve future commercial rent relief packages during the relevant period that meet regulation eligibility criteria.
4. Authorise the Chief Executive Officer to execute any necessary lease variations in accordance with the Regulations to give effect to these resolutions.

**CARRIED**



15 Urgent Business

Nil.

16 Questions Without Notice

Nil.

## 17 Confidential Items

*The Mayor acknowledged on behalf of officers that the reports for Items 17.1 and 17.2 incorrectly referenced Section 77 of the Local Government Act 1989, noting that despite the error, the grounds for grounds for confidentiality explained in each report were valid grounds under the correct provision, being Section 66 of the Local Government Act 2020.*

### **PROCEDURAL MOTION**

### **CLOSURE OF MEETING**

**MOVED:** Councillor Cooper

**SECONDED:** Councillor Grasso

That Council resolve to close the meeting to the public in accordance with Section 66(2)(a) of the Local Government Act 2020 to consider:

- **Item 17.1 Knox Basketball Inc - Request for Extension to Financial Assistance as it relates to private commercial information, that if released, would unreasonably expose Knox Basketball Incorporated to disadvantage because it would release financial information about the business that is not generally available to their competitors.**
- **Item 17.2 Acquisition of Sites of Biological Significance - VicTrack Land as it relates to:**
  1. **land use planning information regarding property zoning or likely property sales / purchases that might encourage or enable speculation in land values if prematurely released.**
  2. **Council business information, that will prejudice Council's position when negotiating the price for contract if prematurely released.**
- **Item 17.3 Knox Leisureworks COVID-19 Pandemic Relief as it relates to private commercial information, that if released, would unreasonably expose Belgravia Leisure to disadvantage because it would release financial information about the business that is not generally available to their competitors.**

### **CARRIED**

### **THE MEETING WAS CLOSED TO THE PUBLIC AT 8:47 pm**

#### 17.1 Knox Basketball Inc - Request for Extension to Financial Assistance

This item was resolved in camera

#### 17.2 Acquisition of Sites of Biological Significance - VicTrack Land

This item was resolved in camera

**17.3 Knox Leisureworks COVID-19 Pandemic Relief**

This item was resolved in camera

**MEETING CLOSED AT 9.27pm**

Minutes of Meeting confirmed at the  
Meeting of Council  
held on Monday, 25 October 2021

.....  
Chairperson

The Agenda for this meeting is attached in full at the end of the Minutes

# AGENDA



## Meeting of Council

To be held via Zoom

On

Monday 27 September 2021 at 7:00 PM

Please note that this Council meeting is being conducted online in accordance with the Department of Health and Human Services COVID-19 guidelines.

This meeting will be streamed live on the internet and recorded.

The live stream and recording can be access via Council's website at [webcast.knox.vic.gov.au](http://webcast.knox.vic.gov.au)

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Bruce Dobson  
Chief Executive Officer

1 Apologies and Requests for Leave of Absence

2 Declarations of Conflict of Interest

3 Confirmation of Minutes

Confirmation of Minutes of Meetings of Council held on Monday 23 August and Monday 6 September 2021

4 Presentations, Petitions and Memorials

5 Reports by Councillors



## 6 City Strategy and Integrity Officers' Reports for consideration

### 6.1 Report of Planning Applications Decided Under Delegation 1 August 2021 to 31 August 2021

**SUMMARY: Manager, City Planning & Building, Paul Dickie**

Details of planning applications considered under delegation are referred for information. It is recommended that the items be noted.

#### RECOMMENDATION

**That the planning applications decided under delegation reports (between 1 August 2021 to 31 August 2021) be noted**

#### 1. REPORT

Details of planning applications decided under delegation from 1 August 2021 to 31 August 2021 are attached. The applications are summarised as follows:

<b>Application Type</b>	<b>No.</b>
Building & Works: Residential	4
Other	4
Subdivision	19
Units	8
Tree Removal / Pruning	15
Single Dwelling	4
Change of Use	1
Signage	1
Removal of S.173 Agreement	1
<b>TOTAL</b>	<b>57</b>

#### 2. CONFIDENTIALITY

There is no content in this report that meets the definition of confidential information from the Local Government Act 2020.

**Report Prepared By: Manager, City Planning & Building, Paul Dickie**

**Report Authorised By: Director City Strategy and Integrity, Matt Kelleher**

## Knox City Council

### Planning Applications Decided - Council

1 August 2021 and 31 August 2021

Ward	Address	No	Description	Decision
Baird	27-29 Rankin Road BORONIA VIC 3155	2021/6000	Development of the land for six (6) double storey dwellings and vegetation removal	3/08/2021 Notice of Decision
Baird	279 Dorset Road BORONIA VIC 3155	2021/6264	5 Lot Subdivision (Approved Development Site)	5/08/2021 Approved
Baird	93 Boronia Road BORONIA VIC 3155	2021/9088	Buildings and Works (removal of timber battens and replaced with Colorbond sheeting)	4/08/2021 Approved
Baird	17 Malua Road FERNTREE GULLY VIC 3156	2021/9100	Two (2) Lot Subdivision (Approved Development Site)	6/08/2021 Approved
Baird	64 Woodvale Road BORONIA VIC 3155	2021/9089	Two (2) lot subdivision (Approved Development Site)	13/08/2021 Approved
Baird	5/21 Jersey Road BAYSWATER VIC 3153	2021/9112	Buildings and works (installation of windows to the front facade)	30/08/2021 Approved
Baird	29 Stradbroke Road BORONIA VIC 3155	2021/6161	Development of the land for four (4) double storey dwellings	19/08/2021 Approved
Chandler	1 & 2/37 Harcourt Road BORONIA VIC 3155	2021/6401	Re-subdivision of existing dwellings into 2 Lots	4/08/2021 Approved
Chandler	1333B Mountain Highway THE BASIN VIC 3154	2020/6610	Construction of one (1) new dwelling and variation to building envelope and vegetation removal to the Satisfaction of the Responsible Authority	6/08/2021 Approved
Chandler	67 Daffodil Road BORONIA VIC 3155	2021/9096	Removal of one (1) <i>Chamaecyparis lawsoniana</i> (Lawson's Cypress)	6/08/2021 Approved
Chandler	38 Democrat Drive THE BASIN VIC 3154	2021/6379	The Pruning of one (1) <i>Grevillea robusta</i> (Silky Oak)	17/08/2021 Approved
Chandler	2 Liverpool Road THE BASIN VIC 3154	2021/6228	Removal of one (1) <i>Tilia cordata</i> (Small Leaved Lime) and one (1) <i>Eucalyptus nicholii</i> (Narrow leaved Black Peppermint)	17/08/2021 Approved
Chandler	18 Janet Street BORONIA VIC 3155	2021/6461	Removal of <i>Hesperocyparis lusitanica</i> (Mexican Cypress) Hedge	30/08/2021 Approved

<b>Ward</b>	<b>Address</b>	<b>No</b>	<b>Description</b>	<b>Decision</b>
Chandler	40 Democrat Drive THE BASIN VIC 3154	2021/6429	Removal of one (1) Grevillea robusta (Silky Oak)	18/08/2021 Approved
Chandler	25 Boronia Road BORONIA VIC 3155	2021/6453	The removal of one (1) Quercus palustris (Pin Oak) and one (1) Liquidambar styraciflua (Sweetgum)	19/08/2021 Approved
Chandler	31 Claremont Avenue THE BASIN VIC 3154	2021/6414	The Removal of two (2) Ficus carica (Common Fig)	24/08/2021 Approved
Chandler	112 Albert Avenue BORONIA VIC 3155	2021/6442	Removal of one (1) Eucalyptus saligna (Sydney Blue Gum)	26/08/2021 Approved
Collier	565 Boronia Road WANTIRNA VIC 3152	2021/6316	7 lot subdivision (Approved Development Site)	9/08/2021 Approved
Collier	39 Clarence Road WANTIRNA VIC 3152	2020/6567	Construction of double storey dwelling at the rear of the existing dwelling	11/08/2021 Notice of Decision
Collier	56 Kingloch Parade WANTIRNA VIC 3152	2020/6719	Development of the land for twenty (20) triple storey dwellings, thirty (30) double storey dwellings and one (1) single storey dwelling (total of fifty-one (51) dwellings)	19/08/2021 Approved
Collier	30 Gresford Road WANTIRNA VIC 3152	2021/6307	Request to remove of Section 173 Agreement	26/08/2021 Approved
Collier	472 Mountain Highway WANTIRNA VIC 3152	2021/9109	2 Lot subdivision (approved development site)	26/08/2021 Approved
Dinsdale	7 Maida Avenue BAYSWATER VIC 3153	2021/9099	Two lot subdivision (approved development site)	2/08/2021 Approved
Dinsdale	53 Sydney Road BAYSWATER VIC 3153	2021/6303	3 Lot Subdivision (Approved Development Site)	6/08/2021 Approved
Dinsdale	Knox City SC Sh 3208/425 Burwood Highway WANTIRNA SOUTH VIC 3152	2021/6322	Use of the land for the purpose of a restricted recreational facility and a waiver of the bicycle parking requirements of clause 52.34	12/08/2021 Approved
Dinsdale	732 Mountain Highway BAYSWATER VIC 3153	2021/6134	Installation of an electronic major promotion sky sign	17/08/2021 Approved
Dinsdale	538 Mountain Highway BAYSWATER VIC 3153	2021/6320	2 Lot Subdivision (Approved Development Site) and creation of the road reserve R1	17/08/2021 Approved

Ward	Address	No	Description	Decision
Dinsdale	56 Gertonia Avenue BORONIA VIC 3155	2021/6452	The Removal of two (2) Eucalyptus cladocalyx (Sugar Gum)	19/08/2021 Approved
Dinsdale	60 Sasses Avenue BAYSWATER VIC 3153	2021/6323	3 lot subdivision (Approved Development Site)	19/08/2021 Approved
Dinsdale	3/70 Gertonia Avenue BORONIA VIC 3155	2021/6388	The Pruning of one (1) Eucalyptus mannifera (Brittle Gum)	17/08/2021 Approved
Dinsdale	18 Somerset Street WANTIRNA SOUTH VIC 3152	2021/9105	2 lot subdivision (Approved Development Site)	20/08/2021 Approved
Dinsdale	26 Aisbett Avenue WANTIRNA SOUTH VIC 3152	2021/6138	Development of a single storey dwelling to the rear of the existing dwelling	27/08/2021 Notice of Decision
Dinsdale	33 Dinsdale Road BORONIA VIC 3155	2021/9108	2 lot subdivision (Approved Development Site)	26/08/2021 Approved
Dinsdale	263 Stud Road WANTIRNA SOUTH VIC 3152	2021/6321	7 lot subdivision (Approved Development Site)	27/08/2021 Approved
Dobson	8 Frederick Street FERNTREE GULLY VIC 3156	2021/6360	Pruning of one (1) Eucalyptus obliqua (Messmate) & one (1) Eucalyptus goniocalyx (Long Leaved Box)	2/08/2021 Approved
Dobson	15 Talaskia Road UPPER FERNTREE GULLY VIC 3156	2021/9101	Construction of a new fence	11/08/2021 Approved
Dobson	15 Birdwood Avenue FERNTREE GULLY VIC 3156	2021/6421	Removal of one (1) Eucalyptus macrorhyncha (Red Stringybark)	9/08/2021 Approved
Dobson	37 Winwood Drive FERNTREE GULLY VIC 3156	2021/6131	The construction of a garage, verandah and addition to an existing dwelling	16/08/2021 Approved
Dobson	33 Heath Avenue FERNTREE GULLY VIC 3156	2021/6422	The Removal of five (5) Eucalyptus goniocalyx (Long Leaved Box) and one (1) Eucalyptus obliqua (Messmate)	17/08/2021 Approved
Dobson	18 Barrett Street UPPER FERNTREE GULLY VIC 3156	2021/6397	Buildings and Works (construction of a double storey dwelling)	19/08/2021 Approved
Dobson	19 Wynette Avenue UPPER FERNTREE GULLY VIC 3156	2021/9103	Steel garage	23/08/2021 Approved

<b>Ward</b>	<b>Address</b>	<b>No</b>	<b>Description</b>	<b>Decision</b>
Dobson	1270 Burwood Highway UPPER FERNTREE GULLY VIC 3156	2021/6417	Buildings and Works (Construction of vehicle detailing shed)	23/08/2021 Approved
Dobson	2 Roberts Street FERNTREE GULLY VIC 3156	2021/6114	Three (3) lot subdivision and vegetation removal	19/08/2021 Approved
Dobson	13 Winwood Drive FERNTREE GULLY VIC 3156	2021/9094	Buildings and Works (New garage)	18/08/2021 Approved
Dobson	3/6 Bergner Court LYSTERFIELD VIC 3156	2021/6155	Change of Use to a Dwelling, development of the land for a single dwelling and the removal of vegetation	27/08/2021 Approved
Dobson	3/3 Drake Street FERNTREE GULLY VIC 3156	2021/6261	Development of the land for a single storey dwelling	25/08/2021 Approved
Friberg	2 Barbican Court ROWVILLE VIC 3178	2021/6157	The construction of a double storey dwelling to the rear of the existing dwelling	4/08/2021 Approved
Friberg	54 Conn Street FERNTREE GULLY VIC 3156	2021/6293	4 Lot Subdivision (Approved Development Site)	6/08/2021 Approved
Friberg	22 David Street KNOXFIELD VIC 3180	2021/6319	4 lot subdivision (Approved Development Site)	12/08/2021 Approved
Friberg	1710 Ferntree Gully Road FERNTREE GULLY VIC 3156	2021/6190	Construction of one (1) double storey dwelling to the rear of the existing dwelling	19/08/2021 Notice of Decision
Friberg	7-9 Laura Road & 48 Rickards Avenue KNOXFIELD VIC 3180	2021/6120	Development of the land for the construction of three dwellings (two double storey dwellings and one single storey)	23/08/2021 Refused
Scott	79 Kathryn Road KNOXFIELD VIC 3180	2021/6367	Removal of one (1) Exocarpos cupressiformis (Cherry Ballart) and one (1) Eucalyptus cephalocarpa (Silver Stringybark)	9/08/2021 Approved
Scott	77 Kathryn Road KNOXFIELD VIC 3180	2021/6449	The removal of one (1) Eucalyptus cephalocarpa (Silver Stringybark) and one (1) Eucalyptus radiata (Narrow Leaved Peppermint) and the pruning of two (2) Eucalyptus cephalocarpa (Silver Stringybark)	25/08/2021 Approved

<b>Ward</b>	<b>Address</b>	<b>No</b>	<b>Description</b>	<b>Decision</b>
Taylor	34 Murray Crescent ROWVILLE VIC 3178	2021/6195	Three (3) lot subdivision	17/08/2021 Refused
Taylor	88 Major Crescent LYSTERFIELD VIC 3156	2021/6098	2 lot subdivision	19/08/2021 Notice of Decision
Tirhatuan	812 Wellington Road ROWVILLE VIC 3178	2021/6224	Use and development of land for a convenience restaurant, development of land for a service station, alteration of access to a Road Zone Category 1 and display of signage	12/08/2021 Approved
Tirhatuan	10 Berrabri Drive SCORESBY VIC 3179	2021/9102	Two Lot Subdivision (Approved Development Site)	19/08/2021 Approved

## 6.2 Norvel Estate S173 Agreement and Urban Design Guidelines

**SUMMARY:** Senior Strategic Planner, Patrick Dubuc

After concluding its use as a quarry, in 2006 Council entered into a Section 173 Agreement with the former owner of the Norvel Estate, to facilitate a number of actions ahead of the site being considered for rezoning. These include a land swap, land rehabilitation, fencing, future urban design requirements and the future public open space contribution along Blind Creek.

Since that time, progress has been made and a number of requirements that were prescribed have either been achieved or require updating. A new Section 173 Agreement is needed to reflect these changes.

The Director City Strategy and Integrity currently has delegated authority to end an existing Section 173 Agreement and to enter into a new agreement. However this delegation does not apply to an agreement that was entered into via a resolution of Council.

Consequently, this report seeks a Council resolution to end the current Agreement AG370823M and replace it with a new agreement.

### RECOMMENDATION

That Council resolves to:

1. Enter into an agreement under Section 173 of the *Planning and Environment Act 1987* (the “New 173 Agreement”) relating to land situated at Norvel Road, Ferntree Gully, generally in accordance with the draft agreement set out in Attachment 3 to the officer report.
2. End the agreement under Section 173 of the *Planning and Environment Act 1987* (recorded in dealing AG370823M and set out in Attachment 1 to the officer report) applying to the land situated at Norvel Road, Ferntree Gully (the “Existing 173 Agreement”):
  - a. subject to the owner entering into the New 173 Agreement with Council, in accordance with Resolution 1 above; and
  - b. in accordance with the Terms of the New 173 Agreement, namely effective from the date of recording on title of the New 173 agreement.
3. Authorise the Chief Executive Officer (or such person as the Chief Executive Officer selects) to:
  - a. negotiate and modify, in the delegates discretion, the New 173 Agreement including in respect of the proposed revised Urban Design Guidelines set out in Attachment 3, noting any such amendments should maintain general accordance with the draft referred to in Resolution 1; and
  - b. sign any relevant documents (including the New 173 Agreement), take any actions and provide any necessary consents, to give effect to these resolutions.

### 1. INTRODUCTION

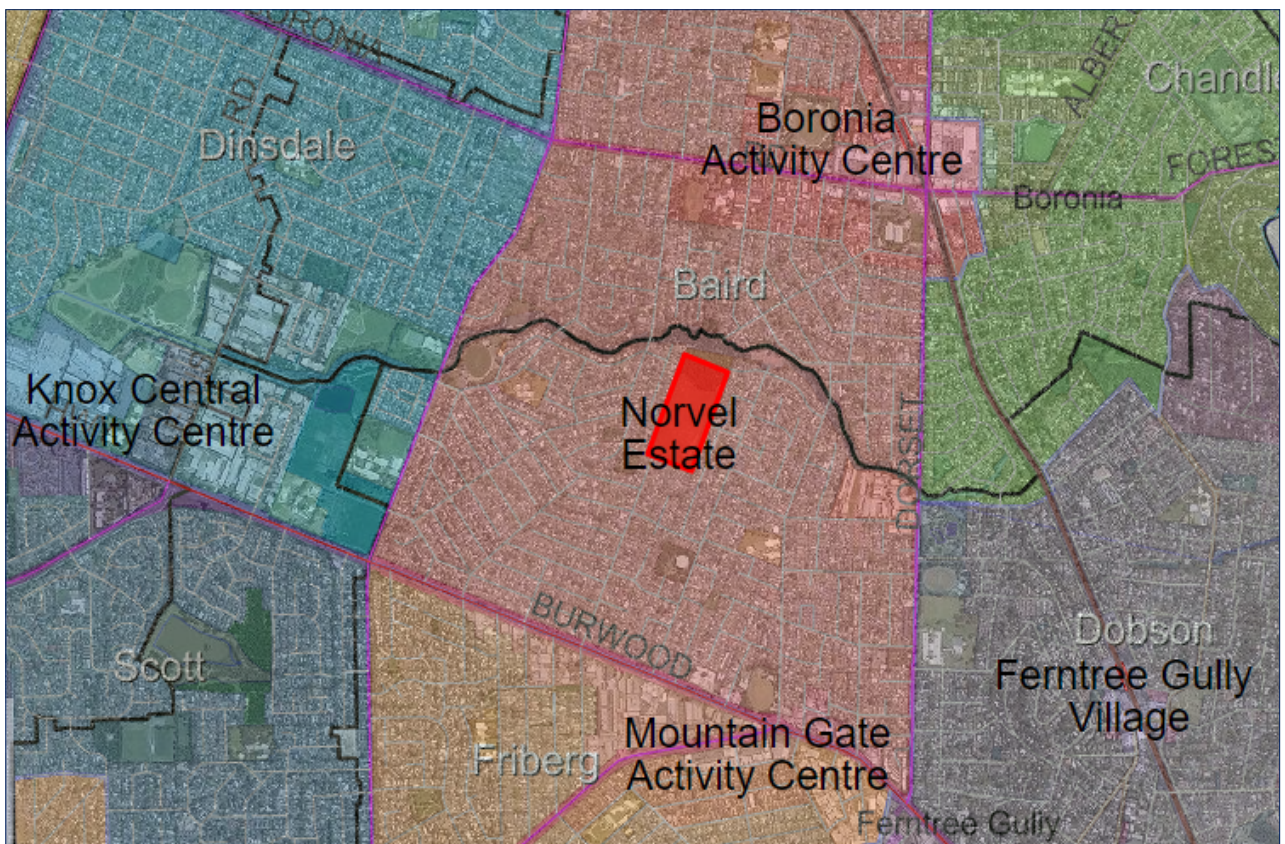
The subject site at 29Q Norvel Road, Ferntree Gully (Norvel Estate) is located between Norvel Road and the Blind Creek valley in Ferntree Gully. Formerly a quarry, the Norvel Estate is identified

---

as a 'Strategic Investigation Site – residential' in the Knox Planning Scheme and the 2015 Knox Housing Strategy. The site is located in the Baird Ward south of the Boronia Activity Centre and Blind Creek, and north of Burwood Highway.

The site is currently zoned Special Use Zone Schedule 2 (SUZ2) for the purpose of extraction. The extractive activity has since ceased and the site was fully remediated in 2015. The site is surrounded by established residential areas (*Knox Neighbourhood*).

The northern part of the site includes remnant bushland identified as a Site of Biological Significance with the rest being vacant land. The site is currently the subject of a combined proposal for rezoning and subdivision under Amendment C184knox and planning permit application P/2020/6049. The proposal is currently being assessed by officers.







**Figure 1 – general location of the Norvel Estate and the bushland reserve (site of biological significance)**

## **2. DISCUSSION**

At the 11 July 2006 Strategic Planning Committee (SPC), Council negotiated and resolved to enter into a S173 Agreement with the then owner of the subject site (**Attachment 2**). A Section 173 Agreement is established under the *Planning and Environment Act 1987* and is an agreement with Council that applies to the title and endures with the land, irrespective of ownership.

The S173 Agreement AG370823M was registered on the land in 2009 in line with the SPC resolution. The agreement refers to different matters which either require updating because they are outdated or are no longer necessary as they have been completed.

The following matters have been **completed and are no longer required**.

- i. *Rehabilitation of the land.*  
This clause is no longer required as remedial fill works was completed in 2015 with both geotechnical certification and EPA (Environment Protection Authority) approvals provided.
- ii. *Management Plan and the provision of fencing between the quarry and Council land.*  
The management plan has been completed as the quarry operation and the remedial works have finished. The plan referred to amenity management during the quarry operation and the rehabilitation of the land and is no longer required.

The provision of a chain link fence is no longer relevant nor desirable in the context of the bushland reserve being gifted/transferred to Council as a contiguous parcel. The construction and location of a chain link fence in the middle of the bushland reserve no longer serves a practical function and does not contribute to biodiversity values and future residential amenity. This position is supported by Council's Biodiversity team.

The following matters are **outdated and require updating** through a new section 173 agreement.

- iii. *Council's commitment to exhibit, subject to Ministerial authorisation, a planning scheme amendment to rezone the land to Residential 1 Zone and apply a Development Plan Overlay*

The application of these planning controls are no longer relevant as the Residential 1 Zone is not in use and the Development Plan Overlay is not required in the context of the current application under consideration by officers. The existing agreement unnecessarily commits Council to exhibit an amendment and specifies planning controls ahead of a development proposal. This is not ideal as it limits officer's ability to recommend relevant and appropriate controls and pre-empts Council's decision.

The new agreement does not bind Council to such specific commitments whilst acknowledging that Council will facilitate the consideration of an amendment. A combined proposal for rezoning and subdivision is now being contemplated under Amendment C184knox and planning permit application P/2020/6049. This is being assessed by officers and will be brought to Council for a decision to commence the planning scheme amendment process together with appropriate planning controls at a subsequent Council meeting.

iv. *Reference to Urban Design Guidelines (UDG) prepared by Jones and Whitehead Pty Ltd (2004) to guide the assessment of any future proposals for the site*

The 2004 UDGs are outdated, with limited analysis and content. These UDGs do not meet the contemporary standard developed by the Department of Land Environment Water and Planning (DELWP) as part of the Urban Design Guidelines for Victoria, 2017.

Revised UDGs have been prepared (**Annexure 2 of Attachment 3**) to replace and supersede those referred to in Agreement AG370823M. The revised UDGs retain the intent of the original UDGs and include additional objectives and guidelines to help direct the future development of the site. Table 2, page 18 (**Attachment 3**) of the revised UDG includes a comparative review of the 2004 guidelines documenting what has been changed and retained. This includes:

- ensuring best practice in design and development and a mix of building types,
- providing a sensitive and suitable interfaces to adjoining residential neighborhoods and the bushland reserve,
- maintaining accessible pedestrian and cycle links,
- protecting and restoring significant vegetation,
- providing accessible public open spaces,
- designing safe, accessible and landscaped public realms,
- protecting the amenity of surrounding areas from the impacts of construction.

v. *A land swap between the owner and Council.*

Part of the land swap was completed in 2017 where a 6,593sqm triangular lot (shown in orange in Figure 2 below) along Norvel Road was provided to the landowner in exchange for part of the bushland (shown in green in Figure 2 below). The bushland to be transferred to Council totals 7,922sqm.

vi. *The transfer of approximately 0.5ha (4,980sqm) of land in lieu of Public Open Space Contribution*

This agreement also commits the landowner to 4,980sqm of land to be transferred to Council (shown in blue in Figure 2 below) in lieu of public open space contribution. This public open space contribution (4980sqm) together with the land swap (7922sqm) constitutes a total of 12,902sqm (1.29ha) of bushland reserve committed to Council.

In addition, Council officers have successfully negotiated for a further 4,078sqm (0.41ha) of bushland (shown in yellow in Figure 1 below) increasing the total contribution to approximately 1.70ha to be committed to Council. This broader bushland area is part of an identified Site of Biological Significance – State Level.

The total 1.70ha of bushland reserve is to be transferred to Council and this intent needs to be updated and reflected in a new section 173 agreement. The recording of the new agreement will allow Council to assert the outcome of the bushland negotiation.

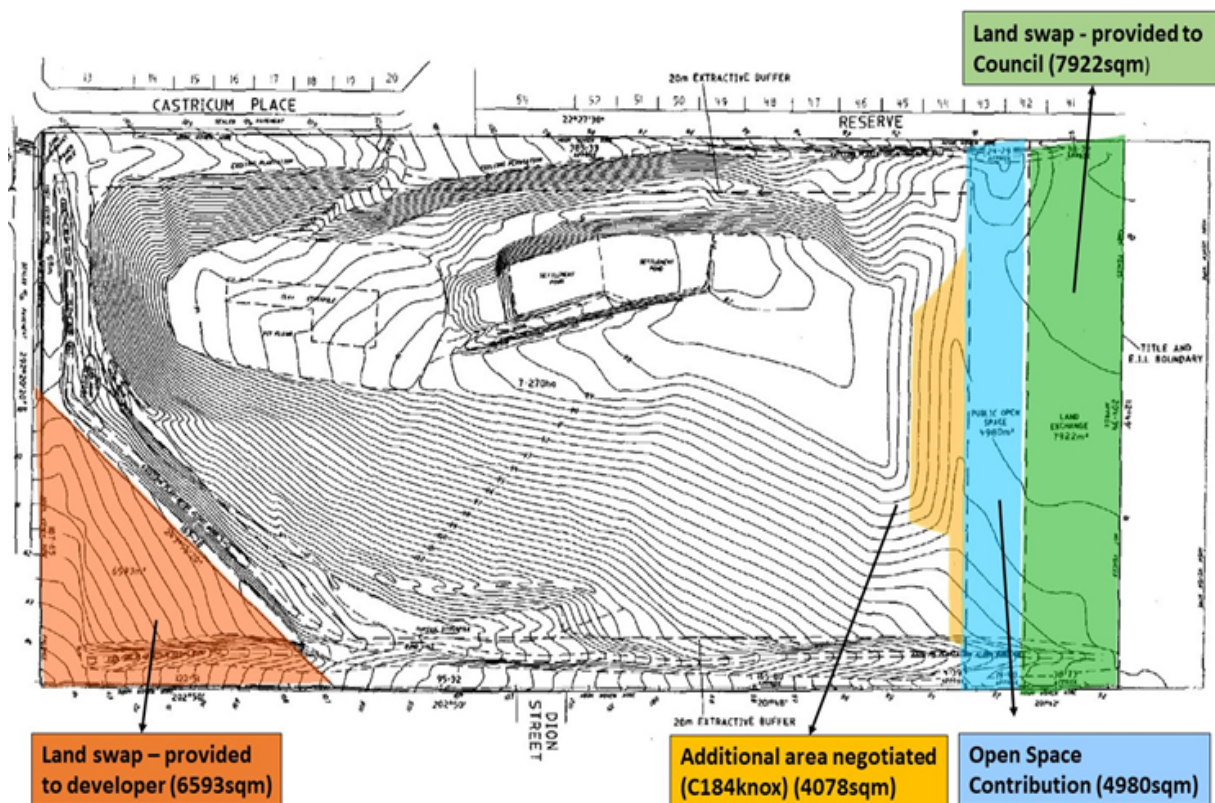


Figure 2 – Land swap and open space contribution areas

The current section 173 Agreement AG370823M needs to be ended and replaced with a new section 173 agreement to record the matters outlined above. The new draft section 173 agreement (**Attachment 3**) has been prepared by Council’s lawyers Russell Kennedy. Urbis Pty Ltd, on behalf of the proponent, supports the draft section 173. A letter of in-principle support from the proponent is in **Attachment 4**.

Whilst there are delegated powers for officers under Council’s current instrument of delegation to end a section 173 and enter into a new agreement, this delegation does not apply to a section 173 agreement that was entered into via resolution of Council.

Consequently, a Council resolution must be sought to end the current agreement and replace it with a new agreement reflecting updated UDGs and a revised bushland reserve contribution. This is recommended ahead of Council’s consideration of Amendment C184knox. A new section 173 agreement preceding Amendment C184knox will enable Council to clearly assert its position with regards to the bushland reserve and provide greater clarity in assessment of the development proposal through the revised UDGs.

### **3. CONSULTATION**

The transfer of the bushland reserve is the result of 2 years of negotiation between Council officers and the landowner. This negotiation involved several internal departments including City Strategy and Planning officers, Landscape officers, Biodiversity officers, Emergency Management officers, as well as Country Fire Authority officers.

The updated Urban Design Guidelines (UDGs) was referred to key internal departments and resulted in the final version presented in annexure 2 of **Attachment 3**.

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

The new Agreement will enable Council to:

- assert the negotiated bushland reserve which is a positive outcome that protects the biodiversity and remnant native vegetation of the site whilst also balancing bushfire risk; avoids the removal of any significant trees including no net loss of bushland area and provides certainty for abutting residents in terms of both the natural amenity of the site as well as its ongoing management.
- reflect updated UDGs that improve local amenity by supporting better pedestrian and cyclist connections to surrounding areas and ensure the surrounding character of the area and the 'green and leafy' aspirations are respected and considered in any future development proposal.

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

The negotiation, drafting and execution of the proposed new agreement can be accommodated within the City Futures operational budget.

Maintenance of the future bushland reserve transferred to Council, including fire preparedness, will be implemented within existing operational budgets.

### **6. SOCIAL IMPLICATIONS**

The new agreement will provide certainty about the future of this bushland reserve and enable a greater sense of belonging for local residents and active community groups.

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

#### **Goal 1 - We value our natural and built environment**

Strategy 1.1 - Protect and enhance our natural environment

Strategy 1.2 - Create a greener city with more large trees, indigenous flora and fauna

Strategy 1.3 - Ensure the Knox local character is protected and enhanced through the design and location of urban development and infrastructure

#### **Goal 2 - We have housing to meet our changing needs**

Strategy 2.1 - Plan for a diversity of housing in appropriate locations

Strategy 2.3 - Support the delivery of a range of housing that addresses housing and living affordability needs

## **8. CONFLICT OF INTEREST**

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

## **9. CONCLUSION**

A Council resolution is sought to end the current agreement and replace it with a new agreement reflecting updated UDGs and a revised bushland reserve contribution. A new section 173 agreement preceding Amendment C184knox will enable Council to clearly assert its position with regards to the bushland reserve and provide greater clarity in assessment of the development proposal through the revised UDGs.

Subject to Council's resolution, the new agreement will be signed and sealed by the Chief Executive Officer or such person as the Chief Executive Officer selects.

## **10. CONFIDENTIALITY**

There is no content in this report that meets the definition of confidential information from the Local Government Act 2020.

**Report Prepared By:** Patrick Dubuc, Senior Strategic Planner

**Report Authorised By:** Director City Strategy and Integrity, Matt Kelleher

### **Attachments**

1. Attachment 1 - Current Section 173 Agreement A G 370823 M [6.2.1 - 18 pages]
2. Attachment 2 - SPC Minutes - 11 July 2006 - Item 6. Norvel Road Quarry [6.2.2 - 14 pages]
3. Attachment 3 - Norvel Estate New Draft Section 173 Agreement - Revised Urban Design Guidelines and Bushland Reserve [6.2.3 - 33 pages]
4. Attachment 4 - In principle confirmation letter from the proponent - Norvel Estate UDG and bushland [6.2.4 - 1 page]

**Register Search Statement - Volume 11909 Folio 763**

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 11909 FOLIO 763

Security no : 124088097388X  
Produced 12/02/2021 04:10 PM

LAND DESCRIPTION

-----  
Lot 2 on Title Plan 963860L.  
PARENT TITLES :  
Volume 08328 Folio 822      Volume 10808 Folio 226  
Created by Application No. 137158W 23/12/2016

REGISTERED PROPRIETOR

-----  
Estate Fee Simple  
Sole Proprietor  
NORVEL ESTATE PTY LTD [REDACTED]  
AQ306807L 03/10/2017

ENCUMBRANCES, CAVEATS AND NOTICES

-----  
Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987  
AG370823M 25/02/2009

DIAGRAM LOCATION

-----  
SEE TP963860L FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

-----  

NUMBER	CONVERT A PCT TO AN ECT	STATUS	DATE
AT904728V		Completed	23/12/2020

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 18Q DION STREET FERNTREE GULLY VIC 3156

ADMINISTRATIVE NOTICES

-----  
NIL

eCT Control      14973C D Y & CO LAWYERS

Effective from 23/12/2020

DOCUMENT END

**The information supplied has been obtained by SAI Global Property Division Pty Ltd who is licensed by the State of Victoria to provide this information via LANDATA® System. Delivered at 12/02/2021, for Order Number 66515469. Your reference: MA10554.**

Delivered by LANDATA®, timestamp 12/02/2021 16:27 Page 1 of 14

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**Form 18**

Section 181

**APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING OF A RECORDING OF AN AGREEMENT**

*Planning and Environment Act 1987*

Lodged at the Land Titles Office by:

**Name:** Maddocks  
**Phone:** 9288 0555  
**Address:** 140 William Street, Melbourne 3000 or DX 259 Melbourne  
**Ref:** TGM:5234519 **Customer Code:** 1167E

The Authority having made an agreement referred to in section 181(1) of the *Planning and Environment Act 1987* requires a recording to be made in the Register for the land.

Land: Volume 10808 Folio 226, Volume 8328 Folio 822 and Volume 9381 Folio 087

Authority: Knox City Council, 511 Burwood Highway, Wantirna South, Victoria 3152

Section and Act under which agreement made: Section 173 of the *Planning and Environment Act 1987*.

A copy of the agreement is attached to this application

Signature for the Authority: *[Handwritten Signature]*

Name of officer: **CLAIRE ANDERSON**

Office held: **PROJECT MANAGER - STRATEGIC PLANNING**

Date: **18/2/09**

{5234519: 6071691\_1}



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Date 12 / 2 / 2009



**Maddocks**

Lawyers  
140 William Street  
Melbourne Victoria 3000 Australia  
Telephone 61 3 9288 0656  
Facsimile 61 3 9288 0666  
Email info@maddocks.com.au  
www.maddocks.com.au  
DX 259 Melbourne

**Agreement under Section 173 of the  
Planning and Environment Act 1987**

Land: Norvel Road Quarry

Knox City Council

and

Robertson Industries Pty Ltd ACN 004 435 376

Affiliated offices  
Adelaide, Brisbane, Colombo, Dubai,  
Hong Kong, Jakarta, Kuala Lumpur,  
Manila, Mumbai, New Delhi, Perth,  
Singapore, Sydney, Tianjin

[5234519: 4570277v1] : tmp154

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## Agreement under Section 173 of the Planning and Environment Act 1987

DATE 12 / 2 / 2009

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### BETWEEN

**KNOX CITY COUNCIL**  
of Municipal Offices, 511 Burwood Highway, Wantirna South 3152

(Council)

### AND

**ROBERTSON INDUSTRIES PTY LTD ACN 004 435 376**  
care of Pitcher Partners Level 19, 15 William Street, Melbourne 3000

(Owner)

### RECITALS

- A. Council is a Planning Authority for the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Robertson Land.
- C. Council is entitled to be the registered proprietor Triangular Land.
- D. Council and the Owner have agreed to an exchange of part of the Robertson Land in return for the Triangular Land upon certain terms and wish to record those terms in this Agreement.
- E. The Owner has asked Council to prepare an amendment to the Planning Scheme to allow the balance of the Robertson Land after the land exchange facilitated by this Agreement to be developed for residential and associated purposes.
- F. On 11 July 2006, Council resolved to prepare an amendment to the Planning Scheme provided the Owner enters into an agreement to provide for a land exchange as described in this Agreement.
- G. The parties enter into this Agreement to give effect to the requirements of the Council Resolution and by entering into it the parties intend to achieve or advance the objectives of planning in Victoria or the objectives of the Planning Scheme.

### THE PARTIES AGREE

#### 1. DEFINITIONS

In this Agreement the words and expressions set out in this clause have the following meanings unless the context admits otherwise:

**Act** means the *Planning and Environment Act 1987*.

**Agreement** means this agreement and any agreement executed by the parties expressed to be supplemental to this Agreement.

[5234519: 4570277v1] ; tmp154

**Amendment** means an amendment to the Planning Scheme which rezones the Robertson Land excluding the Open Space Land and the Northern Parcel to Residential 1 Zone with a Development Plan Overlay and which may include the use of other planning scheme provisions.

**Approval Date** means the date on which a copy of the Notice of Approval of the Amendment is published in the Government Gazette.

**Approved Management and Rehabilitation Plan** means the management plan lodged under clause 3.3.1 of this Agreement and approved by Council.

**Commencement Date** means the date of this Agreement.

**Development** means the development of the Robertson Land for the purposes envisaged by the Amendment.

**Ministerial Direction** means "Direction No. 1 Potentially Contaminated Land" prepared pursuant to Section 12(2)(a) of the Act and dated 27 September 2001 (or as amended).

**Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Robertson Land or any part of it.

**Northern Parcel** means that part of the Robertson Land situated at the northern end and which has an area of 7922 square metres and which is identified and delineated as "Land Exchange" on the Survey Plan.

**Open Space Land** means that part of the Robertson Land which is identified and delineated on the Survey Plan as Public Open Space and having an area of 4980 square metres.

**Open Space Works** means any works to construct or landscape any area of land which is intended to be Open Space.

**Original Agreement** means the agreement dated 10 June 1980 between Council and Robertson Industries Pty Ltd made under the Town and Country Planning Act 1961.

**Owner** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Robertson Land or any part of it and includes a Mortgagee-in-possession.

**party or parties** means the Owner and Council under this Agreement as appropriate.

**Planning Scheme** means the Knox Planning Scheme and any other planning scheme that applies to the Robertson Land.

**Quarry** means the quarry on the Robertson Land.

**Residential Lot** means a lot which by virtue of its size and dimensions, is intended for final use as a home site.

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*Handwritten signature*

**Robertson Land** means the land situated at Norvel Road, Ferntree Gully being the land more particularly referred to in Certificates of Title Volume 10808 folio 226 ✓ Volume 8328 Folio 822 and Volume 9381 Folio 087 and any reference to the Robertson Land in this Agreement includes any lot created by the subdivision of the Robertson Land or any part of it.

**Subdivision Plan** means any plan lodged as a supporting document to a planning permit application seeking the subdivision of the Robertson Land so as to create a lot or lots comprising the Northern Parcel and the Public Open Space.

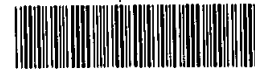
**Survey Plan** means the plan prepared by H J Macey land surveyor reference 1080 sheet 1 of 1 dated 2 June 2006 and which is attached to this agreement as Annexure 1

**Triangular Land** means land which is part of the Robertson Land and which is triangular in shape having an area of 6593 square metres and which is located in the south east corner of the Robertson Land and delineated on the Survey Plan.

**Urban Design Guidelines** means the "Norvel Road Quarry, Ferntree Gully Urban Design Guidelines, prepared for the Knox City Council by Jones & Whitehead Pty Ltd (Amended by Council, Draft May 2006) or as amended from time to time with the consent of the Responsible Authority and the Owner.

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## 2. INTERPRETATION

In this Agreement unless the context admits otherwise:

- 2.1 The singular includes the plural and vice versa.
- 2.2 A reference to a gender includes a reference to each other gender.
- 2.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 2.4 If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- 2.5 A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.
- 2.6 A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- 2.7 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.
- 2.8 The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Robertson Land provided that if the Robertson Land is

*Handwritten signature*  
JWA

subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.

### **3. SPECIFIC OBLIGATIONS OF THE OWNER**

The Owner agrees that:

#### **3.1 Transfer of the Northern Parcel**

- 3.1.1 it must transfer or vest the Northern Parcel to or in Council as the case may be;
- 3.1.2 the transfer or vesting of the Northern Parcel to or in Council must be effected within 90 days of the Approval Date unless each of the parties agree in writing to a different time frame;

#### **3.2 Transfer of the Open Space Land**

- 3.2.1 it will transfer or vest the Open Space Land to or in Council as the Public Open Space contribution that would otherwise be required under clause 52.01 of the Planning Scheme for the subdivision of the balance of the Robertson Land;
- 3.2.2 the transfer or vesting of the Open Space Land to Council must be effected within 90 days of the Approval Date unless each of the parties agree in writing to a different time frame.

#### **3.3 Management and Rehabilitation Plan**

- 3.3.1 within 28 days of the Approval Date, it will submit a management and rehabilitation plan to the satisfaction of and for approval by Council in respect of:
  - o the continued operation of the quarry which addresses how the continued operation of the quarry will avoid the removal of vegetation on the Northern Parcel and on the Open Space Land;
  - o the rehabilitation of the quarry so that its final contours are such as to be suitable for residential development and use;
  - o proposed security measures that will be put in place in respect of the Northern Parcel, the Open Space Land and the Quarry;
  - o access arrangements (including the grant of licenses for access) that are to be put in place in respect of the Northern Parcel to enable Council and its servants and agents access to the land prior to its transfer or vesting in Council; and
  - o how it is proposed to fill the Quarry as part of the rehabilitation of the land including proposed finished contour levels;

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3.3.2 the Quarry and its subsequent rehabilitation must be conducted in accordance with the Approved Management and Rehabilitation Plan and otherwise in such a manner that does not result in the damage or destruction of any vegetation on the Open Space Land or the Northern Parcel;

#### 3.4 Fencing

3.4.1 it will keep in place and maintain in good condition the cyclone wire fence situated on the boundary of the Northern Parcel and the Open Space Land until completion of the obligations under this Agreement; and

3.4.2 it will allow Council to install a fence to demarcate the boundary between the Northern Parcel and the Quarry to the satisfaction of Council.

#### 4. ACKNOWLEDGMENT AND OBLIGATIONS OF COUNCIL

Council agrees that:

##### 4.1 Triangular Land

it will forego its rights to the Triangular Land under the Original Agreement;

##### 4.2 Other lands

it will forego its rights to the land described as Industrial Buffer under the Original Agreement;

##### 4.3 Public Open Space Contribution

the transfer or vesting of the Open Space Land to or in Council in accordance with the terms of this Agreement by the Owner will comprise and be treated as the open space contribution required by clause 52.01 of the Planning Scheme for the subdivision of the balance of the Robertson Land notwithstanding that the contribution is made prior to the making of the requirement under clause 52.01 of the Scheme;

##### 4.4 Preparation of the Amendment

it will expeditiously seek authorisation under the Act and use its best endeavours to prepare and exhibit the Amendment to the Planning Scheme and undertake the necessary statutory processes required to submit the Amendment to the Minister for approval by the Minister; and

##### 4.5 Erection of a fence

it will construct at its cost a fence to demarcate the boundary between the Northern Parcel and the Quarry.

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*ML*  
*JWA*

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## **5. ACKNOWLEDGMENT BY BOTH PARTIES**

Council and the Owner agree that:

- 5.1 immediately upon the Commencement Date, the Original Agreement ends and Council will make application to the Registrar of titles to remove the recording of that agreement from the title to the Robertson Land;
- 5.2 notwithstanding anything contained in clause 3.3 of this Agreement, the Owner may remove vegetation from the Open Space Land and the Northern Parcel provided it is removed in accordance with a written consent of Council;
- 5.3 in seeking consent to remove any native vegetation from the relevant area under this Agreement, the Owner must demonstrate how the Owner has endeavoured to avoid the removal of native vegetation and if avoidance is not possible, how the removal of native vegetation has been minimised;
- 5.4 the southern boundary of the Northern Parcel may be realigned by agreement in writing between the parties prior to its transfer or vesting to or in Council;
- 5.5 the Schedule to the Development Plan Overlay (applied to the Robertson Land by the Amendment) should generally reflect the principles of the Urban Design Guidelines to the extent possible having regard to the form of development and use of the Robertson Land proposed by the Owner at the time of preparation of the Amendment; ;
- 5.6 in preparing the Amendment, the parties (including Council in its capacity as planning authority for the Amendment), will ensure that the Amendment complies with the Ministerial Direction by requiring that the land to be rezoned to Residential 1 Zone be included within an Environmental Audit Overlay in the Planning Scheme in the event that one or both of the parties considers that an Environmental Audit Overlay is necessary in the circumstances;
- 5.7 the Owner, at its discretion, may continue to extract clay from any area of the Robertson Land that is licensed for clay extraction purposes for a period of up to two (2) years after the Approval Date (**Clay Extraction**). The Clay Extraction will be undertaken in a manner that results in a final land form suitable for residential development without incurring construction cost penalties associated with excessive slope of the land;  
*MA Jura*
- 5.8 the Owner may only continue the Clay Extraction in accordance with clause 5.7 at an extraction rate that is at or less than the average rate of extraction achieved in the 12 month period immediately prior to 11 July 2006.

## **6. FURTHER OBLIGATIONS OF THE OWNER**

### **6.1 Notice and Registration**

The Owner further covenants and agrees that the Owner will bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns.



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**6.2 Further actions**

The Owner further covenants and agrees that:

- 6.2.1 the Owner will do all things necessary to give effect to this Agreement;
- 6.2.2 the Owner will consent to Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Robertson Land in accordance with Section 181 of the Act and do all things necessary to enable Council to do so including signing any further agreement, acknowledgment or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that section.

**6.3 Council's Costs to be Paid**

The Owner further covenants and agrees that the Owner will immediately pay to Council, an amount equal to 50% of Council's reasonable costs and expenses, including legal expenses) of and incidental to the preparation, drafting, finalisation, engrossment, execution and registration of this Agreement which are and until paid will remain a debt due to Council by the Owner.

**7. AGREEMENT UNDER SECTION 173 OF THE ACT**

Council and the Owner agree that without limiting or restricting the respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made as a Deed pursuant to Section 173 of the Act and specifies the conditions pursuant to which the Robertson Land may be used or developed for specified purposes.

**8. OWNER'S WARRANTIES**

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Robertson Land which may be affected by this Agreement.

**9. SUCCESSORS IN TITLE**

Without limiting the operation or effect that this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Robertson Land, successors in title shall be required to:

- 9.1 give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
- 9.2 execute a deed agreeing to be bound by the terms of this Agreement.

**AG370823M**

25/02/2009 \$99.90 173

**10. GENERAL MATTERS****10.1 Notices**

A notice or other communication required or permitted to be served by a party on another party must be in writing and may be served:

- 10.1.1 by delivering it personally to that party;
- 10.1.2 by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or
- 10.1.3 by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party by hand delivery or prepaid post.

**10.2 Service of Notice**

A notice or other communication is deemed served:

- 10.2.1 if delivered, on the next following business day;
- 10.2.2 if posted, on the expiration of two business days after the date of posting; or
- 10.2.3 if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that business day.

**10.3 No Waiver**

Any time or other indulgence granted by Council to the Owner or any variation of the terms and conditions of this Agreement or any judgment or order obtained by Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of Council in relation to the terms of this Agreement.

**10.4 Severability**

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.

**10.5 No Fettering of Council's Powers**

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Robertson Land or relating to any use or development of the Robertson Land.

**AG370823M**



**11. COMMENCEMENT OF AGREEMENT**

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This Agreement commences upon the Commencement Date.

**12. ENDING OF AGREEMENT**

---

- 12.1 This Agreement ends when the Owner has complied with all of the obligations imposed on the Owner under this Agreement as evidenced in writing by a letter from Council to that effect.
  
- 12.2 At the time Council issues a Statement of Compliance under the *Subdivision Act* 1988 in respect of any stage of the Robertson Land, provided the Owner has fulfilled all of the obligations of this Agreement relating to that stage to the satisfaction of Council, Council will, at the request and expense of the Owner, prepare and execute an application pursuant to section 183(2) of the Act to enable this Agreement to be removed from the Certificate of Title(s) to every lot within that stage of the Robertson Land.

A handwritten signature in black ink, appearing to be "J. Link".

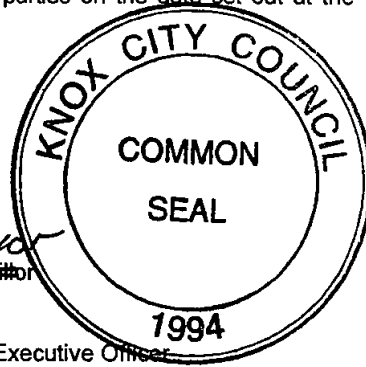
AG370823M

25/02/2009 \$99.90 173



SIGNED, SEALED AND DELIVERED as a Deed by the parties on the date set out at the commencement of this Agreement.

THE COMMON SEAL OF THE KNOX CITY COUNCIL was hereunto affixed in the presence of:



Handwritten signatures of three individuals on dotted lines.

Mayor  
Councillor

Chief Executive Officer

Councillor

Executed by ROBERTSON INDUSTRIES PROPRIETARY LIMITED ACN 004 435 376 in accordance with section 127 of the Corporations Act 2001:

Handwritten signature of Peter Dutton Robertson  
Director/company secretary

Handwritten signature of Jennifer Mary Robertson  
Director

PETER DUTTON ROBERTSON  
Name of director/company secretary (BLOCK LETTERS)

JENNIFER MARY ROBERTSON  
Name of director (BLOCK LETTERS)

**Annexure 1 – Survey Plan**

The plan which is annexure "1" has been removed from this counterpart of the Section 173 Agreement due to difficulties with imaging for recording purposes.

A copy of the plan identified is included in each of the counterparts to this section 173 agreement which are held by:

- The Minister for Planning;
- The responsible authority
- The Owner of the land as at the date the agreement was executed

A copy of the counterpart agreement together with Annexure A is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.



A handwritten signature in black ink, appearing to be 'J. Lusk'.

Delivered by LANDATA®, timestamp 12/02/2021 16:28 Page 1 of 2

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TITLE PLAN		EDITION 2	TP 963860L		
<b>LOCATION OF LAND</b> PARISH: SCORESBY TOWNSHIP: SECTION: CROWN ALLOTMENT: 54A (PT) LAST PLAN REFERENCE: LOT 1 ON PS523004B & LOT 1 ON TP574584C DERIVED FROM: VOL.10808 FOL.226 & VOL.8328 FOL.822 DEPTH LIMITATION: NIL			<b>NOTATIONS</b>		
<b>EASEMENT INFORMATION</b> E - ENCUMBERING EASEMENT R - ENCUMBERING EASEMENT (ROAD) A - APPURTENANT EASEMENT				THIS PLAN HAS BEEN PREPARED BY LAND VICTORIA FOR TITLE DIAGRAM PURPOSES	
Easement Reference	Purpose / Authority	Width (Metres)	Origin	Land benefited / In favour of	
E-1	SEWERAGE	3	PS 523004B	SOUTH EAST WATER LIMITED	
				Checked by:  Date: 24 / 08 / 2017 Bav Assistant Registrar of Titles	
LENGTHS ARE IN METRES	SCALE	DEALING / FILE No: AP137158W		DEALING CODE: SEC 103	
		GOVERNMENT GAZETTE No:		SHEET 1 OF 1	





Knox City Council

# **KNOX CITY COUNCIL**

## **MINUTES**

### **STRATEGIC PLANNING COMMITTEE**

Meeting held  
at the Civic Centre,  
511 Burwood Highway  
Wantirna South  
on  
Tuesday 11 July 2006



## Meeting Opened at 7.31 pm

### Present

<i>Cr D Cooper (Mayor &amp; Chairperson)</i>	<i>Scott Ward</i>
<i>Cr J Penna</i>	<i>Baird Ward</i>
<i>Cr M Davey</i>	<i>Chandler Ward</i>
<i>Cr J Cossari</i>	<i>Collier Ward</i>
<i>Cr A Gill (Arrived at 8.19pm)</i>	<i>Dinsdale Ward</i>
<i>Cr K Orpen</i>	<i>Dobson Ward</i>
<i>Cr D Field</i>	<i>Friberg Ward</i>
<i>Cr T Kamitsis</i>	<i>Taylor Ward</i>
<i>Cr M Van de Vreede</i>	<i>Tirhatuan Ward</i>
<i>Mr G Emonson</i>	<i>Chief Executive Officer</i>
<i>Mr I Bell</i>	<i>Director – Engineering &amp; Infrastructure</i>
<i>Mr S Dunn</i>	<i>Director - City Development</i>
<i>Mr M Jaensch</i>	<i>Director – Corporate Development</i>
<i>Mr G José</i>	<i>Director – Community Services</i>

### Apologies

*Nil*

### Declarations of Interest or Conflict of Interest

*Nil*

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## BAIRD WARD

## ITEM

**6. NORVEL ROAD QUARRY, FERNTREE GULLY – PROPOSED FUTURE USE AND DEVELOPMENT, LAND EXCHANGE AND PUBLIC OPEN SPACE CONTRIBUTION**

**SUMMARY:** *Project Manager – Strategic Planning (Helen King)*

*This report outlines the issues involved in the proposed residential redevelopment of the Norvel Road quarry and the process proposed to be followed. It recommends a proposed land exchange between Robertson Industries Pty Ltd (the owners of the quarry) and Council, implemented through a draft S173 Agreement, which also addresses associated matters such as initiating a planning scheme amendment and introducing a management plan for the site.*

**1. INTRODUCTION**

The Norvel Road quarry has operated as an extractive industry site for the extraction of clay since 1955. The owner of the site is currently considering options when the land ceases use as a quarry. It is likely that the land will be redeveloped for residential uses.

In 1980, Council and the owners of the quarry were party to an Agreement, providing conditions for the on-going quarry use and waste disposal use once the quarry operations ceased. This agreement would need to be varied or superseded to provide for an alternative use.

The implementation of a new agreement provides opportunities to negotiate an improved outcome for both parties. For example, there is potential for land owned by Council, located south-east of the quarry, to be exchanged for land in the northern part of the quarry site. This will maximise the development potential for the quarry owner, and provide Council with a vegetated parcel of high environmental significance adjacent to Council reserve along Blind Creek. In addition, there is a requirement for an open space contribution to be provided, as part of any future residential subdivision of the site.

The purpose of this report is to advise Council about the issues involved in the proposed residential development and the process that needs to be followed. It aims for a resolution on the proposed land exchanges between Robertson Industries Pty Ltd and Council, including the proposed Section 173 Agreement to facilitate this exchange.

**2. DISCUSSION****2.1 The site and surrounds**

The extraction of the quarry commenced at the southern side of the site, with the work face currently covering over 50% of the site. The total area of the site is 8.5825 hectares. The remaining land within the site is heavily vegetated. The extent of existing extraction activities, vegetation and surrounding residential development can be seen in Appendix A.

**6. Norvel Road Quarry, Ferntree Gully – Proposed Future Use and Development, Land Exchange and Public Open Space Contribution (cont'd)**

The quarry abuts Norvel Road to the south and Castricum Place to the west, with access to the site currently limited to Castricum Place. Land to the north of the quarry is owned by Council, and abuts other parkland along the Blind Creek corridor.

The Council reserve is addressed in a Management Plan for Blind Creek Billabong, Ferntree Gully, which suggests that the area should be treated as a flora reserve rather than public parkland for recreational purposes, due to the significance of the vegetation.

When the quarry first commenced operations, it abutted residential land to the east, and an abattoir to the west. Subsequently, the abattoir ceased operations and the western abutting land was redeveloped in the late 1980s/early 1990s for dwellings. The lots to the east and west of the quarry are between 700m<sup>2</sup> and 800m<sup>2</sup> in size.

**2.2 Background**

The Norvel Road quarry has operated as an extractive industry site for the extraction of clay since 1955. The extractive industry licence (EIL) currently in operation is a 'life of resource' approval, meaning that it does not expire until all the resources identified in the Works Approval have been extracted from the site. The Works Approval contains approval for the removal of vegetation on the site within the approved extractive area.

In 1980 Council was party to an agreement with the land owner (Robertson Industries Pty Ltd) which provided for:

- Rezoning of the quarry land from residential to extractive industry and consent to operate as a quarry.
- Provision of two parcels of land to Council, with a further two parcels of land purchased by Council at an agreed price, comprising the existing public open space along Blind Creek (the area in light green shown in Appendix B) and a triangular parcel in the south-east portion of the site to Council at an agreed price (shown as Area A in Appendix B). The land abutting Blind Creek has been transferred to Council; however the triangular parcel of land has not yet been transferred to Council.
- Progressive transfer of the quarry to Council for use as a tip at an agreed price.
- Consent to subdivision of the remaining residential land.

**6. Norvel Road Quarry, Ferntree Gully – Proposed Future Use and Development, Land Exchange and Public Open Space Contribution (cont'd)**

Since this time, the long term plans of Council and Robertson Industries Pty Ltd have both changed. It is no longer considered appropriate to use the land as a waste disposal landfill. It is desirable that a replacement agreement is entered into that enables the vegetated area in the north, which has significant flora and fauna values, to be retained as a flora and fauna reserve, whilst enabling the balance of the site to be used for a residential purpose.

In 2004, consultants were engaged by Council to prepare Urban Design Guidelines to guide the future development of the quarry site for residential purposes.

The guidelines recognise the importance of the northern area of the quarry, and seek to balance the protection of the area within the context of a viable development proposal. A copy of the Urban Design Guidelines is contained in Appendix C.

In 2005, approval was granted for 16 lot subdivision of a separate parcel of land abutting the quarry to the south, with the lots ranging in size from 431m<sup>2</sup> to 667m<sup>2</sup>. Construction of houses on the subdivided land has recently commenced.

**2.3 Current proposal**

The quarry material is used by Daniel Robertson Pty Ltd as source material for their brick manufacturing. In the long term, the company will not require the material within the site as they are proposing alternative sources. As such, the land is proposed to be redeveloped for residential purposes. The owner, however, proposes to continue extracting material from the site for a two year period following any approval for residential uses. This will allow continuity of materials until extraction can occur from an alternative location.

In order to use the land for residential uses, the following matters will need to be addressed:

- Minimising the slope of the site, to allow residential development to occur.
- Ensuring that the site is adequately drained.
- Provision of an open space contribution to Council required as part of any residential subdivision.
- Retention of vegetation within the northern part of the site.
- Guidelines for the appropriate form of development on the site.
- Rezoning of the site and application of a Development Plan Overlay via a planning scheme amendment.

**6. Norvel Road Quarry, Ferntree Gully – Proposed Future Use and Development, Land Exchange and Public Open Space Contribution (cont'd)**

- Environmental Assessment of the site – may require remediation works for residential purposes.

An important aspect of this plan is exchanging a parcel of land earmarked in the original agreement for Council with vegetated land in the northern portion of the site. This land exchange could be coupled with the requirement for an open space contribution (that forms part of any residential subdivision), to maximise the retention of the vegetated land on the site.

**2.4 Existing controls, strategies and future site conditions**

The land is currently contained within a Special Use Zone No 2 (Extractive Industry) with a Vegetation Protection Overlay No. 1 over the northern part of the site (refer to Appendix D). The zoning of the land will need to change to facilitate the proposed residential uses.

The use of the site for residential purposes is consistent with the direction outlined in the approved Knox Housing Statement, as the site is identified as a 'strategic redevelopment site' suitable for housing development. This is also reflected within the proposed new Municipal Strategic Statement.

Under the Knox Planning Scheme, subdivision of land into lots with an area of less than 725 square metres in a Residential 1 Zone or Residential 2 Zone require a minimum contribution of 8.5% of the total land to be subdivided for public open space. There is scope for this to be provided as a monetary contribution, however given the importance of the vegetated area in the northern portion of the site, it is suggested that a land contribution would be preferable.

The inclusion of the northern part of the site within the Vegetation Protection Overlay and its identification within the City of Knox's Sites of Biological Significance study recognises the area's state significance. However, the use of the land is controlled by a Works Approval issued by the predecessor to the State Government Department of Primary Industries. The works approval overrides the VPO, with the exception of a 20m buffer area specified within the Works Approval.

Prior to the approval of any planning scheme amendment, it is anticipated that the applicant will seek approval to fill part of the quarry, to assist in developing it for residential purposes. A planning permit is required unless the existing Works Approval requires filling to occur as part its rehabilitation requirements. It appears that a planning permit will be required for any filling of the Norvel Road quarry to occur however this is being further researched by consultants on behalf of the quarry owners.

**6. Norvel Road Quarry, Ferntree Gully – Proposed Future Use and Development, Land Exchange and Public Open Space Contribution (cont'd)**

**2.5 Issues**

Council officers have been in dialogue with the owners of the quarry site regarding the potential exchange of land, and the provision of public open space. These requirements are proposed to form the basis for a new Section 173 Agreement, with the key elements set out in Appendix E. The dialogue has been based on the following considerations:

- Determining what would comprise an equitable exchange of land, with recognition of land previously provided by the quarry owners to Council, and the legal requirements to provide open space under the Planning Scheme.
- Consideration of a land transfer based on land value based on valuations provided for Council by an independent Valuer rather than a straight land area exchange.
- Attempting to maximise the amount of vegetated land retained to the north of the quarry, which will also be impacted by the length of time any negotiations occur.

Appendix B shows the parcels of land proposed to be exchanged by Council (Area A) and Robertson Pty Ltd (Areas B and part of C), as well as the land to be provided as part of the open space contribution. The table in Appendix F sets out the workings of the proposed exchange.

The rationale behind the proposal is as follows:

- All the land is valued at a residential land value. This reflects the existing 1980 Agreement in which Council agreed to purchase the quarry site at a percentage of residential value.
- Different parcels of land are valued at different residential rates, reflecting the different land constraints that each is encumbered by.
- The highest valued land (shown as Area B in Appendix B), at \$125/m<sup>2</sup>, is the land immediately abutting the quarry. It is relatively flat, and although still vegetated, can be cleared under the existing works approval without any Council involvement.
- A buffer area with a width of 20 metres forms the northern part of the quarry and is located between the Council reserve and the unencumbered land listed above (shown as Area C in Appendix B). Under the works approval, it cannot be excavated, and therefore there is an assumption that it will remain vegetated. As a result, its residential development potential is reduced. It has been valued at \$60/m<sup>2</sup>.

**6. Norvel Road Quarry, Ferntree Gully – Proposed Future Use and Development, Land Exchange and Public Open Space Contribution (cont'd)**

- The triangular shaped parcel of land which was to be transferred to Council as part of the original agreement (shown as Area A in Appendix B), owned by Council, has high development potential. However, due to its shape and size, its potential is not as great as the unencumbered land owned by Daniel Robertson. As such, it has been valued at \$110/m<sup>2</sup>.
- The quarry has constraints based on the slope, and has been valued at \$105/m<sup>2</sup> (shown as Area D in Appendix B). In addition, in recognition that some of the land will not be able to be developed due to excessively steep slopes, the valuation is based on a reduced area.

**2.6 Urban Design Guidelines**

Jones and Whitehead Pty Ltd have been commissioned by Council to prepare Urban Design Guidelines based on the future development of the quarry site for residential purposes.

The guidelines make an assessment of the opportunities and constraints that the quarry site presents when considering the future development of the site for residential purposes. The guidelines also provide objectives and guidelines for the future development of the quarry site.

In summary, the guidelines recognise the importance of the vegetated area currently included in the Vegetation Protection Overlay and seek to balance the protection of this area within the context of a viable development proposal. Bearing in mind, that the landowner under the existing Extractive Industry License can remove the vegetation included in the overlay without requiring consent from Council. Clause 52.17 of the planning scheme exempts the need for planning approval for the removal of native vegetation necessary for carrying on an extractive industry, including an extractive industry authorised by a work authority under the Extractive Industry Development Act 1995. To allow for this existing right, the formulae applied to the land to calculate a reasonable development scenario includes the yield achievable on the total parcel of land being applied to the existing cleared area at a density similar to that of the surrounding development.

In conclusion, the guidelines recommended that in principle support be given to:

1. The area affected by the Vegetation Protection Overlay treated as a flora reserve managed jointly with the Council land to the north; and
2. Up to 80 dwellings on the remainder of the site, distributed and in a form appropriate to fit the terrain.



**6. Norvel Road Quarry, Ferntree Gully – Proposed Future Use and Development, Land Exchange and Public Open Space Contribution (cont'd)**

As a result of discussions with the quarry owner, some modifications are proposed to the draft guidelines. The main change proposed is to vary the potential yield of the site, in recognition of the reduced site area, due to the steep landfall, but allow a higher density on the remaining land. An overall yield of 15 lots per hectare could be sought, subject to urban character considerations, giving an indicative yield of an approximately 110 lot subdivision. The land owner has also indicated support for the provision of a land area to Council the equivalent value of 8.5% public open space contribution.

The proposed Urban Design Guidelines would form the basis for a Development Plan Overlay that would set out the requirements and objectives for the future residential development of the site and would need to be implemented via a planning scheme amendment.

The proposed revised guidelines form Appendix C to this report.

**2.7 Draft Section 173 Agreement**

A request (contained in Appendix G) has been received from Robertson Industries requesting a planning scheme amendment and for Council to proceed with organising a replacement 173 Agreement.

A draft Section 173 Agreement has been prepared, incorporating the key elements in Appendix E and the revised guidelines in Appendix C. The draft agreement is contained in Appendix H. The final agreement details are still being resolved with the quarry owners.

The principles within this draft Section 173 Agreement have been agreed with the owner following discussions over several months. The draft provided in Appendix H has been prepared by lawyers acting for Council, however it is likely that legal advisors acting for both parties will suggest further wording changes before the Agreement is ready to sign. On this basis, it is recommended that Council delegate to the Chief Executive Officer the ability to consent to further changes to the Agreement and to finalise the document prior to it being signed and sealed.

**3. CONSULTATION**

It is proposed that, prior to commencing any formal process to exhibit a planning scheme amendment or to apply for planning approval to commence any quarry fill, consultation will be undertaken by the proponent with the surrounding community. The details of the consultation process have not yet been provided by the proponent however the company has been informed of the process used for the proposed redevelopment of the CSR Quarry, Scoresby, as a suitable model.

**6. Norvel Road Quarry, Ferntree Gully – Proposed Future Use and Development, Land Exchange and Public Open Space Contribution (cont'd)**

A future planning scheme amendment that will propose to rezone the quarry for residential purposes and introduce a development plan overlay to guide development of the site will also be subject to community consultation.

**4. ENVIRONMENTAL/AMENITY ISSUES**

The Biosis Report and the Management Plan for Blind Creek Billabong have outlined the significance of the land covered by the Vegetation Protection Overlay and the contribution it makes as habitat for local fauna and its significance at a state level for biodiversity.

The Biosis Report also indicates that indigenous trees within residential allotments have a low probability of retaining significant ecological values in the long term. Subdivision and development of the vegetated area would be incompatible with the aims of preserving the vegetation community.

Any interface or amenity issues arising from the existing residential development surrounding the site will be addressed through the development of the concept plan and urban design guidelines for the site.

**5. FINANCIAL IMPLICATIONS**

If Council chooses to take a land contribution for public open space as a requirement of the development of the land for residential purposes there will be an additional bushland area to be managed by Council.

If Council takes on the responsibility of all the land covered by the VPO as bushland reserve, it has been estimated that the additional financial costs for maintenance will be in the order of \$13,000 per annum. Any reduction in the area to be managed by Council would invariably result in a proportional reduction in the ongoing maintenance costs. The maintenance costs associated with acquisition of the additional land are minimal given that its future use will be used as a flora and fauna bush land reserve requiring minimal works.

On balance, there are long-term social and environmental benefits for the community through the long-term protection of the vegetation and its valuable contribution to ecological sustainability on a broader scale.

**6. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN**

The 2003-2006 Council and Community Plan under 'Vibrant and Connected Communities' has a key three year objective under 'Sustainable Natural Environment' to *"protect and enhance the built and natural environment for future generations and build community awareness of sustainability"*.

**6. Norvel Road Quarry, Ferntree Gully – Proposed Future Use and Development, Land Exchange and Public Open Space Contribution (cont'd)**

The current proposal meets this objective as the land exchange and open space contribution proposed will enable protection of a parcel of land with high biodiversity value, as well as providing the community with the benefit of access to this land.

**7. CONCLUSION**

This report outlines a proposed land exchange and provision of bush land associated with the future redevelopment of the Norvel Road quarry. The proposed exchange will enable improvements to the open space provision for the community and Council, whilst improving the development opportunities for the land owner.

The use of the remainder of the site for residential purposes is consistent with the direction outlined in the approved Knox Housing Statement and the proposed new Municipal Strategic Statement. The revised Section 173 Agreement provides a means of ensuring that a planning scheme amendment is initiated to consider the implications of any future development, the management issues for the vegetated land and other associated issues to facilitate the land exchange.

**8. CONFIDENTIALITY**

There are no confidentiality issues associated with this report with the exception of a confidential attachment (Appendix H) which has been circulated separately.

**RECOMMENDATION**

**That Council resolve to:**

- 1. Enter into an agreement under Section 173 of the Planning and Environment Act 1987 with Robertson Industries Pty Ltd, to replace the existing Agreement between Council and Robertson Industries Pty Ltd, generally in accordance with the draft Agreement shown in Appendix H of this report and that it include the following requirements:**

**6. Norvel Road Quarry, Ferntree Gully – Proposed Future Use and Development, Land Exchange and Public Open Space Contribution (cont'd)**

**Recommendation (cont'd)**

- a) Council's commitment to exhibit, subject to Ministerial authorisation, a planning scheme amendment to rezone the land to a Residential 1 Zone, Public Park and Recreation Zone and a Development Plan Overlay over the Residential 1 Zone, with the schedule to the Overlay reflecting the principles of the Urban Design Guidelines shown in Appendix C, as amended and agreed. The amendment must comply with Ministerial Direction No. 1, Potentially Contaminated Land.
- b) Council will exchange its triangular shaped parcel of land adjoining the southern part of the property, as defined in the existing agreement, on a "value for value" basis for land owned by Robertson Industries Pty Ltd abutting Council's land at the northern boundary of the quarry.
- c) Robertson Industries Pty Ltd will transfer 8.5% by area of the proposed Residential 1 Zone as a public open space once off contribution, to be transferred at the same time as the triangular parcel of land is transferred, but no earlier than the gazettal of the planning scheme amendments described above. This public open space land will abut Council's existing and proposed ownership of land at the northern edge of the quarry.
- d) Acknowledge that Daniel Robertson Quarries will continue to extract clay within the licensed area in accordance with current rates of extraction for a further period of two years after gazettal of the abovementioned zonings, except a lesser period may be agreed between the parties. Such extraction will be undertaken in a manner that results in a final land form suitable for residential development without incurring construction cost penalties associated with excessive slope of the land. Within these constraints, the removal of significant vegetation will be minimised or an agreed area of vegetation will be retained.
- e) Include the need for the preparation of a Management Plan to be prepared to manage the existing use of the land prior to the development for residential purposes, addressing the issues of access, security and safety. The Management Plan will not require, except by mutual agreement, the existing extraction and transport operations / arrangements to alter.

**6. Norvel Road Quarry, Ferntree Gully – Proposed Future Use and Development, Land Exchange and Public Open Space Contribution (cont'd)**

**Recommendation (cont'd)**

2. **Designate Appendix H as confidential information in accordance with Section 77 of the Local Government Act 1989 on the grounds that the document relates to contractual matters relating to a proposed development under section 89(2)(d) and (e) of the Act.**
3. **Authorise the Chief Executive Officer to make further changes to the Agreement and to finalise the Agreement consistent with the requirements set out in recommendation 1 above.**
4. **Sign and seal the Agreement once it has been finalised by the Chief Executive Officer.**

MOVED: CR. PENNA

SECONDED: CR. VAN de VREEDE

That the recommendation be adopted.

CARRIED



**KNOX CITY COUNCIL**

and

**NORVEL ESTATE PTY LTD**  
(ACN 619 386 855)

**AGREEMENT MADE PURSUANT TO  
SECTION 173 OF THE PLANNING AND  
ENVIRONMENT ACT 1987**

**URBAN DESIGN AND BUSHLAND RESERVE**

Property: Norvel Estate, Norvel Road, Ferntree  
Gully Victoria 3156

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**Russell Kennedy Pty Ltd** ACN 126 792 470 ABN 14 940 129 185  
Level 12, 469 La Trobe Street, Melbourne VIC 3000 PO Box 5146, Melbourne VIC 3001 DX 494 Melbourne  
T +61 3 9609 1555 F +61 3 9609 1600 info@rk.com.au russellkennedy.com.au

Liability limited by a scheme approved under Professional Standards Legislation.

Ref LAG 115608-00327

An international member of

**AillyLaw**

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**THIS AGREEMENT** is made on

20

## **PARTIES**

- 1        **KNOX CITY COUNCIL**  
of 511 Burwood Highway, Wantirna South, Victoria, 3152  
(Council)
- 2        **NORVEL ESTATE PTY LTD**  
ACN 619 386 855  
[REDACTED]  
(Owner)

## **RECITALS**

- A        The Council is the responsible authority under the Act for the Scheme.
- B        The Owner is registered or is entitled to be registered as proprietor of the Land.
- C        The Owner wishes to achieve the Development, a precondition to which is the approval of the Amendment.
- D        This Agreement is to be entered into, and recorded on the titles to the Land, as a precondition to exhibition of the Amendment.
- E        This Agreement has been entered into in order to:
- ensure the vesting of the Bushland Reserve to the Council;
  - ensure the Development occurs in accordance with the Urban Design Guidelines;
  - achieve and advance the objectives of planning in Victoria or the objectives of the Scheme in relation to the Land.
- F        This Agreement is made under Division 2 of Part 9 of the Act.

## **OPERATIVE PROVISIONS**

### **1        DEFINITIONS**

In this Agreement:

- (a)        **Act** means the *Planning and Environment Act 1987*.
- (b)        **Agreement** means this Agreement, including the recitals and any annexures to this Agreement.
- (c)        **Amendment** means proposed Planning Scheme Amendment C184knox to the Scheme.
- (d)        **Annexure** means any annexure attached and forming part of this Agreement.
- (e)        **Bushland Reserve** means the part of the Land marked "Bushland Reserve" totalling approximately 1.6980 hectares, as located on the Concept Plan.
- (f)        **Business Day** means Monday to Friday excluding public holidays in Victoria.

- (g) **Concept Plan** means the current concept plan in respect of the Amendment for the Development, including the designation of a Stage 1 and a Stage 2, area marked "Bushland Reserve" and area marked "Reserve". A copy of the Concept Plan is attached as Annexure 1.
- (h) **Development** means the proposed residential development and subdivision, of the Land, facilitated through the Amendment.
- (i) **GST Act** means the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) (as amended).
- (j) **GST** means the goods and services tax as defined in the GST Act.
- (k) **Input Tax Credit** in relation to a supply, means a credit under the GST Act for the GST payable by the recipient in respect of the supply.
- (l) **Land** means:
- (i) lot 1 on Title Plan 297137X being the land more particularly described in certificate of title volume 09381 folio 087;
  - (ii) lot 1 on Title Plan 963860L being the land more particularly described in certificate of title volume 11909 folio 762; and
  - (iii) lot 2 on Title Plan 963860L being the land more particularly described in certificate of title volume 11909 folio 763.
- (m) **Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as mortgagee of the Land or any part of it.
- (n) **Owner** means the person or persons who are registered or are entitled to be registered as proprietor of an estate in the Land or any part thereof, and includes a mortgagee in possession.
- (o) **Permit** means any planning permit issued under the Act, to facilitate the Development.
- (p) **Plan of Subdivision** means a plan of subdivision of the Land (or any stage thereof) under the Subdivision Act.
- (q) **Previous Agreement** means the previous agreement, under section 173 of the Act, affecting the Land and recorded in dealing AG370823M.
- (r) **Scheme** means the Knox Planning Scheme or any other planning scheme which applies to the Land from time to time.
- (s) **Subdivision Act** means the *Subdivision Act 1988* (Vic).
- (t) **Tax Invoice** in relation to a supply, means an invoice for the supply required by the GST Act to support a claim by the recipient for an Input Tax Credit for the GST on the supply.
- (u) **Urban Design Guidelines** means the document entitled "*Norvel Estate, Ferntree Gully, Urban Design Guidelines, Revision D dated 30 May 2021*", attached as Annexure 2, or such other amended guidelines approved in writing by the Council in accordance with this Agreement.



## **2 COMMENCEMENT**

This Agreement comes into force on the date it was made as set out above.

## **3 ENDING OR AMENDING AGREEMENT**

### **3.1 Previous Agreement**

The parties have agreed the Previous Agreement shall end upon the execution and recording of this Agreement on the folio of the Register to the Land.

### **3.2 Ending or amending**

This Agreement:

- 3.2.1 ends in respect of the obligations relating to the Bushland Reserve, upon the vesting or transfer of the Bushland Reserve to the Council;
- 3.2.2 ends in respect of the Urban Design Guideline compliance in accordance with clause 5.3; and
- 3.2.3 otherwise, if this Agreement ends or is amended in accordance with the Act.

### **3.3 Cancellation or alteration of recording**

As soon as reasonably practicable after:

- 3.3.1 the Previous Agreement; or
- 3.3.2 this Agreement,

has ended or has been amended, the Council must, at the request and at the cost of the Owner, apply to the Registrar of Titles under the Act to cancel or alter the recording of the relevant agreement on the folio of the Register to the Land.

## **4 BUSHLAND RESERVE**

### **4.1 Vesting of Bushland Reserve**

The Owner covenants and agrees that it must, at no cost to the Council:

- 4.1.1 vest the Bushland Reserve to the Council as a reserve as set out in this Agreement; and
- 4.1.2 if for any reason the Bushland Reserve cannot be vested as a reserve, the parties will cooperate to achieve a transfer to the Council of a lot made up by the Bushland Reserve.

### **4.2 Time of Vesting**

- 4.2.1 The Bushland Reserve must be designated as a reserve to vest as part of the next Plan of Subdivision to be lodged in respect of the Land;
- 4.2.2 The Bushland Reserve may be created by:
  - (a) a separate plan pursuant to section 35 of the Subdivision Act, or
  - (b) some other Plan of Subdivision which creates superlots, together with a reserve to create the Bushland Reserve.

- 4.2.3 The Bushland Reserve must be vested in, or transferred to the Council:
- (a) following the approval and prior to the gazettal of, the Amendment; and
  - (b) if the approval of the Amendment is delayed then, in any event, no later than 30 June 2023 (or such later date agreed to by the Council).

#### 4.3 **Condition of Reserve**

The Owner agrees that prior to the vesting or transfer of the Bushland Reserve to the Council it must:

- 4.3.1 not lop, remove, damage or destroy any trees or other vegetation located on the Bushland Reserve;
- 4.3.2 allow the Council or its agents to continue to access the Bushland Reserve area to mow, maintain, weed or treat the Bushland Reserve, to facilitate its ongoing preservation and enhancement; and for fire protection purposes; and
- 4.3.3 not impede or make any claim against the Council arising from the Council access and works on the Bushland Reserve.

#### 4.4 **Public Open Space and Obligations**

- 4.4.1 In addition to the Bushland Reserve the Owner acknowledges the need to set aside, as part of the Development, a reserve, the area of approximately 0.3676 hectares as a reserve for drainage, fire buffer and other purposes as, noted on the Concept Plan at Annexure 1 or such varied area, identified during the Amendment or Permit approval process.
- 4.4.2 The Owner remains responsible for the payment of any rates, taxes or other charges relating to the area making up the Bushland Reserve calculated and payable prior to the vesting or transfer of the Bushland Reserve to the Council.
- 4.4.3 The transfer or vesting of the Bushland Reserve to or in Council in accordance with the terms of this Agreement by the Owner will comprise and be treated as the public open space contribution required by the Planning Scheme or under the Subdivision Act for the subdivision of the balance of the Land notwithstanding that the contribution is made prior to the making of the requirement.

#### 4.5 **Urban Design Guidelines**

The Owner covenants and agrees that:

- 4.5.1 the Development constructed on the Land must be constructed in accordance with the Urban Design Guidelines; and
  - 4.5.2 the Owner must implement the Urban Design Guidelines on the Land, and maintain the Land in accordance with the Urban Design Guidelines,
- all at the sole cost of the Owner and to the satisfaction of the Council.

#### 4.6 **Amendment of Urban Design Guidelines**

- 4.6.1 The Owner may propose and the Council must consider, any requested amendment of the Urban Design Guidelines arising out of the proposed Amendment, any future permit or otherwise requested.

4.6.2 The Council may, for good and reasonable cause, require and direct the amendment of the Urban Design Guidelines including a requirement for the Owner to procure the preparation of any amended version of the Urban Design Guidelines.

4.6.3 To be effective, any amended version of the Urban Design Guidelines must first be approved (by dating and signing) by the Council after being submitted by the Owner for such approval. Once approved by the Council that amended version will replace the Urban Design Guidelines at Annexure 2 to this Agreement.

#### 4.7 **Ending Application of Urban Design Guidelines**

The requirements of this clauses 4.5, 4.6 and 4.7 will end upon registration of a plan of subdivision for the relevant part of the Development completed in accordance with those Urban Design Guidelines.

#### 4.8 **Further Dwelling Design Requirements**

The Owner acknowledges the further design requirements in relation to the built form of future dwellings may be applied via future planning permits for the Land.

### 5 **OWNER'S GENERAL COVENANTS**

#### 5.1 **Successors in title**

Until this Agreement is recorded on the folio of the Register which relates to the Land pursuant to section 181 of the Act, the Owner must ensure that the Owner's successors in title give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement including requiring the successors in title to execute a deed agreeing to be bound by the terms of this Agreement. Until that deed is executed, the Owner, being a party to this Agreement, remains liable to perform all of the Owner's obligations contained in this Agreement.

#### 5.2 **Further assurance**

The Owner must do all things necessary (including signing any further agreement, acknowledgment or document) to enable the Council to record this Agreement on the folio of the Register which relates to the Land.

#### 5.3 **Payment of Council's costs**

The Owner agrees to pay on demand to the Council the Council's costs and expenses (including any legal fees incurred on a solicitor-client basis) of and incidental to the preparation, execution, recording, removal, amendment and enforcement of this Agreement.

#### 5.4 **Mortgagee to be bound**

The Owner covenants to obtain the consent of any Mortgagee to be bound by the covenants in this Agreement if the Mortgagee becomes mortgagee in possession of the Land.

#### 5.5 **Indemnity**

The Owner covenants to indemnify and keep the Council, its officers, employees, agents, workmen and contractors indemnified from and against all costs, expenses, losses or damages which they or any of them may sustain incur or suffer or be or become liable for or in respect of any suit action proceeding judgement or claim brought by any person arising from or referable to this Agreement or any non-compliance with this Agreement.

## 5.6 Non-compliance

If the Owner has not complied with this Agreement within 14 days after the date of service on the Owner by the Council of a notice which specifies the Owner's failure to comply with any provision of this Agreement, the Owner covenants:

- 5.6.1 to allow the Council its officers, employees, agents, workmen and contractors to enter the Land and rectify the non-compliance;
- 5.6.2 to pay to the Council on demand, the Council's reasonable costs and expenses (**Costs**) incurred as a result of the Owner's non-compliance;
- 5.6.3 to pay interest at the rate of 2% above the rate prescribed under section 2 of the *Penalty Interest Rates Act 1983* on all moneys which are due and payable but remain owing under this Agreement until they are paid in full;
- 5.6.4 if requested to do so by the Council, to promptly execute in favour of the Council a mortgage to secure the Owner's obligations under this Agreement,

and the Owner agrees:

- 5.6.5 to accept a certificate signed by the Chief Executive Officer of the Council (or any nominee of the Chief Executive Officer) as prima facie proof of the Costs incurred by the Council in rectifying the Owner's non-compliance with this Agreement;
- 5.6.6 that any payments made for the purposes of this Agreement shall be appropriated first in payment of any interest and any unpaid Costs of the Council and then applied in repayment of the principal sum;
- 5.6.7 that all Costs or other monies which are due and payable under this Agreement but which remain owing shall be a charge on the Land until they are paid in full; and
- 5.6.8 if the Owner executes a mortgage as required by clause 5.6.4, any breach of this Agreement is deemed to be a default under that mortgage.

## 5.7 Standard of works

The Owner covenants to comply with the requirements of this Agreement and to complete all works required by this Agreement as expeditiously as possible at its cost and to the satisfaction of the Council.

## 5.8 Council access

The Owner covenants to allow the Council and its officers, employees, agents, workmen and contractors or any of them, to enter the Land (at any reasonable time) to assess compliance with this Agreement.

## 5.9 Covenants run with the Land

- 5.9.1 The Owner's obligations in this Agreement are intended to take effect as covenants which shall be annexed to and run at law and in equity with the Land and every part of it, and bind the Owner and its successors, assignees and transferees, the registered proprietor or proprietors for the time being of the Land and every part of the Land.
- 5.9.2 The Owner will do all things necessary to enable the Council to make an application to the Registrar of Titles to make a recording of this Agreement on the Certificate

of Title to the Land in accordance with Section 181 of the Act including the signing of any further agreement, acknowledgement or other document.

#### 5.10 **Owner's warranty**

The Owner warrants and covenants that:

- 5.10.1 the Owner is the registered proprietor (or is entitled to become the registered proprietor) of the Land and is also the beneficial owner of the Land;
- 5.10.2 the execution of this Agreement by the Owner complies with the Registrar's Requirements for Paper Conveyancing Transactions made under section 106A of the *Transfer of Land Act 1958*;
- 5.10.3 there are no mortgages, liens, charges or other encumbrances or leases or any rights inherent in any person other than the Owner affecting the Land which have not been disclosed by the usual searches of the folio of the Register for the Land or notified to the Council;
- 5.10.4 no part of the Land is subject to any rights obtained by adverse possession or subject to any easements or rights described or referred to in section 42 of the *Transfer of Land Act 1958*; and
- 5.10.5 until this Agreement is recorded on the folio of the Register which relates to the Land, the Owner will not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part of the Land without first disclosing to any intended purchaser, transferee, assignee or mortgagee the existence and nature of this Agreement.

### **6 ACKNOWLEDGMENT OF OBLIGATIONS OF COUNCIL**

The Council will proactively facilitate the processing and decision making in respect of the Amendment, Planning Approvals or any other approvals that are required to be granted by Council in order for construction of the Development to occur.

### **7 GOODS AND SERVICES TAX**

#### **7.1 Definitions and expressions**

Expressions used in this Agreement that are defined in the GST Act have the same meaning as given to them in the GST Act, unless expressed to the contrary.

#### **7.2 Amounts payable do not include GST**

Each amount, of whatever description, specified as payable by one party to the other party under this Agreement is expressed as a GST exclusive amount unless specified to the contrary.

#### **7.3 Liability to pay any GST**

Subject to clause 7.4, in addition to any amount payable by one party to the other party under this Agreement in respect of a taxable supply, the party liable to pay the amount (**Recipient**) must pay to the other party (**Supplier**) a sum equivalent to the GST payable, if any, by the Supplier in respect of the taxable supply on the date on which the Supplier makes a taxable supply to the Recipient irrespective of when the Supplier is liable to remit any GST under this Agreement in respect of a taxable supply to any governmental authority.

#### 7.4 Tax Invoice

A party's right to payment under clause 7.3 is subject to a Tax Invoice being delivered to the Recipient.

### 8 GENERAL

#### 8.1 No fettering of Council's powers

This Agreement does not fetter or restrict the Council's power or discretion in respect of any of the Council's decision making powers including but not limited to an ability to make decisions under the *Local Government Act 1989*, and the Act or to make or impose requirements or conditions in connection with any use or development of the Land or the granting of any planning permit, the approval or certification of any plans of subdivision or consolidation relating to the Land or the issue of a Statement of Compliance in connection with any such plans.

#### 8.2 Time of the essence

Time is of the essence as regards all dates, periods of time and times specified in this Agreement.

#### 8.3 Counterparts

8.3.1 This Agreement may be executed in any number of counterparts and all the counterparts together constitute one and the same instrument; and

8.3.2 A copy of an original executed counterpart received by email:

- (a) must be treated as an original counterpart;
- (b) is sufficient evidence of the execution of the original; and
- (c) may be produced in evidence for all purposes in place of the original.

8.3.3 If the signatures on behalf of one party are on different counterparts, this will be taken to be, and have the same effect as, signatures on the same counterpart and on a single copy of this Agreement.

#### 8.4 Governing law and jurisdiction

This Agreement is governed by and is to be construed in accordance with the laws of Victoria. Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts and tribunals of Victoria and waives any right to object to proceedings being brought in those courts or tribunals.

#### 8.5 Enforcement and severability

8.5.1 This Agreement shall operate as a contract between the parties and be enforceable as such in a Court of competent jurisdiction regardless of whether, for any reason, this Agreement were held to be unenforceable as an agreement pursuant to Division 2 of Part 9 of the Act.

8.5.2 If a Court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void, then it shall be severed and the other provisions of this Agreement shall remain operative.

## **9 NOTICES**

### **9.1 Service of notice**

A notice or other communication required or permitted, under this Agreement, to be served on a person must be in writing and may be served:

- 9.1.1 personally on the person;
- 9.1.2 by leaving it at the person's address set out in this Agreement;
- 9.1.3 by posting it by prepaid post addressed to that person at the person's current address for service;
- 9.1.4 by email to the person's current email address notified to the other party; or
- 9.1.5 by facsimile to the person's current number notified to the other party.

### **9.2 Time of service**

A notice or other communication is deemed served:

- 9.2.1 if served personally or left at the person's address, upon service;
- 9.2.2 if posted within Australia to an Australian address by express post, five (5) Business Days; by standard post, six Business Days after posting;
- 9.2.3 if sent by email, subject to the clause 9.2.5, at the time of receipt as specified in section 13A of the *Electronic Transactions (Victoria) Act 2000*;
- 9.2.4 if served by facsimile, subject to the clause 9.2.5, at the time indicated on the transmission report produced by the sender's facsimile machine indicating that the facsimile was sent in its entirety to the addressee's facsimile; and
- 9.2.5 if received after 5.00pm in the place of receipt or on a day which is not a Business Day, at 9.00am on the next Business Day.

### **9.3 Proof of receipt of notice by email**

In proving that a notice given by email has been received by the recipient, it is sufficient to produce an acknowledgement or receipt that the email has reached the recipient's email address.

## **10 INTERPRETATION**

In this Agreement, unless the contrary intention appears:

- 10.1 the singular includes the plural and vice versa;
- 10.2 a reference to a document or instrument, including this Agreement, includes a reference to that document or instrument as novated, altered or replaced from time to time;
- 10.3 a reference to an individual or person includes a partnership, body corporate, government authority or agency and vice versa;
- 10.4 a reference to a party includes that party's executors, administrators, successors, substitutes and permitted assigns;

- 10.5 words importing one gender include other genders;
- 10.6 other grammatical forms of defined words or expressions have corresponding meanings;
- 10.7 a covenant, undertaking, representation, warranty, indemnity or agreement made or given by:
  - 10.7.1 two or more parties; or
  - 10.7.2 a party comprised of two or more persons,is made or given and binds those parties or persons jointly and severally;
- 10.8 a reference to a statute, code or other law includes regulations and other instruments made under it and includes consolidations, amendments, re-enactments or replacements of any of them;
- 10.9 a recital, schedule, annexure or description of the parties forms part of this Agreement;
- 10.10 if an act must be done on a specified day that is not a Business Day, the act must be done instead on the next Business Day;
- 10.11 if an act required to be done under this Agreement on a specified day is done after 5.00pm on that day in the time zone in which the act is performed, it is taken to be done on the following day;
- 10.12 a party that is a trustee is bound both personally and in its capacity as trustee;
- 10.13 a reference to an authority, institution, association or body (original entity) that has ceased to exist or been reconstituted, renamed or replaced or whose powers or functions have been transferred to another entity, is a reference to the entity that most closely serves the purposes or objects of the original entity;
- 10.14 headings and the provision of a table of contents are for convenience only and do not affect the interpretation of this Agreement.
- 10.15 Unless otherwise specified a reference to the Council includes the Council in its capacity as responsible authority pursuant to the Scheme.



**EXECUTED** pursuant to Division 2 of Part 9 of the Act.

**THE COMMON SEAL of KNOX CITY** )  
**COUNCIL** was affixed in the presence of: )

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Chief Executive Officer

**EXECUTED** by **NORVEL ESTATE PTY LTD** )  
in accordance with section 127(1) of the )  
*Corporations Act 2001* (Cth) by being signed )  
by the authorised person: )

\_\_\_\_\_  
Sole director and sole company secretary

\_\_\_\_\_  
Full name

\_\_\_\_\_  
Usual Address

ANNEXURE 1  
(Concept Plan – describing Bushland Reserve)



TP 052A



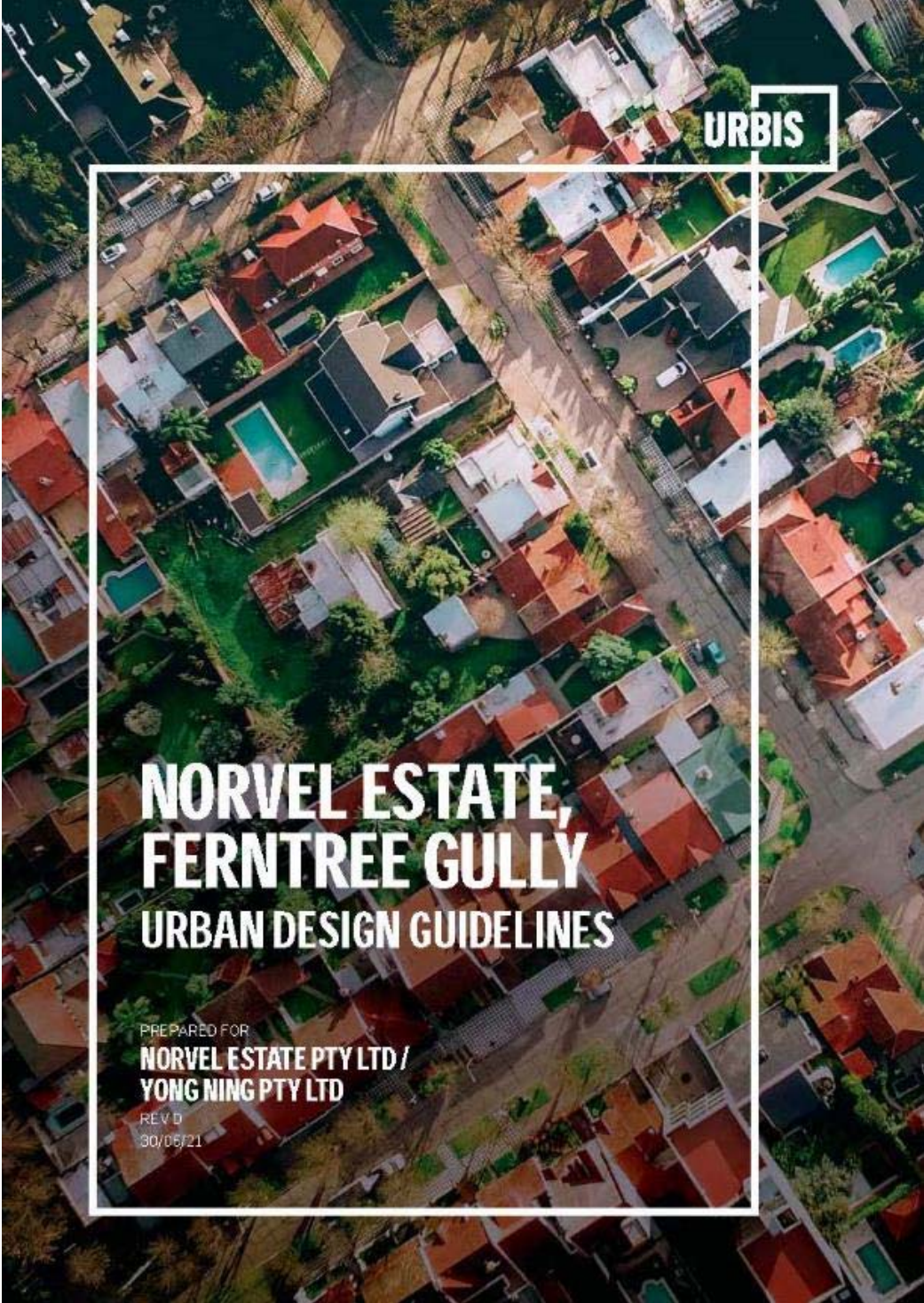
| 1750 @ A1 | 11500 @ A3

NORVEL ROAD | FERNTREE GULLY  
RESIDENTIAL MASTERPLAN  
36-0125

**PEDDLE THORP**

**ANNEXURE 2**

**(Urban Design Guidelines – Revision D dated 30 May 2021)**



URBIS STAFF RESPONSIBLE FOR THIS REPORT:

Director - Peter Haack  
*B.LandArch, Dip.AppSc(Hort), RLA, FAILA*

Associate Director - Josie Alvaro  
*B.DesSt, M.LandArch, M.Plan(UrbDes)*

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# INTRODUCTION

Norvel Estate, formerly Daniel Robertson's Quarry, is a 9.2 hectare site within Knox City Council, Victoria. It is bordered by Blind Creek to the north and is surrounded by suburban residential development.

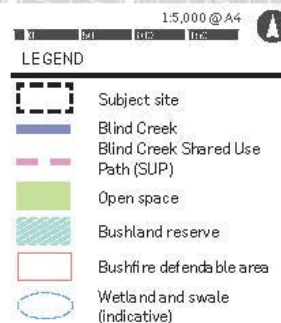
## DEFINITIONS

Figure 1 provides definitions for some commonly used terms within this document.

The 'Public Open Spaces' section of the guidelines refers to green areas that are being developed within and directly adjacent to the subject site (e.g. the wetland and swale, and the linear reserve to the west of the subject site)



Figure 1 Site Plan



## PURPOSE OF THE GUIDELINES

The Urban Design Guidelines are intended to provide broad character guidance for a macro development of Norvel Estate. They have been prepared by Urbis to supersede the existing Urban Design Guidelines for the subject site which were prepared in 2004 by Jones & Whitehead Pty Ltd for Knox City Council [the 2004 Guidelines].

The 2004 Guidelines are referenced in Agreement AG370823M under Section 173 (S173) of the Planning and Environment Act 1987 for Norvel Road Quarry between Knox City Council and Robertson Industries Pty Ltd. in Clause 5.5

**The Schedule to the Development Plan Overlay (applied to the Robertson Land by the Amendment) should generally reflect the principles of the Urban Design Guidelines to the extent possible having regard to the form of development and use of the Robertson Land proposed by the Owner at the time of preparation of the Amendment**

These Urban Design Guidelines are prepared with the intent to be registered into a new S173 agreement replacing current agreement AG370823M.

## CONTEXT

In the 17 years since the 2004 Guidelines were written, some significant changes to the site and its context have occurred. The quarry has ceased operation and been filled, some vegetation has been cleared, and market expectations around lots sizes and housing typologies have changed.

More information on these changes is provided in the appendices, and a full analysis of the subject site and context can be found in the Norvel Estate Urban Context and Design Response Report by Urbis (2018).

## STRUCTURE OF THE GUIDELINES

These Urban Design Guidelines are broadly based on the Urban Design Guidelines for Victoria, (The State of Victoria Department of Environment, Land, Water and Planning, 2017).

Consistent with the Urban Design Guidelines for Victoria, urban elements are arranged under the following categories:

1. Urban Structure
2. Movement Network
3. Public Open Spaces
4. Public Transport Environs
5. Buildings
6. Objects in the Public Realm

# OBJECTIVES & GUIDELINES

**Table 1** Norvel Estate Urban Design Guidelines (Urbis 2021), developed with reference to the Urban Design Guidelines for Victoria (2017)

OBJECTIVES	GUIDELINES
<b>1 - URBAN STRUCTURE</b>	
To provide a permeable and functional urban structure of blocks and streets	<ul style="list-style-type: none"> <li>• Create an interconnected street layout with regular block sizes.</li> <li>• Create a permeable block layout.</li> <li>• Connect streets, pedestrian and bicycle paths from existing areas into new areas, while minimising disruption to the remnant bushland area.</li> <li>• Align pedestrian connections along desire-lines.</li> </ul>
To provide a legible urban structure of blocks and streets	<ul style="list-style-type: none"> <li>• Lay out street and block patterns to                             <ul style="list-style-type: none"> <li>– Provide streets that are generally direct, straight or near straight;</li> <li>– Ensure the design works with the underlying topography to achieve an accessible movement network and minimise the level changes required between lots;</li> <li>– Allow clear view lines to key landmarks or features in the landscape where possible; and</li> <li>– Avoid cul-de-sacs, but if they are necessary, limit their length and maintain a straight alignment and clear sightlines to the end as well as pedestrian thoroughfare.</li> </ul> </li> </ul>
To ensure the urban structure supports accessibility to surrounding destinations	<ul style="list-style-type: none"> <li>• Allow for continuous, direct pedestrian and bicycle access from the development to railway stations, bus routes, regional trail network and local services.</li> </ul>
To integrate the development site into its surrounding area	<ul style="list-style-type: none"> <li>• Connect the development’s movement network to the movement network of the surrounding area.</li> <li>• Ensure new portions of streetscape along Norvel Road and Castricum Place complement the existing streetscapes.</li> </ul>
To ensure the public realm structure provides for accessible, safe and conveniently located public spaces	<ul style="list-style-type: none"> <li>• Create public open spaces where the local catchment has sufficient potential users to activate the space.</li> <li>• Any amenities and functions within new public open spaces should help to fill gaps in what is currently provided in the local area.</li> </ul>
To ensure a public realm structure where streets support the amenity and function of neighbourhoods	<ul style="list-style-type: none"> <li>• Make the streets sufficiently wide to serve their function in the movement network and as a public place, and to accommodate services infrastructure.</li> <li>• Provide space within the street for trees, landscaping, pedestrian movement and utility infrastructure.</li> <li>• Maximise opportunities for houses to face onto streets and adjacent public open spaces rather than lining these with back and side fences.</li> </ul>
To ensure the public realm structure provides high amenity and safe interfaces between different uses	<ul style="list-style-type: none"> <li>• Design the interfaces around public open spaces (including the bushland reserve) to avoid blank frontages and encourage passive surveillance, for example by                             <ul style="list-style-type: none"> <li>– Providing public paths / streets along both edges;</li> <li>– Designing buildings to front onto the space; and/or</li> <li>– Use of low height and/or visually permeable fencing types where fences are unavoidable.</li> </ul> </li> <li>• Development near the bushland reserve should be designed to satisfy relevant bushfire guidelines and/or CFA (Country Fire Authority) advice.</li> </ul>



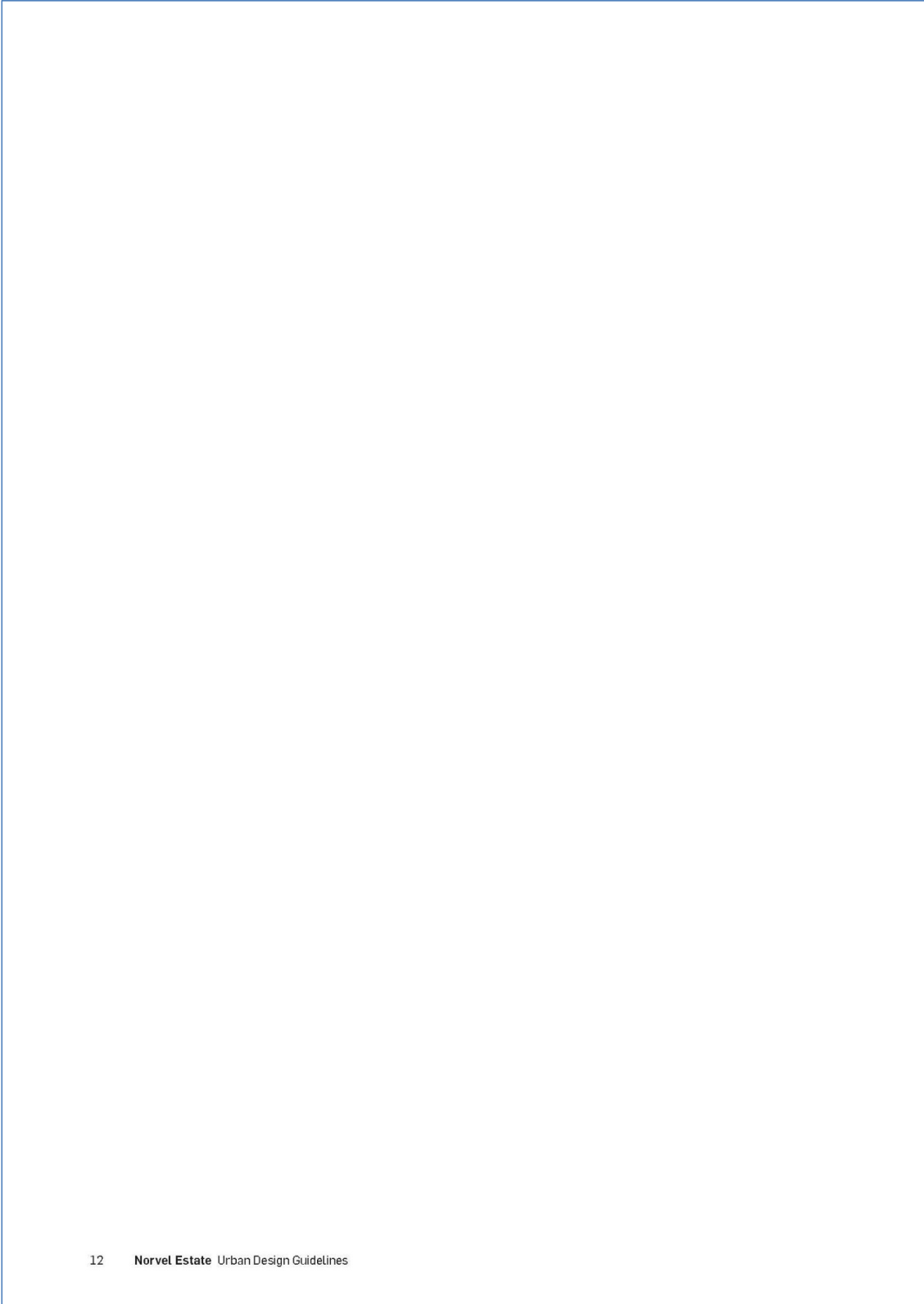
OBJECTIVES	GUIDELINES
To provide a granularity of subdivision that supports private and public amenity, while allowing for an appropriate density	<ul style="list-style-type: none"> <li>Provide lots that:                             <ul style="list-style-type: none"> <li>Are large enough to provide a good quality private landscape outcome that contributes positively to the character of the public realm; and</li> <li>Take into account the changing market expectations for smaller lot sizes compared to what has traditionally been provided in the local area.</li> </ul> </li> </ul>
To ensure a well-managed, high amenity public realm	<ul style="list-style-type: none"> <li>Develop the public open space, civil infrastructure and streets to a standard acceptable for ongoing maintenance and management.</li> <li>Establish an integrated management agreement for the maintenance and repair of the public realm.</li> </ul>
<b>2 - MOVEMENT NETWORK</b>	
To ensure the movement network accommodates a diversity of transport modes and supports activities, including active transport	<ul style="list-style-type: none"> <li>Provide a pedestrian network that caters for persons of all abilities.</li> <li>Provide for walking and on-road cycling on all streets.</li> </ul>
To ensure the movement network provides for safe interactions between transport modes	<ul style="list-style-type: none"> <li>Each lot to have a maximum of one crossover.</li> <li>Arrange vehicle crossovers to allow clear sightlines between drivers entering the crossover and pedestrians on the footpath and cyclists on the street.</li> <li>Garages to be set back sufficiently from the front boundary to minimise the potential for cars in driveways to overhang the footpath.</li> </ul>
To ensure effective pedestrian and bicycle path connections to destinations	<ul style="list-style-type: none"> <li>Establish a continuous system of pedestrian paths connecting the development with adjacent neighbourhoods, along all streets, continuing through public spaces, and to public transport nodes.</li> <li>Provide pedestrian and cyclist connection to the Blind Creek Shared Use Path (SUP).</li> <li>Include footpaths along the street frontage of each property.</li> </ul>
To ensure pedestrian and bicycle paths are accessible and serviceable	<ul style="list-style-type: none"> <li>Set path widths to accommodate the anticipated or predicted levels of pedestrian and bicycle traffic.</li> <li>Preserve a minimum height of at least 2.5m above paths that is clear from overhanging objects.</li> <li>Where bicycle paths curve, set an inside radius of at least 15m and preferably 30m.</li> <li>Lay out paths to allow pedestrians and cyclists clear sightlines for a distance of at least 15m ahead.</li> <li>Where pedestrian or bicycle paths are bordered by fences, maximise opportunities for informal surveillance from adjacent properties and/or streets.</li> <li>Path design should comply with the relevant standards.</li> <li>Provide directed, low-glare lighting to pedestrian and bicycle paths.</li> </ul>
To ensure pedestrian and bicycle paths provide safety for pedestrians and cyclists on vehicle crossovers	<ul style="list-style-type: none"> <li>Locate vehicle crossovers on straight street sections to ensure high visibility to approaching pedestrians and cyclists.</li> <li>Continue path treatments across vehicle crossovers to signal priority for pedestrians.</li> </ul>
To minimise hazards to pedestrians and cyclists from path edges	<ul style="list-style-type: none"> <li>Set pedestrian and bicycle paths back from the roadway or other obstructions.</li> <li>Set trees back from pedestrian and bicycle path edges, in accordance with relevant standards.</li> <li>Maintain low planting adjacent to pedestrian and bicycle path edges.</li> <li>Maintain clear sightlines along paths and avoid creating obstructions in areas adjacent to pedestrian and bicycle paths.</li> </ul>

OBJECTIVES	GUIDELINES
To ensure streets have a green character	<ul style="list-style-type: none"> <li>Provide a street cross-section that accommodates adequate space free of conflict with other infrastructure for street tree planting.</li> </ul>
To ensure convenient and safe at-grade crossings for pedestrians and cyclists	<ul style="list-style-type: none"> <li>Locate at-grade crossings on roads where pedestrians and cyclists can be seen by approaching drivers.</li> <li>Provide a clear space for pedestrians waiting to cross a road, separate from the through pedestrian path.</li> <li>Provide at-grade pedestrian crossing that facilitates desire line and shortest pedestrian movement to destination.</li> </ul>
To ensure efficient provision of on-street parking	<ul style="list-style-type: none"> <li>Provide a street cross-section that accommodates the appropriate level of on-street parking for the development.</li> </ul>
<b>3 - PUBLIC OPEN SPACES</b>	
To ensure convenient and safe access to and through public open spaces	<ul style="list-style-type: none"> <li>Provide clear and legible pedestrian paths through public open spaces that link with the surrounding pedestrian network.</li> </ul>
To ensure amenity and safety for public open space users	<ul style="list-style-type: none"> <li>Provide areas and facilities which are consistent with Council's open space strategy</li> <li>Locate paths and facilities where they will be visible from surrounding properties, paths and/or streets.</li> <li>Provide lighting along main pedestrian paths in areas that are intended for night-time use, lit to the same level as surrounding streets.</li> <li>Do not light areas intended for day time uses only.</li> <li>Consider the purpose of the bushfire defendable area in the choice and location of recreational structure.</li> </ul>
To ensure comfortable and enjoyable public spaces	<ul style="list-style-type: none"> <li>Where possible, arrange paths, seating and any recreational areas to catch the sun during winter and be shaded during summer.</li> <li>Locate any seating to provide users with a pleasant outlook and opportunity to watch passers-by.</li> </ul>
To emphasise a sense of place and character	<ul style="list-style-type: none"> <li>Select planting and landscape elements that support the existing character or preferred future character of the local area and also considers bushfire risk.</li> <li>Establish large trees and other plants to enhance the local habitat and microclimate.</li> <li>New trees should be a mix of predominantly indigenous and/or native species as recommended in the relevant Council guidelines.</li> <li>Integration of locally relevant urban art is encouraged</li> </ul>
To ensure the public open spaces are well maintained	<ul style="list-style-type: none"> <li>When designing public open spaces, take account of the management agency's capacity to resource ongoing maintenance and management.</li> <li>Regularly maintain hard and soft landscape elements to ensure the spaces are inviting, comfortable and safe.</li> <li>Within the bushfire defendable area, position and maintain trees and other plants to comply with relevant bushfire safety guidelines and/or the advice of the CFA.</li> </ul>

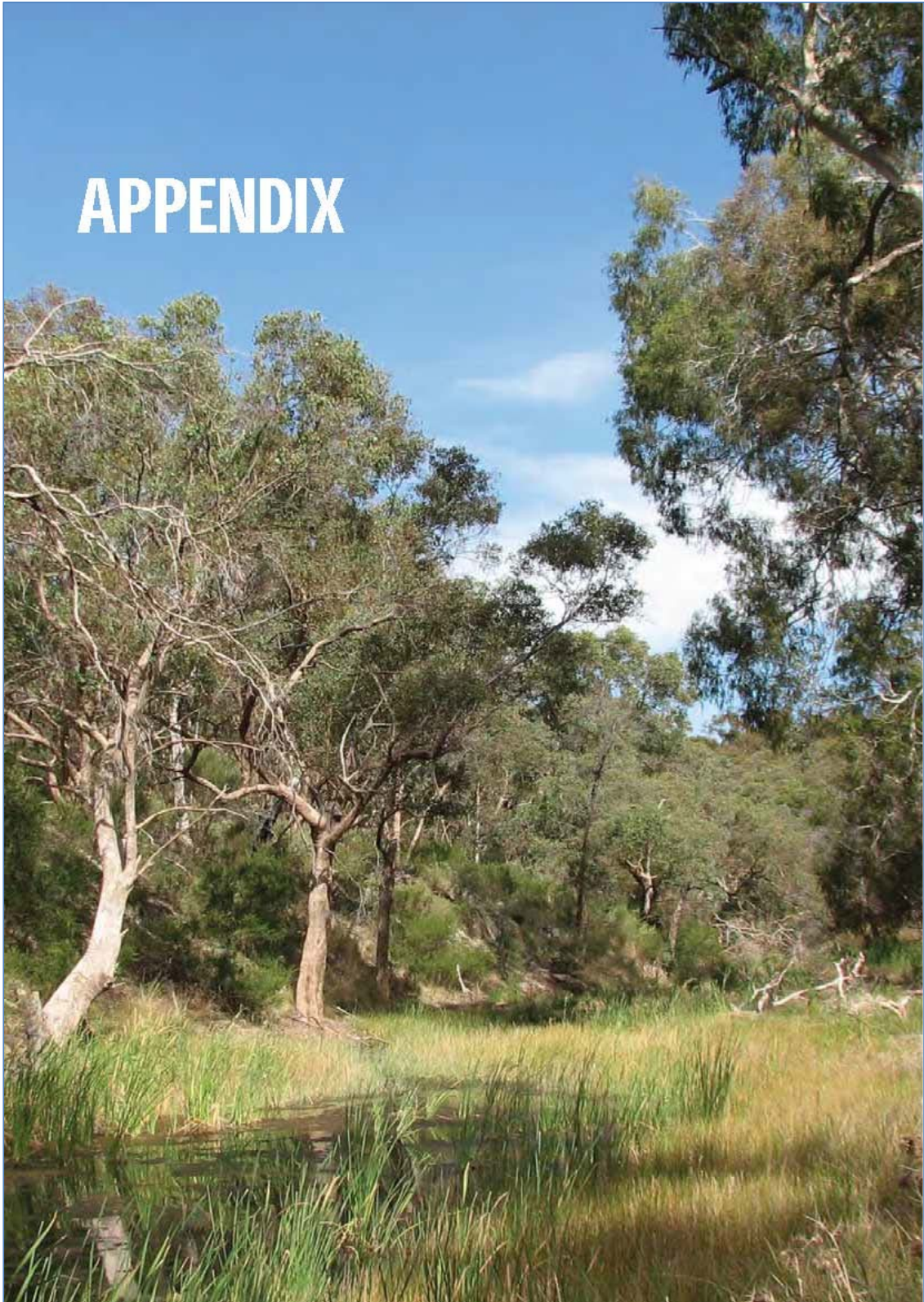
OBJECTIVES	GUIDELINES
<p>To protect the ecological values of the bushland reserve, Blind Creek, and the local area</p>	<ul style="list-style-type: none"> <li>• Retain and protect remnant indigenous vegetation.</li> <li>• Maintain the biological integrity of the bushland as a future reserve.</li> <li>• Avoid the use of potentially invasive plant species anywhere within the development.</li> <li>• Ensure the site's stormwater run-off is treated prior to entering Blind Creek.</li> <li>• Provide paths through the bushland reserve where necessary for maintenance and emergency services vehicles, and for pedestrians where it is safe and of minimal impact to do so.</li> <li>• Any paths through the bushland reserve should:                         <ul style="list-style-type: none"> <li>– Be located in areas that have already been disturbed where possible;</li> <li>– Be constructed in a manner that minimises disturbances to remnant vegetation and topography (e.g. no-dig boardwalks where appropriate);</li> <li>– Be permeable to water; and</li> <li>– Appear naturalistic in character and be designed to minimise any visual impact.</li> </ul> </li> </ul>
<p><b>4 - PUBLIC TRANSPORT ENVIRONS</b></p>	
<p>To ensure convenient pedestrian and bicycle access to railway stations and public transport nodes</p>	<ul style="list-style-type: none"> <li>• Allow for continuous, direct, pedestrian and bicycle access routes to railway stations and public transport nodes.</li> </ul>
<p><b>5 - BUILDINGS</b></p>	
<p>Allow for higher density development on the site with varied building types relative to surrounding areas</p>	<ul style="list-style-type: none"> <li>• Allow for a mix of building types which includes detached houses and potentially other low-scale housing types (e.g. duplexes, terraces, town houses).</li> <li>• Allow for a greater proportion of multi-storey houses in the development compared to the surrounding area.</li> </ul>
<p>Ensure that the form and character of buildings is complementary to that of the surrounding residential and open space areas.</p>	<ul style="list-style-type: none"> <li>• Ensure that building setbacks and façade treatments are varied or articulated to avoid a continuous street wall effect.</li> <li>• Set back garages behind the front building line</li> <li>• Front setbacks of outward facing lots should respond to the surrounding neighbourhood character</li> </ul>
<p>Maintain the amenity of adjacent residential uses.</p>	<ul style="list-style-type: none"> <li>• Windows should not overlook into adjacent private spaces.</li> <li>• Dwellings bordering the east property boundary to be set back to respect the open rear yard character of the development along this interface.</li> </ul>
<p>Ensure the placement and form of buildings supports bushfire safety.</p>	<ul style="list-style-type: none"> <li>• Trees within the defendable area are to be maintained to comply with CFA requirements.</li> </ul>
<p>Ensure the built form supports the establishment of new trees and preservation of existing trees.</p>	<ul style="list-style-type: none"> <li>• Front setbacks within the development site to be set back sufficiently from the street to ensure space for small canopy tree planting where it does not conflict with bushfire defendable space requirements.</li> </ul>
<p>Minimise construction and post construction impacts of development on the site.</p>	<ul style="list-style-type: none"> <li>• Minimise the extent of impermeable paved areas to avoid excessive stormwater run-off.</li> <li>• Minimise earthworks near significant vegetation. Where earthworks are necessary, ensure root zones of existing vegetation are protected to preserve tree health.</li> <li>• Provide water-permeable surfaces around significant trees.</li> </ul>

OBJECTIVES	GUIDELINES
<b>6 - OBJECTS IN THE PUBLIC REALM</b>	
<p>To ensure that objects in the public realm support safety and amenity</p>	<ul style="list-style-type: none"> <li>Avoid unnecessary clutter, for example by consolidating lighting / signage functions into a single object.</li> <li>Place all objects outside of main pedestrian or bicycle travel paths and away from street corners.</li> <li>Larger infrastructure objects should be either visually unobtrusive (e.g. screening with plants) or purposefully designed to be visually pleasant and complement the surrounds.</li> <li>Place power and communications cables underground to reduce visual clutter and allow for the planting of canopy street trees.</li> </ul>
<p>To ensure objects in the public realm are robust and easy to maintain</p>	<ul style="list-style-type: none"> <li>Develop a simple, standardised palette of materials and designs for street furniture and objects.</li> <li>Use resilient materials that are easily cleaned, maintained and repaired or recycled.</li> <li>Use local Council design standards for street furniture where appropriate.</li> </ul>
<p>To locate street and park furniture in accessible and convenient places</p>	<ul style="list-style-type: none"> <li>Place seats where people linger such as the local park and locations where people can enjoy views or watch activities.</li> <li>Position any bicycle parking hoops to accommodate a bicycle on either side.</li> </ul>
<p>To select trees and planting that are fit-for-purpose</p>	<ul style="list-style-type: none"> <li>Select lawn types that are suitable for sitting on and for recreation.</li> <li>Use drought-resistant plant species when irrigation is not available.</li> <li>Use plant species appropriate to the available root space.</li> <li>Select deciduous tree species where winter sun is desired (e.g. north of windows).</li> <li>Select dense, canopied tree species where summer shade is desired.</li> <li>Select evergreen species with dense foliage where screening is needed.</li> <li>Ensure proposed plant species within the bushfire defendable area are selected and placed to satisfy relevant bushfire guidelines and/or CFA advice.</li> </ul>
<p>To ensure trees and planting contribute to local identity and context</p>	<ul style="list-style-type: none"> <li>Select trees and planting appropriate to the cultural context and local identity.</li> <li>Provide trees and planting that engage the senses.</li> <li>Select trees in keeping with the scale of the street or space.</li> <li>Position trees and planting to define a street or path.</li> <li>Position trees in streets to form a canopy and enclose the space.</li> <li>Favour the selection of indigenous species where appropriate</li> </ul>
<p>To ensure trees and planting support the safety and amenity of public space</p>	<ul style="list-style-type: none"> <li>Select tree species with clear trunks, and no branches or foliage below 2500mm in height.</li> <li>Select shrub and ground cover plantings to be no more than 800mm in height.</li> <li>Position trees and planting to allow clear sightlines along streets and across the different mode paths.</li> <li>Position trees away from overhead wires and public lighting to limit overshadowing of public lighting and interference with overhead wires.</li> <li>Within the bushfire defendable area, position and maintain trees and plants to satisfy relevant bushfire guidelines and/or CFA advice. This may include but is not limited to:                         <ul style="list-style-type: none"> <li>- avoiding creating a continuous tree canopy,</li> <li>- limiting total area of tree canopy cover,</li> <li>- maintaining trees to have a clean trunk,</li> <li>- maintaining grasses to an appropriately low height, particularly during the declared fire danger period, and</li> <li>- limiting the sizes of the areas of shrubs and providing adequate spacing between clumps of shrubs.</li> </ul> </li> </ul>

OBJECTIVES	GUIDELINES
<p><b>To ensure trees and planting are managed and maintained</b></p>	<ul style="list-style-type: none"> <li>• Manage ongoing maintenance and replacement of trees and planting according to a precinct-wide plan.</li> <li>• Manage street planting to maintain clear sightlines along paths and streets.</li> <li>• Maintain vegetation clear of lighting to allow direct illumination of paths.</li> <li>• Maintain trees clear of overhead wires.</li> <li>• Maintain trees and other planting within the bushfire defendable area to be compliant with the relevant bushfire guidelines and/or CFA advice.</li> <li>• Keep bushfire defendable area clear of leaf and other flammable debris during the declared fire danger period.</li> <li>• Minimise impact on nocturnal wildlife in biologically significant area "Site 34" as defined in "Sites of Biological Significance in Knox, Vol.2" (2010).</li> </ul>
<p><b>To ensure that fences contribute to the character of the area</b></p>	<ul style="list-style-type: none"> <li>• Use a style, scale and materials for side and rear fences that contribute to the existing or desired future character of the area.</li> </ul>
<p><b>To maximise informal surveillance to the street and public spaces</b></p>	<ul style="list-style-type: none"> <li>• Avoid the use of fences along front property boundaries</li> <li>• For property side boundaries abutting a street or public space, front yards should ideally have no fencing, or otherwise use fencing types that are of a low height and/or are visually permeable.</li> </ul>
<p><b>To ensure lighting supports night-time social and recreational activity, amenity and safety in the public realm</b></p>	<ul style="list-style-type: none"> <li>• Locate lighting for safe travel and wayfinding along pedestrian and bicycle paths, and to emphasise crossings, landmarks and destinations.</li> <li>• Light only those public space areas and paths intended for night use.</li> <li>• Where pedestrian and bicycle paths pass through public open space, light the paths to the same level as surrounding streets.</li> <li>• Locate lighting at points of potential pedestrian-vehicle and pedestrian-bicycle conflict.</li> </ul>
<p><b>To ensure lighting aids wayfinding and contributes to local character</b></p>	<ul style="list-style-type: none"> <li>• Use external lighting to enhance landscape features.</li> <li>• Integrate lighting with signs, landscaping and other public space elements.</li> <li>• The overall lighting level in public spaces may comprise light from a combination of sources including street lights and residences.</li> <li>• Provide consistent, continuous lighting levels along paths.</li> <li>• Use lighting types that minimise distortion and glare, and maximise colour recognition of objects and surfaces.</li> <li>• Place lighting poles and lamps away from tree canopies, verandas and overhead wires.</li> <li>• Direct the path and activity lighting downwards to illuminate the immediate surrounds.</li> <li>• Where lighting bollards are adjacent to pathways, direct the light beam downwards.</li> <li>• Provide lighting levels that enable recognition of an approaching person's face from approximately 10-15 metres away.</li> </ul>
<p><b>To ensure signs inform pedestrians and cyclists and aid way-finding</b></p>	<ul style="list-style-type: none"> <li>• Where appropriate, provide signs along paths showing connections and destinations, and the location of public facilities and public transport routes.</li> <li>• Provide clear and regular sign posting on main pedestrian routes.</li> <li>• Concentrate pedestrian signs at node points on the pedestrian routes.</li> <li>• Position signs clear of pedestrian and bicycle spaces and paths.</li> <li>• Position signs clear of vegetation.</li> <li>• Place pedestrian and cyclist signs at user eye level.</li> <li>• Locate property street numbers to be visible from the street, day and night.</li> </ul>



12 Norvel Estate Urban Design Guidelines



LAG 11547244v4 LAG

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# APPENDIX 1 SUMMARY OF CHANGES 2004-PRESENT

When the 2004 Guidelines were written, some of the advice was responsive to conditions of the site and context that have since changed. These key changes are summarised below.

## SUBJECT SITE

Norvel Estate was previously known as the Norvel Road Quarry. It was owned by Robertson Industries and was used for clay extraction to manufacture bricks under the Daniel Robertson brand.

Within the past eight years, the clay pit has been filled so the site has a relatively consistent, gentle slope and the vegetation south of the most densely vegetated remnant woodland has been cleared.



**Figure 2** Site in Feb 2007  
(Source: Sites of Biological Significance In Knox Vol.2, p.180)





Figure 3 Site in Sept 2013




NTS 



Figure 4 Site in Feb 2017 (conclusion of major changes)

NTS 

LEGEND

	Subject site
	Vegetation cleared
	Clay pit filled in

### CONTEMPORARY DEVELOPMENT

Residential lots in the surrounding area are most commonly around 750m<sup>2</sup> in area and contain single detached dwellings of 1-2 storeys in height. However, there is a trend towards further subdividing older lots to accommodate multiple dwellings on sites that would have originally contained a single detached dwelling. This is reflective of changing home buyer expectations and housing affordability pressures, relative to the time many decades ago when the land was first developed.

#### LEGEND

-  Subject site
-  Green space
-  Typical residential lots (mostly with single low scale detached dwelling)
-  Finer-grain subdivided residential lots
-  Pavilions in a park
-  Industrial
-  Local road
-  Minor road
-  Dead-end minor road



**Figure 5** Surrounding urban form

## APPENDIX 2 REVIEW OF 2004 GUIDELINES

### COMMENTARY SECTION

On pages 1 to 4 of the Urban Design Guidelines (2004, Jones & Whitehead Pty Ltd) the following points required review:

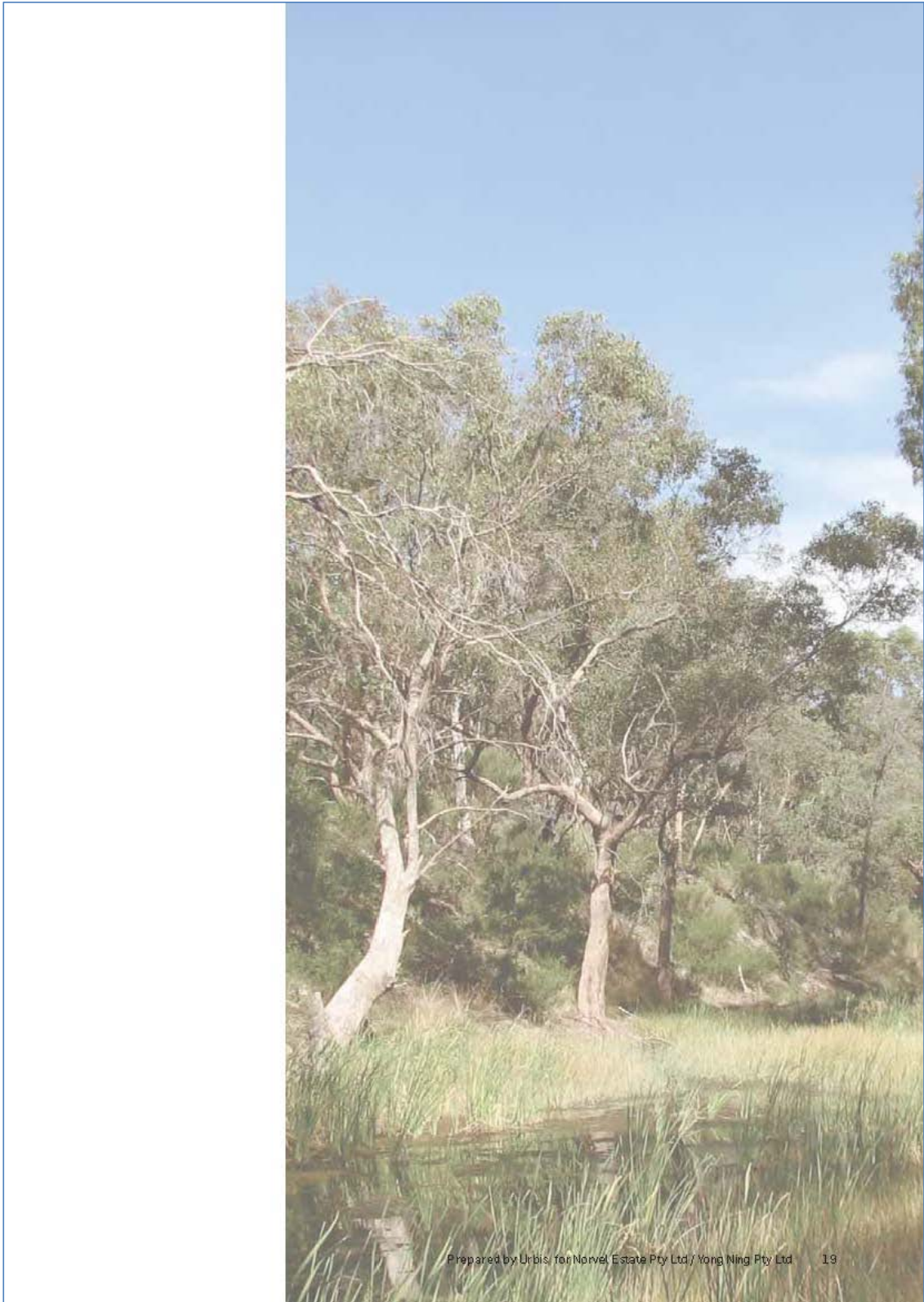
- Description of the current usage of the quarry is out of date.
- Justification of what is an appropriate density for the site is no longer a compelling case.
- Commentary on protected vegetation areas – this is unclear since the supporting maps do not specifically define all of the areas named in the text. A portion of the trees within the Vegetation Protection Overlay have already been removed.
- Recommendation that the remnant vegetation should become a gated "flora reserve" with limited public access no longer reflects the position of Council.
- The section "Other Vegetation on the Site" is no longer applicable since it has all been cleared.
- Much of the commentary on steep slopes is no longer relevant since the site has been filled.

### GENERAL OBJECTIVES AND GUIDELINES SECTION

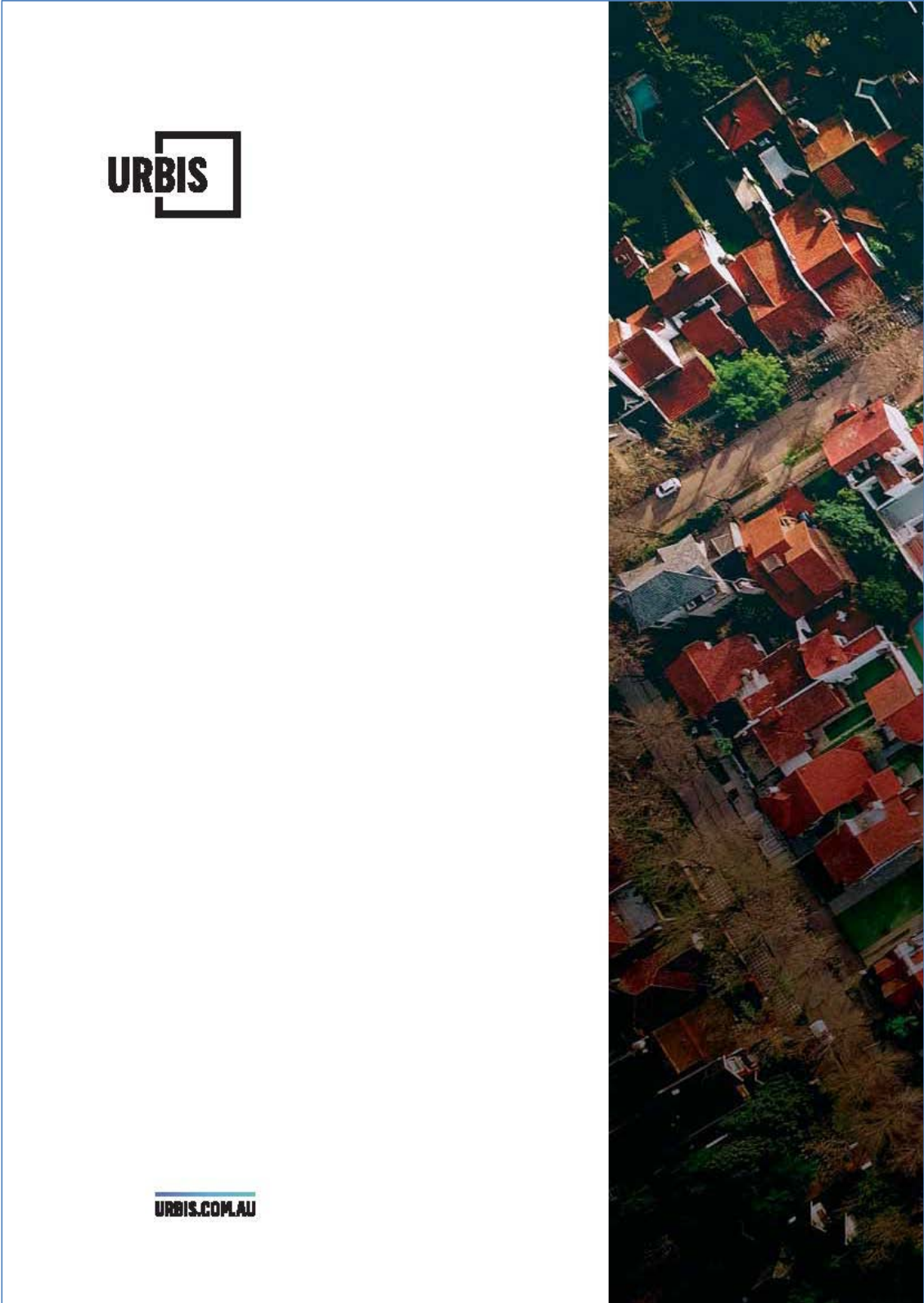
General Objectives and Guidelines are listed on pages 5 to 12 of the 2004 Guidelines. For brevity, only the main overarching objectives are quoted, but the commentary also relates to individual guidelines under each objective - see Table 2.

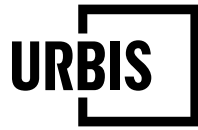
**Table 2** Review of General Objectives and Guidelines in superseded Urban Design Guidelines (Jones & Whitehead Pty Ltd, 2004, p. 5-12)

OBJECTIVE	CURRENT STATUS
Ensure that development is complementary to surrounding residential neighbourhoods.	<ul style="list-style-type: none"> <li>At a high level the objective is still valid, but requires some refinement</li> </ul>
Allow for development on quarried areas of the site at a higher density and with varied building types relative to surrounding areas	<ul style="list-style-type: none"> <li>'Quarried' areas have been filled in, but still valid in principle.</li> </ul>
Protect and restore significant indigenous vegetation communities including canopy trees, understorey and herbaceous elements.	<ul style="list-style-type: none"> <li>Still valid in principle, however the specifics of public access have changed</li> </ul>
Create an interface between development and the flora and fauna reserve that helps to protect the ecological values of the reserve while allowing benefits to residents and the broader community.	<ul style="list-style-type: none"> <li>The high level objective is valid, however many of the guidelines are no longer supported.</li> <li>Based on previous advice from Council, the guideline to "support fenced outdoor spaces with minimal plantings next to the reserve" is no longer correct.</li> </ul>
Create links with parkland along Blind Creek.	<ul style="list-style-type: none"> <li>Still valid</li> </ul>
Minimise the impacts of construction during, and as a result of, development of the site.	<ul style="list-style-type: none"> <li>Still valid</li> </ul>
Follow best practice in design, construction and operation of drainage systems.	<ul style="list-style-type: none"> <li>Still valid</li> </ul>
Support energy-efficient buildings and landscapes.	<ul style="list-style-type: none"> <li>Still valid</li> </ul>
Plan streets within the site as an integral part of the local street network.	<ul style="list-style-type: none"> <li>Most points still valid</li> <li>Guideline to "Design streets with a character similar to streets in adjoining areas (width, pavement materials)" is limited in some respects by the need to provide a finer grain of subdivision in order to be commercially viable.</li> </ul>
Create an attractive public interface between the new housing and other public open spaces.	<ul style="list-style-type: none"> <li>At a high level the objective is still valid</li> <li>Some of the specific guidelines for achieving the objective are questionable and may not be in line with the most recent Urban Design Framework for Knox.</li> </ul>



Prepared by Urbis, for Norvel Estate Pty Ltd / Yong Ning Pty Ltd 19





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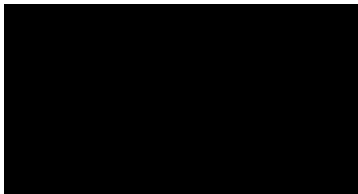
22 July 2021

Patrick Dubuc  
Senior Strategic Planner  
Knox City Council

Dear Patrick,

We confirm that our client accepts the Section 173 agreement provided to us via email on 21<sup>st</sup> July 2021.

Kind regards,



[Redacted]  
Consultant



S173 Confirmation letter - Norvel Estate

## 6.3 Climate Response Plan

**SUMMARY: Senior Program Manager – Climate Response, Tracie Armstrong**

The Local Government Act 2020 requires councils to manage climate change risks by adapting to the changing climate as well as put in place actions to reduce emissions. The Climate Response Plan 2021 – 2031 has been developed after carrying out a Climate Risk Assessment, determining both Knox City Council's and the Knox community's greenhouse emissions, as well as taking into account the latest climate science and community consultation. The Plan sets a goal to reduce Knox City Council's corporate greenhouse emissions to zero by 2030 and the Knox community's greenhouse emissions to zero by 2040. Fifty-five (55) key actions totalling nearly \$33m have been identified.

### RECOMMENDATION

That Council:

1. Adopt the Climate Response Plan 2021 – 2031 (CRP) as provided at Attachment 1;
2. Note the CRP for adoption identifies 55 recommended actions (Attachment 2) that form the implementation summary within the CRP;
3. Use the adopted CRP as the basis of advocacy and promotion of climate change initiatives to stakeholders including with other levels of Government; and
4. Note that implementation of the CRP includes approximately 25 new initiatives that are not identified in any existing work programs or policies and their implementation will be subject to business cases and Council's budget processes into the future.

### 1. INTRODUCTION

Climate response planning is mandated for Victorian local governments (Local Government Act 2020) and the communities and partners with which it works. Also, local government is identified as having a role and responsibility to respond to climate change and its impacts on health via State Government legislation. In particular:

- *Climate Change Act 2017* – councils must consider climate change as a decision-maker when preparing a municipal public health and wellbeing plan; and
- *Public Health and Wellbeing Act 2008* – councils are required to have regard to the State Plan when preparing a municipal public health and wellbeing plan. Responding to climate change and its impacts on health is also a focus area of the Victorian Public Health and Wellbeing Plan 2019-2023.

### 2. DISCUSSION

In response to a community petition and subsequent Notice of Motion adopted by Council on 28 October 2019 followed by a further resolution on 28 January 2020, Council officers have developed the Climate Response Plan 2021 – 2031 (CRP). The Plan has:

- Developed a pathway to deliver an emissions neutral organisation by 2030;
- Detailed Knox's governance, powers, and the partners who need to be engaged in order to assist the Knox community to achieve a net zero emissions target by 2040;



- Demonstrated how Council and the community will adapt and improve its resilience to the climate hazards that may impact the City now and in future climate change scenarios; and
- Outlined the social, environmental and economic benefits expected from implementing the Plan.

The Plan has done this by:

- Considering adaptation and mitigation in an integrated way, identifying interdependencies to maximise efficiencies and minimise investment risk;
- Setting an evidence-based, inclusive and deliverable plan for achieving mitigation and adaptation, centered on an understanding of Knox's powers and wider context; and
- Establishing a transparent process to monitor delivery, communicate progress and update climate action planning in line with governance and reporting systems.

The development of the Plan has included the following:

- Research into the climatic trends, the current policy landscape around climate change and the economics of climate action;
- Development of a carbon emissions baseline in relation to Council's services and operations (i.e., Corporate emissions), and the emissions from the Knox community;
- Undertaking a Climate Risk Assessment to better understand, manage and respond to the changing frequency, severity, and scale of climate hazards and to develop a detailed assessment of priority risks based on levels of exposure, sensitivity and vulnerability. Importantly, this assessment enables Council to allocate resources and efforts to the areas that will be most affected;
- Setting a carbon emissions reduction goal in order to be consistent with the latest scientific advice and inform Council's targets and the level of action required by the organisation;
- Engaging in a comprehensive community engagement process to understand the level of ambition and desires of the Knox community in emissions reduction and adaptation actions;
- Development of a detailed action plan which will enable Council to achieve the net zero corporate emissions target by 2030; and
- Determining the key actions and advocacy that Council can take to help drive down emissions from the community towards a net zero target by 2040.

The technical and scientific information obtained through this research, analysis and development process was presented to Council and adopted in March 2021, prior to community consultation.

The Plan has identified 55 actions totaling nearly \$33m across both mitigation and adaptation. This includes \$2.34m in community focused emissions reductions initiatives. An implementation and monitoring program to track the success of each action is under development using best practice indicators and impact assessments to ensure the best chance of deep and sustainable emissions reductions and adaptation actions.

The Plan is included as Attachment 1, including the implementation summary. Attachment 2 provides a breakdown of the recommended actions from the implementation summary and their proposed implementation timeframe.

### **3. CONSULTATION**

Across May, June and July 2021, a range of face-to-face and online activities were conducted. 374 people provided feedback through pop-up events, online workshop, surveys, or other online activity (Figure 1), providing a total of 3,199 comments and votes. Participation was promoted

through Council’s website, social media channels and print media and supported via Knox Have Your Say engagement platform. It is important to note that a COVID-19 pandemic lockdown occurred midway through the engagement program.

The Knox Climate Response Plan Engagement Summary is included as Attachment 3.



**Figure 1:** Participation by engagement method

In addition to the above engagement process, consultation was sought over the development of the draft CRP via multiple sessions with each Council Advisory Committee. A business survey was distributed to Knox businesses for feedback and an internal staff feedback process was also undertaken.

As a result of this engagement process and the findings from the Intergovernmental Panel on Climate Change, the following has been incorporated into the Plan:

- A strengthening of the community net zero target to 2040 from the original proposed 2050; and
- Several additional actions which focused on community education programs, review of relevant Council operational policies, and the role which advocacy plays in influencing all levels of government and key stakeholders to do their part in reducing emissions.

#### 4. ENVIRONMENTAL / AMENITY ISSUES

The international scientific community accepts that increases in greenhouse gases due to human activity have been the dominant cause of observed global warming since the mid-20th century. Continued emissions of greenhouse gases will cause further warming and changes in all components of the climate system. Currently the world is still tracking on the high emissions

scenario (see Figure 2) and in all scenarios, the 1.5 degree threshold would be reached in the 2030's. For the first time, the Intergovernmental Panel on Climate Change (IPCC) has included a 'very low emissions' scenario, which is now the only scenario that could see the world return to below 1.5 degrees (after 2070).

Emission Scenario	Near term (2021 – 2040)		Mid-term (2041-2060)		Long term (2081 – 2100)	
	Best Estimate (°C)	Very Likely range (°C)	Best Estimate (°C)	Very Likely range (°C)	Best Estimate (°C)	Very Likely range (°C)
Very Low	1.5	1.2 - 1.7	1.6	1.2 - 2.0	1.4	1.0 - 1.8
Low	1.5	1.2 - 1.8	1.7	1.3 - 2.2	1.8	1.3 - 2.4
Medium	1.5	1.2 - 1.8	2.0	1.6 - 2.5	2.7	2.1 - 3.5
High	1.5	1.2 - 1.8	2.1	1.7 - 2.6	3.6	2.8 - 4.6
Very High	1.6	1.3 - 1.9	2.4	1.9 - 3.0	4.4	3.3 - 5.7

**Figure 2:** Latest temperature projections for various emissions scenarios. (Source: IPCC)

Australia's changing climate represents a significant challenge to individuals, communities, governments, businesses, industry, and the environment. For Australia, the IPCC's Sixth Assessment report, found that:

- Australian land areas have warmed by around 1.4°C between 1910 and 2020, and annual temperature changes have emerged above natural variability in all land regions.
- Heat extremes have increased, cold extremes have decreased, and these trends are projected to continue.
- The frequency of extreme fire weather days has increased, and the fire season has become longer since 1950 at many locations.
- The intensity, frequency and duration of fire weather events are projected to increase throughout Australia.
- Heavy rainfall and river floods are projected to increase.
- Sandstorms and dust storms are projected to increase throughout Australia.
- Changes in several climatic impact-drivers (e.g., heatwaves, droughts, floods) would be more widespread at 2°C compared to 1.5°C global warming and even more widespread and/or pronounced for higher warming levels.

For more information, please see Attachment 4, the IPCC Headline Statements.

## 5. FINANCIAL & ECONOMIC IMPLICATIONS

The Plan has identified 55 actions at an estimated cost of approximately \$33m to help drive both the corporate and community emissions to zero. This includes high priority actions that Council needs to undertake to minimise the impacts of climate change through adaptation measures. Initiatives totalling approximately \$19.5m have been identified through the Long-Term Financial Forecast (LTFF) for delivery either through existing resources or identified in the capital works program and budget for delivery. A further \$13m across 25 initiatives are currently not identified in any existing work programs or policies and these initiatives will be subject to business cases and Council's budget process in the future.

It is important to acknowledge that the cost of inaction on climate change is likely to be far greater for communities. Climate change, if left unmitigated, can erode the productive capacity of the economy. It can change how people work, what is produced and where it is produced, and shift the preferences of what people buy. Industries that rely on people power, such as construction and manufacturing, which make up large elements of the Knox community's industry, will experience hotter working environments that not only disrupt comfort levels, but as temperatures continue to rise, hotter conditions become a concern for workers health and safety and their ability to perform tasks. The risk of not being able to obtain insurance in some areas could also be a significant impact.

While savings resulting from energy efficiency and solar projects are well established, Council can also reduce risk exposure by regularly assessing the key systems at risk from climate change and minimise Council's liability risk.

## **6. SOCIAL IMPLICATIONS**

The Climate Risk Assessment conducted by Point Advisory identified negative social wellbeing impacts resulting from climate change, such as:

- Loss of access to Council reserves and open space over time; and
- Significant heat danger for more vulnerable community members.

These impacts are considered to be major given the projected increase in climate impacts and were given a 'high' risk rating.

This risk assessment also noted that wider climate change challenges will be encountered against a background of socio-economic trends such as population growth, worsening housing affordability, increasing water and energy demand, and technology change. Research and experience have shown that climate change will exacerbate existing socio-economic issues, disproportionately impacting those most vulnerable in the community, widening the social inequality gap, and disrupting jobs and employment patterns.

Climate actions are primarily designed to reduce greenhouse gas emissions and climate risks, but they often bring other benefits to the public (e.g., health, air quality, employment, equity). The action plan of the CRP has been designed with this in mind, and the Plan aims to achieve the fair and equitable distribution of benefits. The significant input of the community via the recent engagement process has resulted in actions being included that are the direct response to the concerns and desires of our community.

The potential social, environmental, and economic benefits of actions are identified in line with Council Plan priorities. These benefits will be communicated via an ongoing communications plan after Council adoption in order to demonstrate the overall value of climate mitigation and adaptation, helping to articulate the business and social case for action and the tangible benefits for our community.

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

### **Goal 1 - We value our natural and built environment**

Strategy 1.1 - Protect and enhance our natural environment

Strategy 1.2 - Create a greener city with more large trees, indigenous flora, and fauna

### **Goal 2 - We have housing to meet our changing needs**

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Strategy 2.2 - Encourage high quality sustainable design

**Goal 3 - We can move around easily**

Strategy 3.1 - Enable improved transport choices supported by integrated and sustainable transport systems and infrastructure

**Goal 4 - We are safe and secure**

Strategy 4.4 - Protect and promote public health, safety, and amenity

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

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

**8. CONFLICT OF INTEREST**

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

**9. CONCLUSION**

The Local Government Act 2020 requires councils to manage climate change risks by adapting to the changing climate as well as putting in place actions to reduce emissions. The Climate Response Plan 2021 - 2031 has been developed after carrying out a Climate Risk Assessment, as well as determining both Knox City Council's and the Knox community's greenhouse emissions. After developing the action plan, the draft CRP was taken out to community for consultation and the findings incorporated. The Plan sets a goal to reduce Knox City Council's corporate greenhouse emissions to zero by 2030 and the Knox community's greenhouse emissions to zero by 2040. Fifty-five (55) key actions totalling nearly \$33m have been recommended which will enable Knox to effectively and efficiently meet the proposed targets and support a resilient and healthy community.

**10. CONFIDENTIALITY**

There is no content in this report that meets the definition of confidential information from the Local Government Act 2020.

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**Report Authorised By:** Director City Strategy and Integrity, Matt Kelleher

**Attachments**

1. Attachment 1 - Draft Climate Response Plan 2021 - 2031 [6.3.1 - 22 pages]
2. Attachment 2 - Climate Response Plan Detailed Implementation Actions and Timeframes [6.3.2 - 3 pages]
3. Attachment 3 - Climate Response Plan Engagement Summary [6.3.3 - 20 pages]
4. Attachment 4 - IPCC 6th Assessment Report - Headline Statements from the Summary for Policymakers [6.3.4 - 2 pages]



knox your city

Draft  
Climate response plan  
2021 - 2031



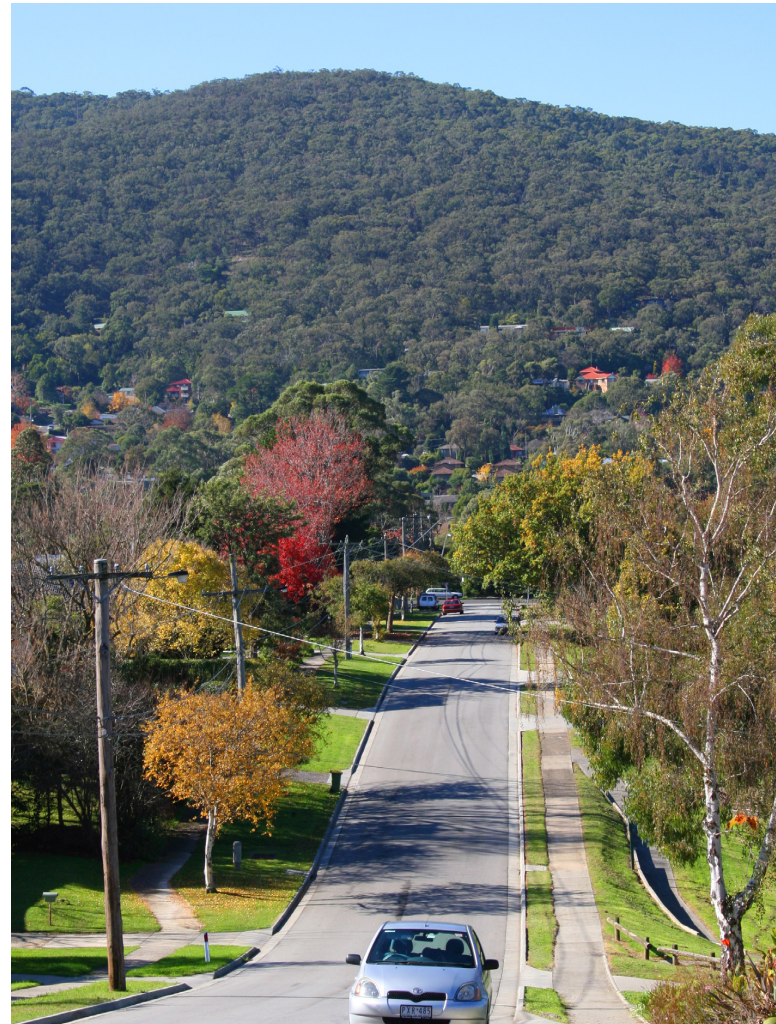
# Introduction



Knox is being affected by climate change. As a community, we need to take action to reduce our impact on the environment and to prepare for the impacts of a changing climate.

Many residents have begun to reduce their impact on the environment and Council has worked to reduce its emissions – but we will be much more effective if we work together.

Knox City Council is committed to managing our greenhouse gas emissions and response to climate change and have developed the Climate Response Plan 2021-2031. This plan sets out our targets and provides a roadmap with measurable actions on how this will be achieved in partnership with the Knox community.



# Understanding the effects of climate change



Climate change is one of the biggest threats to the future of our community and country. We are starting to see some of its effects and will continue to see an increase in warmer and drier conditions, which will have negative consequences for health, infrastructure, agriculture, water, and biodiversity. This is due to increased frequency and intensity of heatwaves and storms.

Atmospheric carbon dioxide concentrations have risen from around 280 parts per million at the start of the industrial revolution, to above 400 parts per million today. The increasing concentration of carbon dioxide, along with other greenhouse gases, is trapping heat in the Earth's atmosphere and warming the planet because of the enhanced greenhouse effect.

To date, the following key measures have been undertaken by Council to lower our emissions:

- Since 2016, Council has replaced 10,600 streetlights to LED to reduce energy use by more than 75%.
- Energy efficiency upgrades and Solar PV installations in Council buildings have reduced Council's emissions by 27% since 2015/16.
- Introduced three electric cars to Council's fleet in 2019, to reduce fuel emissions. In addition, two public electric car charging stations were installed in the Knox Civic Centre carpark.

- Provided sustainability programs for residents to lower community emissions. Programs include Australian Energy Foundation advice program, Solar Savers, Compost Community, National Tree Day, National Ride2Work Day, and National Walk Safely to School Day.
- Helped businesses become more sustainable by providing programs such as Environmental Upgrade Finance and access to the ASPIRE Circular Economy platform.

## About Knox Climate Response Plan

The Climate Response Plan sets out a pathway to a net zero emissions Knox City Council by 2030 and actions to help our community reach net zero emissions by 2040.

It outlines:

- how Knox will adapt and improve its resilience to the climate hazards that impact the city now and in future climate scenarios,
- the social, environmental, and economic benefits expected from implementing the Plan, and
- Council's governance, powers, and the partners who need to be engaged to accelerate the delivery of Knox's mitigation targets and resilience goals.



# Net Zero Emissions



Council’s targets are aligned to the urgent global effort required to limit warming to below a 2°C increase (below pre-industrial levels). The latest science now shows that a 1.5°C increase is locked in and the work that we do in the next decade will have profound impacts on the future the Knox community will face.

**A net zero Knox City Council means:**

- Net zero greenhouse gas (GHG) emissions from fuel use in buildings.
- Net zero GHG emissions from use of grid-supplied energy.
- Wherever possible, net zero GHG emissions related to indirect emissions.

**A net zero Knox community**

Reducing emissions is a shared responsibility between all levels of government, business and the community. Council’s role as a community leader will support and help drive emissions reduction in our municipality. This Plan outlines the actions that Council will take to assist the community in reaching net zero emissions by 2040 and where Council can assist the community in choosing everyday actions that will help move towards a low emissions future.

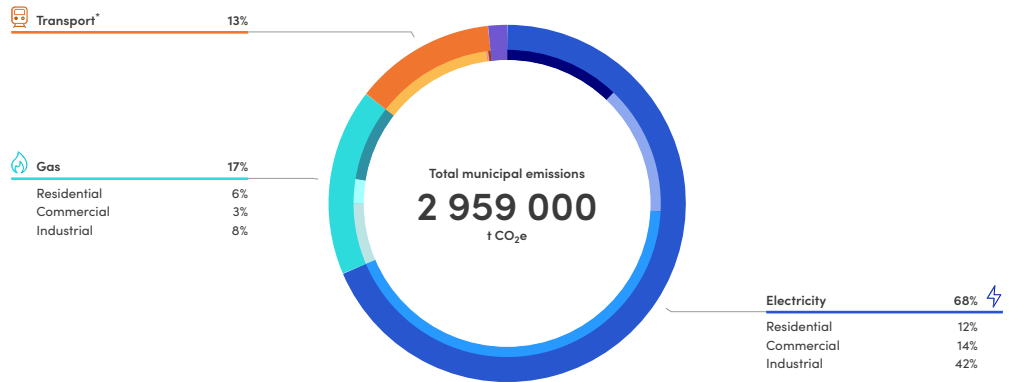


# Knox community emissions profile



The 'Snapshot Community Climate Tool' has been developed by Ironbark Sustainability and Beyond Zero Emissions and provides a national database of community emissions for all local governments in Australia. This tool has been used to obtain data on Knox community emissions for 2019.

The industrial sector is the largest contributor to emissions in Knox, accounting for 50% of total emissions.



**INDUSTRIAL SECTOR**  
accounts for  
**50%**  
of total emissions



**HOUSEHOLDS**  
accounts for  
**18%**  
of total emissions



**KNOX COUNCIL**  
accounts for  
**<1%**  
of total emissions

# Council's emission profile



Council's corporate carbon emissions are categorised as follows:

- **Scope 1:** Emissions from a facility or site under the direct control of the Council (examples include emissions from mains gas and fuel used in Council's Fleet).
- **Scope 2:** Indirect emissions created off-site for facilities under the direct control of the Council, from metered electricity purchased for Council's facilities.
- **Scope 3:** Emissions from off-site facilities or activities, not under operational control of Council (e.g., unmetered electricity such as streetlights, waste from Council operations, emissions from contractor vehicles and emissions from leased buildings).

## Our response to climate change

Climate change is a complex issue and requires a proactive and multifaceted approach from all levels of government including Council, the community, including residents, business and industry, and community groups to make real change. Mitigating the effects of climate change requires setting clear targets to direct efforts towards achieving these targets, monitoring and evaluating the effectiveness of programs, and placing accountability on government, Council, and our Knox community.



**ELECTRICITY**  
accounts for  
**80%**  
of total emissions



**GAS**  
accounts for  
**12%**  
of total emissions



**FLEET**  
accounts for  
**<9%**  
of total emissions

# Guiding principles



These guiding principles helped Council to develop actions to minimise climate impacts, build a resilient community, and protect the ecosystems that sustain us. These principles assisted Council to address the important social, economic, and environmental challenges and develop the solutions that are required to meet the climate challenge.

The actions included throughout the Climate Response Plan are intended to be:

- **Ambitious:** Set goals and implement actions that evolve towards an ambitious vision.
- **Inclusive:** Involve community, business, and other stakeholders in finding solutions.
- **Fair:** Seek solutions that equitably address the risks of climate change and share the costs and benefits of action across the community.
- **Relevant:** Deliver local benefits and support local development priorities.
- **Actionable:** Propose cost-effective actions that are realistic.
- **Evidence-based:** Reflect best practice scientific knowledge and local understanding.
- **Transparent and verifiable:** Set goals that can be measured, reported, and evaluated.



# Community consultation



An engagement process was developed to incorporate the ideas of the Knox community and respond to their priorities and aspirations about how we tackle climate change together. Between May and July 2021, Council conducted a range of face-to-face and online activities. Over 370 people provided feedback through pop-up events, a workshop, survey, or other online activity, providing a total of just over 3,000 comments and votes. One of the strongest results from the community consultation was for Council to adopt a more ambitious community net zero target. Based on this feedback, and the science that supports this ambition, the community target has been brought forward from the originally proposed 2050 to 2040.

Some of the other suggestions from the Knox community that have been incorporated into the Plan are:

- Providing community education programs on actions to reduce emissions.
- Making sustainable transport options more accessible and appealing, including enhancing cycle and walking paths, providing better links between transport mode, and advocating for more efficient public transport to the region.
- Reviewing key Council policies and report templates to ensure climate change impacts are considered during decision making.



# Community advocacy

The consultation period also identified a gap in acknowledging and shaping the role of other major stakeholders in mitigating emissions for the City of Knox. Council’s efforts alone will not be sufficient to address the threat of climate change. It is imperative that changes occur at other levels of government, within the community, and by major business and industry, in order to reach a target of community net-zero emissions by 2040.

Significant reductions in emissions are anticipated as a result of the decarbonisation of the electricity grid and actions taken at the local level such as the installation of solar and the uptake of electric vehicles. Together, with the emissions savings resulting from Council interventions, emissions in Knox are anticipated to be reduced by almost half of what they would otherwise be, by 2030.

The remaining emissions remain a challenge in mitigating climate change and achieving a net zero emissions target. The State and Federal Government have key roles in regulating and influencing the energy sector, transport, and the economy, and as such, actions taken by them will influence the emissions trajectory within the City of Knox. Council has identified some key advocacy opportunities to help shape and advance these necessary actions and to lend our voice to the groundswell of organisations within Victoria and the nation calling for greater action on climate change.

Council already has close ties with some organisations working on climate change advocacy, such as the Eastern Alliance for Greenhouse

Action (EAGA) and the Council Alliance for a Sustainable Built Environment (CASBE). These partnerships will need to continue.

Council has identified advocacy opportunities and estimated the potential emissions savings to the municipality by 2030 for a number of these. For example:

Advocacy initiative	Estimated emissions savings to Knox by 2030
Electric Vehicle Ready Built Environment	190,000 tCO <sup>2</sup> e
Increased Minimum NatHERS Standard	130,000 tCO <sup>2</sup> e
Net Zero NatHERS Standard	720,000 tCO <sup>2</sup> e
Net Zero Gas Districts & Renewable Transition	80,000 tCO <sup>2</sup> e
Mandatory Energy Efficiency Standards for Rental Properties	250,000 tCO <sup>2</sup> e

**In addition, Council will:**

- Join the Cities Power Partnership (a free initiative of The Climate Council, specifically designed to assist local government around Australia to transition to a net zero future); and
- Make a voluntary pledge to the State Government under the Climate Change Act 2017 to acknowledge the role that Knox City Council will play in reducing emissions.

# Community health and resilience



## Protecting community health and resilience

Supporting the health and well-being of vulnerable members of the community is a strategic priority for Knox Council. This includes older people and people living with a disability. The potential impacts of climate change, specifically increased frequency of heatwaves and storms, may exacerbate existing health sensitivities, accommodation stress, and isolation.

### We will support our community by:

- Undertaking upfront planning and defining responsibilities to better coordinate service providers involved in delivering assistance to older people during emergency events.
- Identifying areas where urban heat islands intersect with vulnerable populations. This includes identifying hotter and cooler routes that vulnerable populations (older adults - retirement villages) may walk or ride mobility scooters.
- Undertaking a prioritisation process for investment in urban cooling measures.
- Delivering an annual campaign to help vulnerable populations prepare for heat health alert days.

- Developing community education programs in areas such as:
  - Climate sensitive planting.
  - Adapting to the impacts of climate change.
  - Minimising the risk of fire and impacts of smoke inhalation.
  - Retrofitting homes and buildings to ensure high performance.
  - Available subsidies and accessing renewable energy.



# Our environment



The municipality of Knox is bounded by the Dandenong Ranges National Park to the east, by Churchill National Park and Lysterfield National Park to the south, and by the Dandenong Creek Valley Parklands to the west, however, the natural environment within the municipality is extremely fragmented due to both residential and commercial development.

Council managed bushland reserves are an important part of the remaining network of natural habitat and provide important food and shelter for a wide variety of wildlife, including many bird species, bats, frogs, reptiles, and insects. There are over 40 threatened species within the municipality, and extreme weather events have the potential to lead to local extinctions.

Some of the impacts of climate events on biodiversity include:

- direct fauna casualties,
- habitat loss,
- reduced 'functional biodiversity' (ability for fauna to move for food, breeding and protection),
- reduced long-term survival and resilience of species, and
- new diseases.

Given the large degree of fragmentation, it is essential for us all to work collaboratively. This means Council, community groups, residents, state and national agencies working together to ensure:

- A consistent approach to the management of pest plants and animals, and
- Continuous improvement of the quality and connectedness of natural environments within the municipality.





# Our environment



## Adapt and preserve our natural environment

A key area of action is to protect and buffer the current areas of high biodiversity value from the effects of climate change, whilst also enhancing the natural environment.

The design of streetscapes including the planting of street trees, inclusion of water sensitive urban design assets, vegetation and grassed areas can help to reduce urban temperatures and provide biodiversity and habitat benefit.



### We will protect our natural environment by:

- Developing and implementing the Knox Biodiversity Resilience Plan.
- Implementing the Living Melbourne Metropolitan Urban Forest Strategy, which includes setting canopy tree targets and a mechanism to regularly track progress towards these targets.
- Developing a holistic tree species selection model that incorporates climate change risk, urban heat island mitigation and habitat corridor connectivity for enhanced biodiversity outcomes.
- Advocating to power authorities for lower impact vegetation management near power lines to minimise damage to canopy trees.
- Reviewing and revising the Liveable Streets Plan and the Green Streets Policy to promote 'tree-friendly' streetscapes that promote healthy canopy tree growth and reduce the harmful effects of urban heat islands.
- Investigating incentives, enforcement and planning options that help retain tree canopy cover on private land as well as mechanisms that increase additional tree canopy cover.

# Transportation



On-road transport is a significant source of emissions in the City of Knox contributing 13% to the municipal profile. A mode shift towards alternative forms of transport is the most important part of reducing car travel and lowering emissions from transport.

## Expanding the electric vehicle charging network

Electric vehicles (EVs), even when charged through the electricity grid, are a lower emissions alternative than a petrol or diesel vehicle. To support our community transitioning to EVs, this initiative seeks to expand the network of rapid charge stations across Knox.

### We will support sustainable transport by:

- Identifying and setting aside select parking spaces for Electric Vehicle (EV) charging points, and exploring delivery models including partnerships with EV charging service providers, or through requiring EV charging points in new developments in certain zones.
- Engaging with owners or potential owners of charging infrastructure and work together with the relevant stakeholders to facilitate discussions that result in the removal of identified barriers.



# Transportation



## Changing the future of transport

This program involves investigating a car sharing program in Knox. Introducing new modes of transport will increase travel convenience, provide more travel options for our community, and potentially reduce car-ownership in Knox. The community consultation process told us that our community has ideas on how we can enhance the attractiveness and safety of our footpaths and other active and public transport options.

### We will support sustainable transport by:

- Undertaking a detailed sustainable transport survey in the community to better understand how our behaviour change programs could support or respond to community needs and desire for more active and public transport options.
- Investigating the feasibility of a policy that promotes car share programs. This policy can focus on provision of dedicated parking for car share vehicles and the positive impacts of car sharing. Council will need to coordinate with inner-east Councils prior to a Knox roll out.
- If applicable after the feasibility study, we will facilitate the establishment of practical and easily available car and bike share schemes which are mutually beneficial to the service providers and residents.

## Expansion of Council's electric vehicle fleet

Currently, transport fuels are responsible for nine percent of Knox City Council's corporate emissions, and this is expected to increase over time. Council's Sustainable Fleet Policy will establish a framework to guide Council staff when purchasing new vehicles and designing fleet infrastructure such as parking bays and recharging stations. This will ensure that Council's investments in fleet and fleet infrastructure are future proofed for the EV transition.

### We will transition Council's fleet by:

- Reviewing Council's Fleet Policy to ensure that sustainable technologies are embedded.
- Providing staff driver training which includes sustainable/efficient driving techniques and practices.
- Investigating and phasing in the use of electric cars for Council's Pool Fleet. All Council's passenger pool vehicles to be EVs by 2025 where viable.
- Installing EV charging stations to meet Council's operational needs as demand increases.
- Ensuring utility vehicles used for operational activities are modern with the latest fuel-efficient technologies.
- Investigating and implementing the use of Telematics as appropriate.
- Exploring and trialling heavy plant electric vehicles with a view to incorporate and convert heavy fleet when viable.
- Ensuring that small plant is regularly serviced and changed over to ensure that the most efficient equipment is used within Council.

# Efficient buildings and infrastructure



In the Knox municipality, 37% of emissions come from residential and commercial stationary energy, which largely refers to the use of electricity.

## Low emissions building through design

This program aims to address the energy efficiency of buildings as they are being designed and built. The outcome would be buildings that are well insulated, well oriented, more comfortable, and resilient to increasing temperature and designed for low-energy use.

### We will achieve low emissions building design by:

- Working within approvals process for new buildings to establish a collective understanding of what constitutes acceptable Environmentally Sustainable Design (ESD) and encourage all new buildings to achieve net-zero energy or net-zero energy ready rating.
- Encouraging phasing in requirements for all existing commercial buildings to achieve net-zero energy or net-zero energy ready ratings.
- Working with developers to pioneer zero net emission buildings and zero-net emission housing.
- Investigating planning scheme and rates incentives for positive outcomes such as faster processing of planning permits that meet specific requirements, or discounted rates.
- Building on existing public reporting requirements to implement a communications program that will actively apply pressure to developers to raise the energy efficiency performance through greater public awareness of the emissions footprint of new buildings.
- Deploying resources to increase the enforcement of National Construction Code (NCC) and planning requirements.

## Increase energy efficiency in council buildings

Knox Council adopted an Energy Performance Contract (EPC) in 2019 to reduce energy use across larger Council facilities. With \$1.85 million invested into energy efficiency upgrades at Knox Leisureworks, Rowville Community Centre, Ferntree Community Arts Centre and Library, Knox Community Arts Centre, and Knox Regional Netball Centre, Council can expect to see emissions reduced by approximately 45% or 1,226 tCO<sub>2</sub>e. The energy efficiency upgrades include LED lighting, solar panels, building management systems and upgrades to cooling/heating systems.

Council will continue to implement energy efficiency upgrades at facilities consuming the highest energy with initiatives such as installing solar photovoltaics (PV), lighting upgrades and gap sealing.

### We will increase energy efficiency in Council buildings by:

- Implementation of the Sustainable Design and Infrastructure Policy.
- Implementation of Knox City Council Energy Performance Contract.
- Undertaking energy efficiency opportunities for Council buildings.
- Installing solar PV across remaining viable sites.

# Efficient buildings and infrastructure



## Change public lighting to LED

Knox Council has already undertaken a bulk changeover of around 10,600 residential lights to LED, reducing energy use by over 75% and resulting in significant savings to operating and maintenance costs and greenhouse gas emissions.

- We will improve public lighting energy efficiency by:**
- Replacing approximately 3,300 lights to LED on major roads and intersections.
  - Powering streetlights with wind energy via a Power Purchasing Agreement.



## Sustainable roads

Council constructs and repairs many kilometres of road each year. This program will lower emissions by using sustainable materials for the construction and maintenance of roads and footpaths and changing construction processes.



# Efficient buildings and infrastructure



## Adapt and protect our buildings

Ensuring the continued operation of council facilities, the quality and effectiveness of associated services and the safety of users is of paramount importance to Council. The increased frequency and intensity of extreme weather events, including floods, bushfires, and storms, may lead to increased maintenance or operational requirements and costs.

### We will adapt our buildings by:

- Engaging with the facility operators (Council and third party) to establish safe operating levels for facilities that are at risk of being impacted by climate stressors.
- Incorporating climate variables and future climate risk into building condition assessments to ensure that climate stressors, such as storms, bushfires, floods, and heatwaves are considered.
- Developing site-specific strategies for water harvesting of open space including sporting facilities to improve resilience.
- Embedding future planning and design criteria that ensure critical facilities and emergency services are in accessible and resilient locations.
- Reviewing and updating climate hazard mapping to ensure that planning decisions account for areas of future and current risk.

## Climate Resilient Infrastructure

Our community relies on the continued provision of public infrastructure. The safety of the people who use this infrastructure is the highest priority of Council. Adapting to increased pressure on this infrastructure due to climate change, means that care needs to be taken now in preparing for future impacts.

### We will increase the resilience of our infrastructure by:

- Seeking legal advice on the liability associated with climatic events that have the potential to impact users of Council infrastructure.
- Engaging with public sector service providers, such as water authorities, to signal the importance of being prepared for future climate risks, learn from their practices, identify potential points of intersection with Council services and areas where collaboration might be mutually beneficial.
- Developing detailed financial impact analysis studies to access future external capital to support risk mitigation works linked to climate change.
- Identifying infrastructure that may require long-term adaptation measures due to flood or fire risk, such as retreat or relocation.
- Commencing an internal education process so that Council officers understand the future financial and infrastructure costs of not implementing climate change adaptations.
- Undertaking a feasibility study of the avoided costs of future-proofing the stormwater system via the renewals process rather than large-scale stormwater upgrades.
- Including drainage upgrades in future Capital Works Program business cases of all relevant asset types, to deliver climate resilient infrastructure.

# Renewable energy



Council currently participates in the Solar Savers program, which supports residents of Knox to install rooftop solar by providing advice and streamlining decision making about products and services.

## Solar for rentals

In addition to current programs, Council will support and facilitate solar installation for rental properties, an untapped market. Rental properties in Knox make up approximately 16.9% of the housing tenure. This program is focused on facilitating a program that addresses split incentives for property owners and renters.

### We will assist our community to access renewable energy by:

- Working with solar installation companies and real estate agents to devise schemes that provide financial mechanisms for property owners to install solar on rental properties.

## Switch to Renewable Energy

As over 80% of Council's emissions are from electricity use, Switching to Renewable Energy will be a major part of achieving the Net Zero Target.

### We will pursue renewable energy options by:

- Investigating enterprise models and detailed business cases for the funding, construction, and operation of a solar farm. If not feasible, Council will investigate other methods of rapidly getting to zero emissions for energy through measures such as Power Purchase Agreements.



# Business and industry



The industrial sector accounts for 50% of the total emissions in Knox. This sector is comprised of small to medium sized manufacturing businesses, with some larger businesses also present. The largest opportunities for deep emissions cuts in the Knox community will be from the Industrial and Commercial sectors.

## Transition to a zero carbon economy

Council will support businesses and industry to achieve emissions reductions through energy efficient technology, degasification, and renewable energy. This support will be delivered through working groups with businesses, key industry bodies, research organisations, and advocacy to State and Federal governments. The Environmental Upgrade Finance mechanism is also available across Knox for eligible property owners to finance climate mitigation and adaptation measures at their properties.

### A zero-carbon economy program will consist of 3 key areas:

- Transitioning towards more energy efficient technology: This includes simple changes, such as transitioning lighting at industrial sites away from high-pressure sodium and metal halide to LEDs, and more complex changes such as air compressor systems, refrigeration systems and other industrial equipment.
- Transitioning away from gas as an energy source: Replace gas-powered machinery with viable clean energy alternatives e.g. renewable electricity, electromagnetic technology, bioenergy, solar thermal, geothermal and hydrogen.

- Sourcing all electricity from renewable sources: Including onsite solar PV systems and purchased grid renewables. In Knox, numerous businesses operate out of large warehouses, many with an ideal amount of roof space that could be used for renewable energy capture.

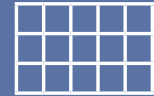
### We will assist the transition to a zero-carbon economy by:

- Implementing working groups to focus on a specific set of interventions including alternative technologies, Power Purchase Agreements (PPAs), energy efficiency and degasification.
- Delivering workshops on renewable energy Power Purchase Agreements (PPAs) for industrial organisations with large electricity demand.





# Implementation summary



Action Category	Estimated Cost (to 2031)	Anticipated Timeframe							Delivery Responsibility	Key partners for success		
										Federal Govt.	State Govt.	Knox Community
<b>Corporate Mitigation</b>												
10.1 Expansion of Electric Vehicle Fleet	\$0.80m	2021-27			●				Council			
10.2 Energy efficient Council Buildings	\$14.0m	2021-31				●			Council			
10.3 Public lighting changed to LED lights	\$1.7m	2021-22				●			Council		●	
10.4 Switch to Renewable Energy	Up to \$8.5m	2023-31					●		Council	●	●	
<b>Community Mitigation Opportunities</b>												
10.5 Low Emissions Buildings Through Design	\$1.3m	2022-26				●		●	Council	●	●	●
10.6 Transition to a zero-carbon economy	\$0.5m	2021-23						●	Council	●	●	●
10.7 Solar for Rentals	\$0.03m	2022-26					●		Council	●	●	●
10.8 Expanding the EV Charging Network	\$0.15m	2021-24			●				Council	●		
10.9 Changing the Future of Transport	\$0.25m	2022-25	●		●				Council		●	
10.10 Sustainable Roads and Infrastructure	\$0.01m	2023-26				●			Council			
10.11 Develop a community education program	\$0.3m	2021-31	●	●	●	●	●	●	Council			●
<b>Adaptation Opportunities</b>												
10.12 Protecting community health and resilience	\$0.05m	2021-31	●						Council		●	●
10.13 Adapt and preserve our natural environment	\$0.65m	2021-31	●	●		●			Council	●	●	●
10.14 Adapt and protect our buildings	\$0.2m	2021-31	●	●	●	●	●	●	Council			
10.15 Climate Resilient Infrastructure	\$0.07m	2021-31	●	●		●			Council	●	●	●
<b>Approx. value of existing resources</b>	\$4.0m	2021-31	●	●	●	●	●	●	Council			
<b>Approximate total</b>	<b>\$32.5m</b>											

## Tracking our progress



The impact of the actions in this plan will be measured in terms of the reduction in emissions, the reduction in climate risk and the inclusive delivery of wider social, environmental, and economic benefits.

Tracking our progress and the indicators we use to determine if the action plan is effective will inform regular revisions of the Plan.

To ensure that we are using the best data, innovations and responding to major changes in policy, the Climate Response Plan will be evaluated at regular intervals and in line with emissions inventory reporting updates, or as new information on climate risks becomes available. Similarly, the budgets required for individual actions in the Plan will be subject to the normal Council business case processes.

Actions will be assessed and reported on under the Council and Community Plans and State of Knox reporting processes.

Monitoring, evaluation, review and learning (MERL) will be implemented to track our progress in achieving our targets, and measuring the effectiveness of programs. This analysis will allow Council to optimise programs and redirect the course if necessary. This not only allows Council to address risks associated with program failures, but it also provides confidence that resources are being used effectively to achieve the planned outcome. Without undertaking MERL activities, inefficiencies or misdirection may not be realised until the end of the program or project.



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 Interpreter  
131 450

National Relay Service  
133 677

Knox City Council acknowledges the traditional custodians of the city of Knox, the Wurundjeri and Bunurong people of the Kulin Nation.

Climate Response Plan 2021 - 2031
<b>ACTIONS and IMPLEMENTATION YEARS</b>
<b>Internal Administrative Actions - implementation 2021 - 2031</b>
Join the Cities Power Partnership
Make a voluntary pledge to the State Government under the Climate Change Act 2017
Review key Council policies and report templates to ensure climate change impacts are considered during decision making.
<b>Protecting community health &amp; resilience - implementation 2021 - 2031</b>
Undertake upfront planning and defining responsibilities to better coordinate service providers involved in delivering assistance to older people during emergency events.
Identify areas where urban heat islands intersect with vulnerable populations.
Undertake a prioritisation process for investment in urban cooling measures.
Deliver an annual campaign to help vulnerable populations prepare for heat health alert days and periods.
Develop and deliver community education programs on climate change adaptation
<b>Adapt &amp; preserve the natural environment - implementation 2021 - 2031</b>
Develop and implement the Knox Biodiversity Resilience Plan.
Implement the Living Melbourne Metropolitan Urban Forest Strategy, which includes setting canopy tree targets and a mechanism to regularly track progress towards these targets.
Develop a holistic tree species selection model that incorporates climate change risk, urban heat island mitigation and habitat corridor connectivity for enhanced biodiversity outcomes.
Advocate to power authorities for lower impact vegetation management near power lines to minimise damage to canopy trees.
Review and revise the Livable Streets Plan and the Green Streets Policy to promote 'tree-friendly' streetscapes that promote healthy canopy tree growth and reduce the harmful effects of urban heat islands.
Investigate incentives, enforcement and planning options that help retain tree canopy cover on private land as well as mechanisms that increase additional tree canopy cover.
<b>Expanding the electric vehicle charging network - implementation 2021 - 2024</b>
Identify and set aside select parking spaces for Electric Vehicle (EV) charging points, and explore delivery models including partnerships with EV charging service providers, or through requiring EV charging points in new developments in certain zones.
Engage with owners or potential owners of charging infrastructure and work together with the relevant stakeholders to facilitate discussions that result in the removal of identified barriers.
<b>Changing the future of transport - implementation 2022 - 2025</b>
Undertake a detailed sustainable transport survey in the community to better understand how our behaviour change programs could support or respond to community needs and desire for more active and public transport options.
Investigate the feasibility of a policy that promotes car share programs.
If applicable after the feasibility study, facilitate the establishment of practical and easily available car and bike share schemes which are mutually beneficial to the service providers and residents.
<b>Expansion of Council's electric vehicle fleet - implementation 2021 - 2031</b>
Review Council's Fleet policy to ensure that sustainable technologies are embedded.

Provide staff driver training which includes sustainable/efficient driving techniques and practices.
Investigate and phase in the use of electric cars for Council's Pool Fleet. All Council's passenger pool vehicles to be EV's by 2025 where viable.
Install EV charging stations to meet Council's operational needs as demand increases.
Ensure utility vehicles used for operational activities are modern with the latest fuel-efficient technologies.
Investigate and implement the use of Telematics as appropriate.
Explore and trial heavy plant electric vehicles with a view to incorporate and convert heavy fleet when viable.
Ensure that small plant is regularly serviced and changed over to ensure that the most efficient equipment is used within Council.
<b>Low emissions buildings through design - implementation 2021 - 2031</b>
Work within approvals process for new buildings to establish a collective understanding of what constitutes acceptable Environmentally Sustainable Design (ESD) and encourage all new buildings to achieve net-zero energy or net-zero energy ready rating.
Encourage phasing in requirements for all existing commercial buildings to achieve net-zero energy or net-zero energy ready ratings.
Work with developers to pioneer zero net emission buildings and zero-net emission housing.
Investigate planning scheme and rates incentives for positive outcomes such as faster processing of planning permits that meet specific requirements, or discounted rates.
Build on existing public reporting requirements to implement a communications program that will actively apply pressure to developers to raise the energy efficiency performance through greater public awareness of the emissions footprint of new buildings.
Deploy resources to increase the enforcement of National Construction Code (NCC) and planning requirements. This may take the form of increased capacity of an ESD officer working in conjunction with Planning Enforcement Officers.
<b>Increase energy efficiency in council buildings - implementation 2021 - 2031</b>
Implement the Sustainable Design and Infrastructure Policy.
Implement the Knox City Council Energy Performance Contract.
Undertake energy efficiency opportunities for Council buildings.
Install solar PV across remaining viable sites.
<b>Change public lighting to LED - implementation 2021 - 2031</b>
Replace approximately 3,300 lights to LED on major roads and intersections.
Power streetlights with wind energy via a Power Purchasing Agreement.
<b>Adapt and protect our buildings - implementation 2021 - 2031</b>
Engage with the facility operators (Council and third party) to establish safe operating levels for facilities that are at risk of being impacted by climate stressors.
Incorporate climate variables and future climate risk into building condition assessments to ensure that climate stressors, such as storms, bushfires, floods, and heatwaves are considered.
Develop site-specific strategies for water harvesting of open space including sporting facilities to improve resilience.
Embed future planning and design criteria that ensure critical facilities and emergency services are in accessible and resilient locations.
Review and update climate hazard mapping to ensure that planning decisions account for areas of future and current risk.

<b>Climate Resilient Infrastructure - implementation 2021 - 2031</b>
Seek legal advice on the liability associated with climatic events that have the potential to impact users of Council infrastructure.
Engage with public sector service providers, such as water authorities, to signal the importance of being prepared for future climate risks, learn from their practices, identify potential points of intersection with Council services and areas where collaboration might be mutually beneficial.
Develop detailed financial impact analysis studies to access future external capital to support risk mitigation works linked to climate change.
Identify infrastructure that may require long-term adaptation measures due to flood or fire risk, such as retreat or relocation.
Commence an internal education process so that Council officers understand the future financial and infrastructure costs of not implementing climate change adaptations.
Undertake a feasibility study of the avoided costs of future-proofing the stormwater system via the renewals process rather than large-scale stormwater upgrades.
Include drainage upgrades in future Capital Works Program business cases of all relevant asset types, to deliver climate resilient infrastructure.
<b>Solar for rentals - implementation 2022 - 2025</b>
Work with solar installation companies and real estate agents to devise schemes that provide financial mechanisms for property owners to install solar on rental properties. Some schemes, such as residential Environmental Upgrade Agreements (EUAs) and the Special Charges Scheme are possible options to consider.
<b>Switch to Renewable Energy - implementation 2022 - 2025</b>
Investigate enterprise models and detailed business cases for the funding, construction, and operation of a solar farm. If not feasible, Council will investigate other methods of rapidly getting to zero emissions for energy through measures such as Power Purchase Agreements.
<b>Transition to a zero-carbon economy - implementation 2022 - 2031</b>
Implement working groups to focus on a specific set of interventions including alternative technologies, Power Purchase Agreements (PPAs), energy efficiency and degasification.
Deliver workshops on renewable energy Power Purchase Agreements (PPAs) for industrial organisations with large electricity demand.

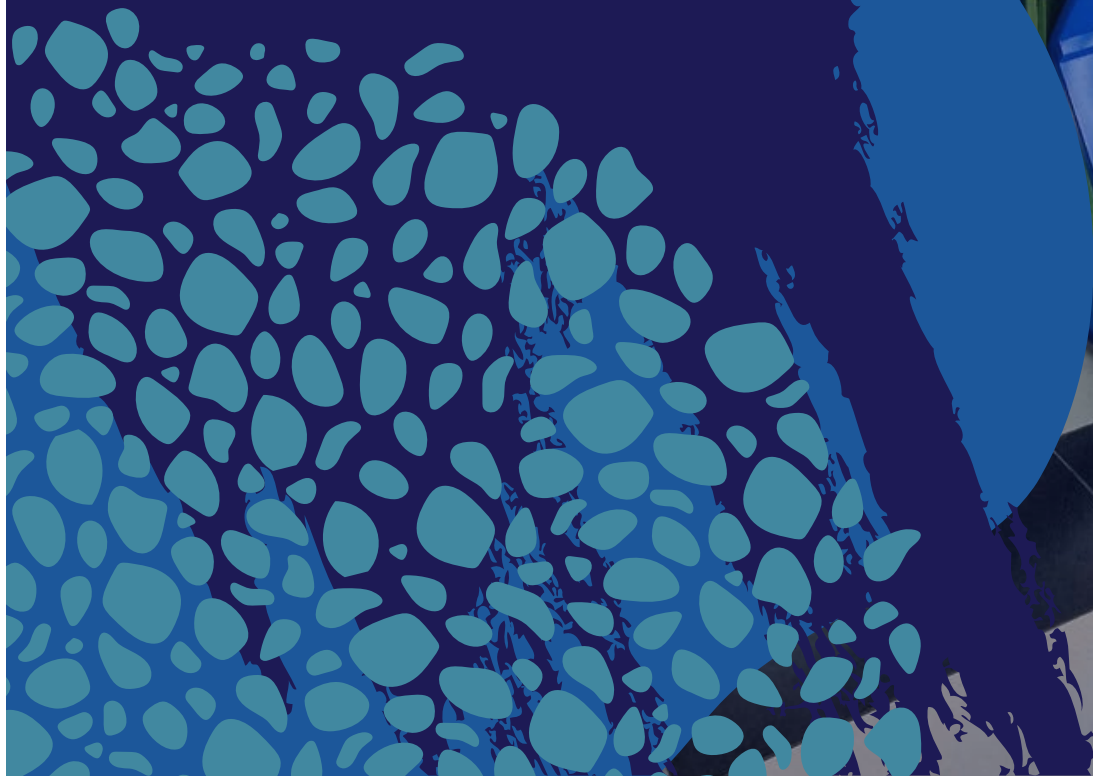
Conversation  
CARAVAN

# CLIMATE RESPONSE PLAN

## Engagement Summary

Prepared by Conversation Caravan  
for Knox City Council

August 2021







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# INTRODUCTION



Conversation Caravan was engaged by Knox City Council to plan, design and implement the engagement program in the development of a Climate Response Plan (CRP). The CRP aims to deliver a pathway to an emissions neutral Knox City Council by 2030 and an emissions neutral community by 2050. The Plan will also set interim targets towards these goals. This engagement program focused on attracting the wider community in a broad conversation about their priorities and aspirations to tackle climate change and to provide feedback on the Draft Climate Response Plan.

Across May, June and July 2021, Knox City Council conducted a range of face-to-face and online activities. More than 350 people provided feedback through pop-up events, a workshop, survey or other online activity, providing a total of 3,199 comments and votes.

Feedback was sought from local residents, visitors, community partners, local industry, Knox City Council staff and Councillors. This report focuses on feedback received from local residents and visitors to the Knox area.



Definitions	
<b>Adaptation</b>	Developing and implementing strategies, programs and projects to minimise the adverse impacts of climate change on communities.
<b>Climate</b>	The long term (usually over 30 years or more) trend of weather in a particular region.
<b>Mitigation</b>	Implementing programs and projects that help reduce carbon emissions from a particular activity.

## METHODOLOGY



Conversation Caravan, together with Knox City Council undertook a comprehensive engagement program to meet project objectives. This included a place-based approach in the various wards, online tools, workshops and targeted conversations with Council's advisory committees.

A community engagement and communications plan was prepared to document the agreed scope of the project, the project stakeholders and the key tasks of the information gathering stage (social research and community engagement).

Due to the impacts of COVID-19 and state-wide lockdowns that were implemented during the engagement period, not all planned activities were able to go ahead as scheduled. As such, timelines were extended and methodologies adapted to suit the State Government physical distancing requirements and to ensure maximum community participation.

The engagement program ran from May to July 2021 and the Draft Knox Climate Response Plan was used to form the basis of this engagement program.

### Engagement Activities

Table 1 lists the community engagement activities conducted by Conversation Caravan and Council, the findings of which have all been included in this report. Table 2 shows engagement activities conducted by Council alone that have not been incorporated into this report.

**Table 1: Community engagement activities, findings included in this report**

Activity	Purpose
CRP Consultant Summary	Provide community with an accessible snapshot of the Draft CRP
Community pop-up	Engage community using a place-based approach
Community/	Receive targeted feedback general community
Project display/ installation	Engage community using a place-based approach during lockdown periods
Online workshop	Engage community members in conversations during the lockdown period
Online activities, Quick Polls	Provide community with an easy and quick way to engage in the project

**Table 2: Community engagement activities, findings NOT included in this report**

Activity	Purpose
Business/industry survey	Engage business and industry in the project to identify their needs and aspirations
Focused conversations	Engage sections of the community who might not otherwise engage with the project
Council staff engagement	Obtain feedback from Knox City Council staff

### Engagement Questions

Engagement questions focused on the six themes that emanated from the Draft Climate Response Plan:



Questions probed participants on what actions could be taken to mitigate the impacts of climate change as well as what actions could be taken by Council, community and businesses to adapt to a changing climate. A full list of questions that were asked in the online survey and replicated at pop-up events are included in the extended engagement report. Further observational questions were asked of participants around the perceived effects of climate change.

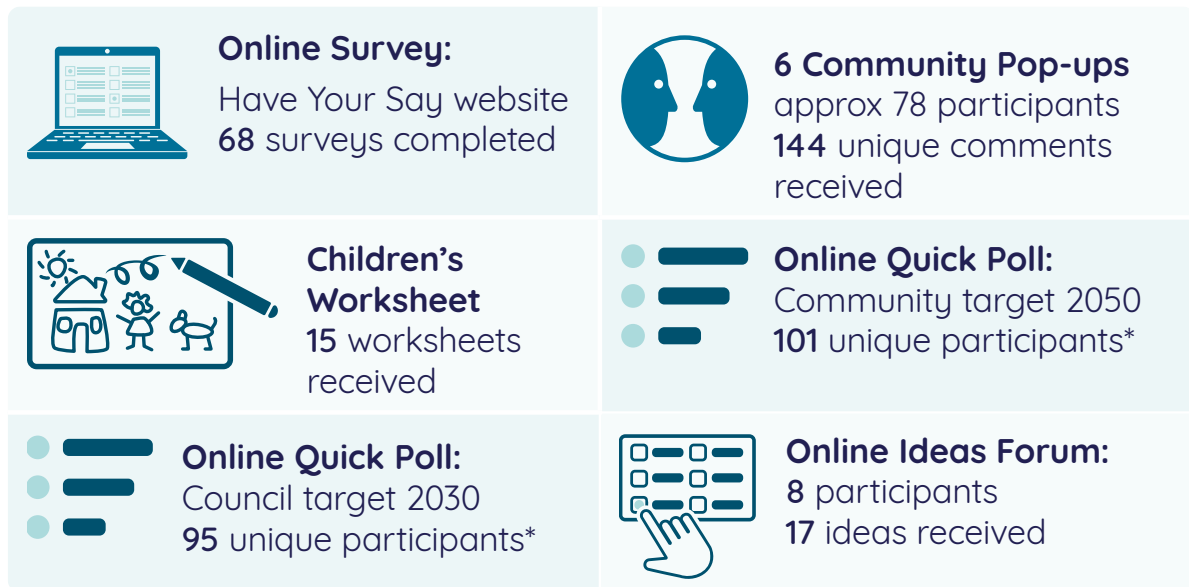


# COMMUNITY PARTICIPATION



A total of 3,199 comments and votes were received in engagement activities for this project. Figure 1 shows the breakdown of participation and reach across the engagement activities. We can conservatively estimate that 374 people participated in engagement activities across the engagement. There are no means of tracking duplication in participation, for instance, where someone might have attended a pop-up and then also completed an online survey.

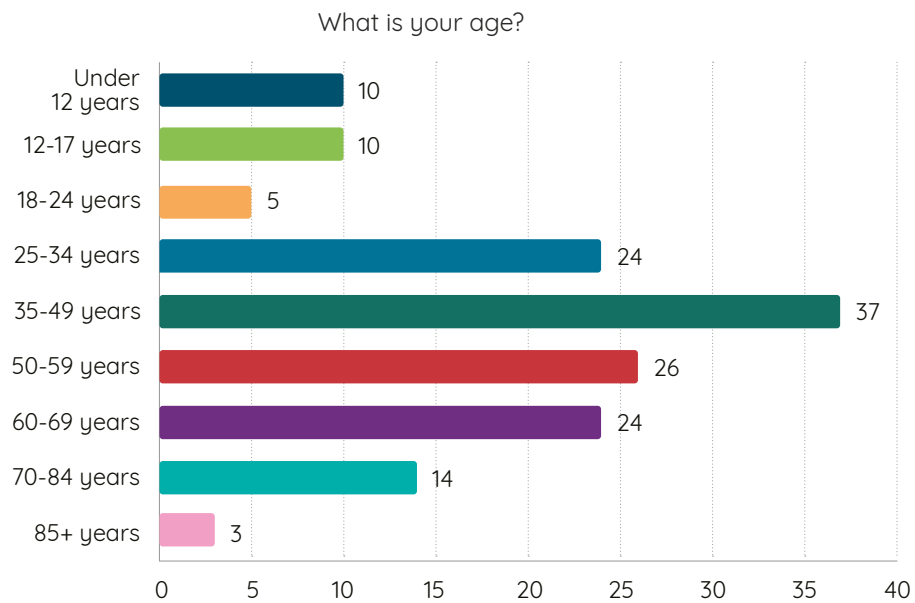
Figure 1: Participation and reach across the engagement program



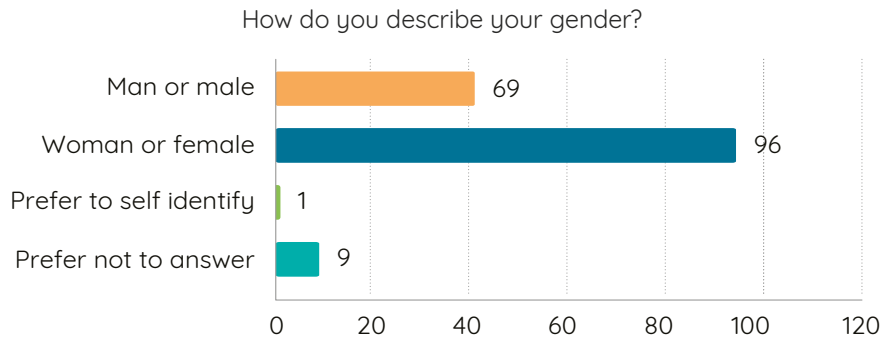
\*101 unique participants voted a total of 168 times.  
\*\* 95 unique participants voted a total of 159 times.

Limited demographic data was able to be collected at the face-to-face pop-ups, mainly due to time constraints of participants. Overall, the demographic characteristics of the participants can be described as mostly aged 35-49 years, more females than males, mostly living in families with children living at home and mostly resident ratepayers. Figures 2 and 3 show the distribution of age groups and gender where known from engagement activities.

**Figure 2: Age profile of participants**

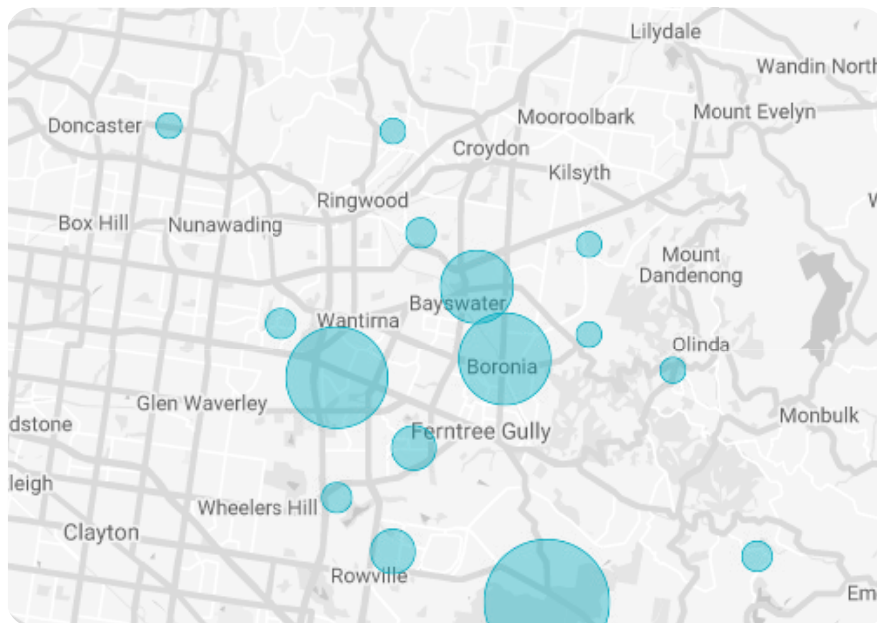


**Figure 3: Gender profile of participants**



Most participants who completed the online survey or provided feedback at the pop-up events provided their residential postcode (90 of the 146 participants). The majority of these 90 participants (79 or 88%) nominated a postcode located in the Knox local government area. It should be noted that some postcode areas cross local government area boundaries. Other survey respondents lived in Manningham, Maroondah, Whitehorse and Yarra Ranges local government areas.

**Figure 4: Proportional circle map of participants' residential location**



## KEY FINDINGS



Key findings have been grouped into the following:

- Community support for emission targets
- Community observations of climate change and its impacts
- Actions that can be taken to tackle climate change

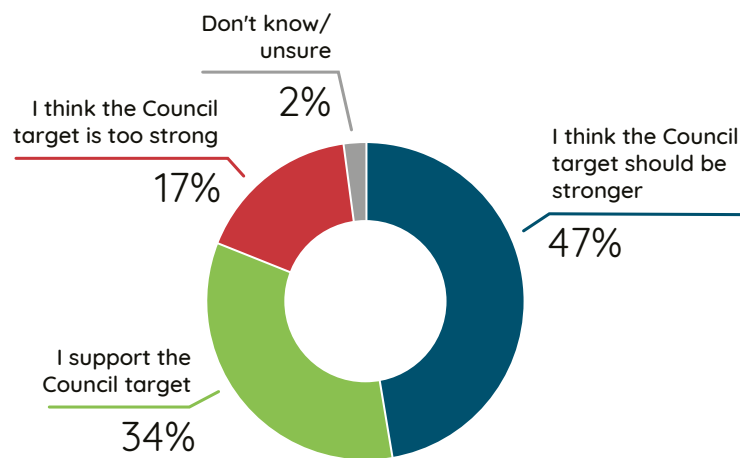
### Community Support for Emission Targets

#### Level of support for proposed Council target of net zero emissions by 2030

Participants were asked to indicate their level of support for the proposed Council target of net zero emissions by 2030. Across the community pop-ups and Knox Have Your Say webpage engagements, 47% (45 votes) of respondents believed the Council target should be stronger, 17% (16 votes) believed the Council target was too strong, while 34% (32 votes) supported the Council target of achieving zero emissions by 2030. A further 2% of voters were unsure.

**Figure 5: Level of support for proposed Council target of net zero emissions by 2030**

Please indicate your level of support for proposed Council target of net zero emissions by 2030



*“Have to act sooner”*

- Participant at Knox City Shopping Centre

*“Absolute emergency”*

- Participant at Rowville Community Centre

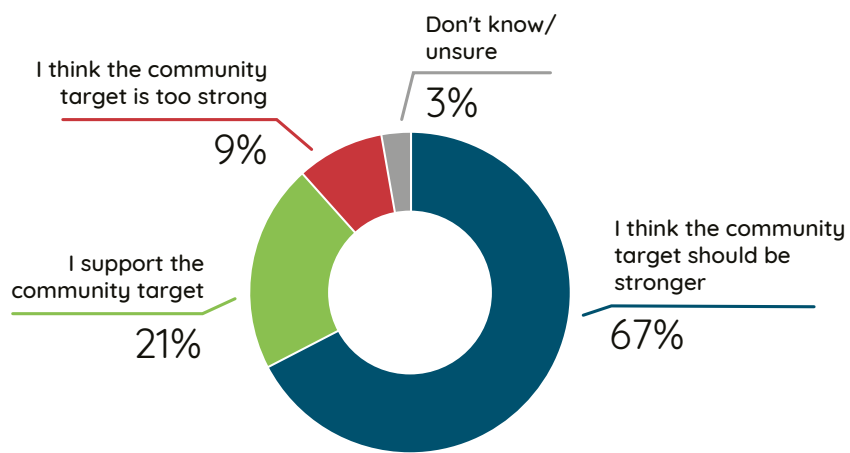


**Level of support for proposed community target of net zero emissions by 2050**

Of the 181 unique individuals that voted on the community target at pop-ups and online, 67% (122 people) said the community target should be stronger, 21% (38 people) supported the community target, 9% (16 people) said the target was too strong and 3% (5 people) were unsure.

**Figure 6: Level of support for proposed community target of net zero emissions by 2050**

Please indicate your level of support for proposed community target of net zero emissions by 2050



*“It’s realistic, you can’t change overnight”*  
 - Participant at Knox City Shopping Centre

*“Needs to be earlier than that, before 2050. Should be inline with council’s target of 2030”*  
 - Participant at Wantirna Farmer’s Market

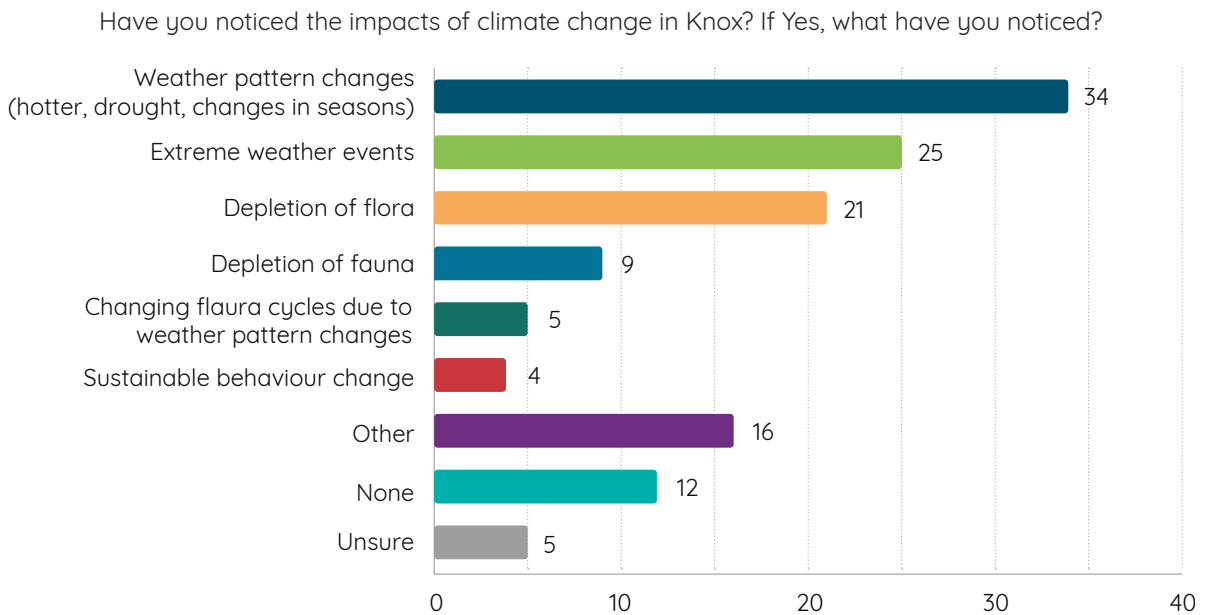


### Community Observations of Climate Change and its Impacts

#### Impacts of climate change in Knox

Community members at both the pop-up events and via the online survey were asked ‘Have you noticed the impacts of climate change in Knox? If Yes, what have you noticed?’ There were 68 responses to this observational question. Most participants had noticed the impacts (51 participants, 75.0%) whilst 12 participants (17.6%) had not noticed the impacts and 5 (7.4%) were unsure.

**Figure 7: Number of comments received to each observed impact of climate change in Knox**



Number of participants = 68. Multiple issues were mentioned by each participant.

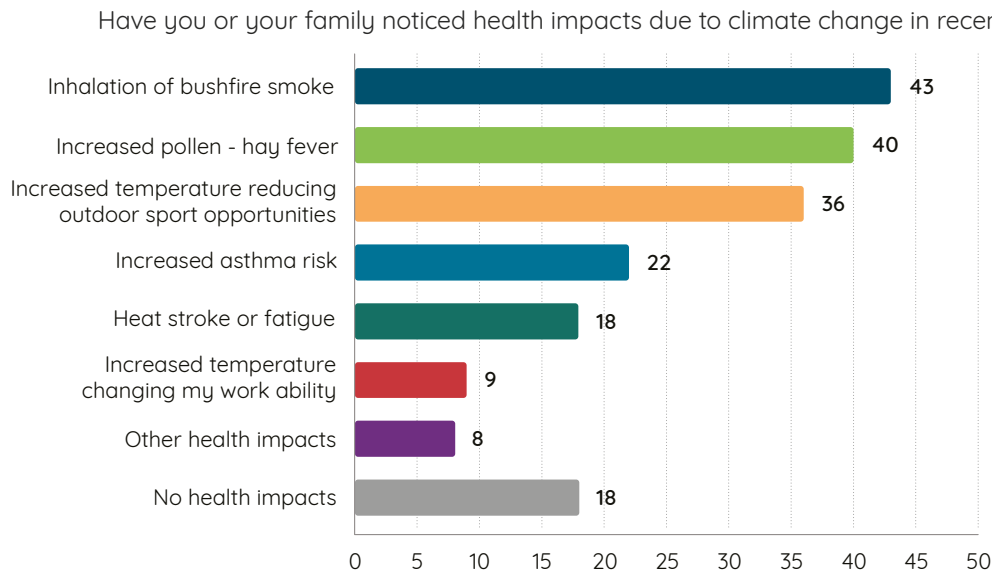


### Health Impacts due to climate change

Participants at the pop-ups and survey respondents were asked about any health impacts noticed (due to climate change) in recent years. A list of possible health impacts were listed and there were 194 comments provided by 96 participants.

Most participants (81.2%) noticed one or more health impacts due to climate change, and just under one in five participants (18.8%) did not notice any health impacts due to climate change.

**Figure 8: Number of comments received to each observed health impact due to climate change**

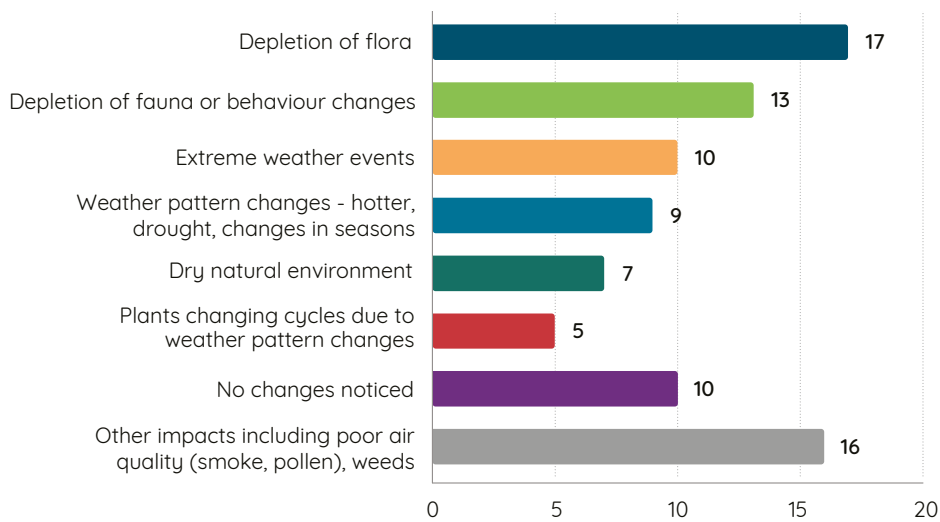


### Changes in the local (natural) environment due to climate change

Participants were asked what local environmental changes they had noticed. There were 60 responses to this observational question. Most participants had noticed changes in the local environment (50 participants, 83.3%) whilst 10 participants (16.6%) had not noticed changes.

**Figure 9: Number of comments received to each observed change in the local environment**

Have you noticed changes in your local environment due to climate change?



Number of participants = 60. Multiple issues were mentioned by each participant.



### Actions that can be taken to tackle climate change

Feedback on actions that can be taken to tackle climate change in this report have been arranged by:

- actions **community or individuals** can take to mitigate and adapt to climate change
- actions **Council** can take to mitigate and adapt to climate change
- actions **businesses or industry** can take to mitigate and adapt to climate change.

Key actions that have been identified by the community have been outlined in Tables 3, 4 and 5, and are categorised by the owner of the action (community, business or Council).

**Table 3: Key community actions identified**

Community Actions (838 mentions)	
Adaptation measures	<ul style="list-style-type: none"> <li>• Grow own food</li> <li>• Use non-potable water to water gardens</li> <li>• Install water tanks</li> <li>• Plant native and drought tolerant trees.</li> </ul>
Mitigation measures	<ul style="list-style-type: none"> <li>• Upgrade energy efficiency of housing</li> <li>• Keep established trees</li> <li>• Use a car or bike share program</li> <li>• Use public transport more often</li> <li>• Use renewable energy.</li> </ul>

**Table 4: Key business actions identified**

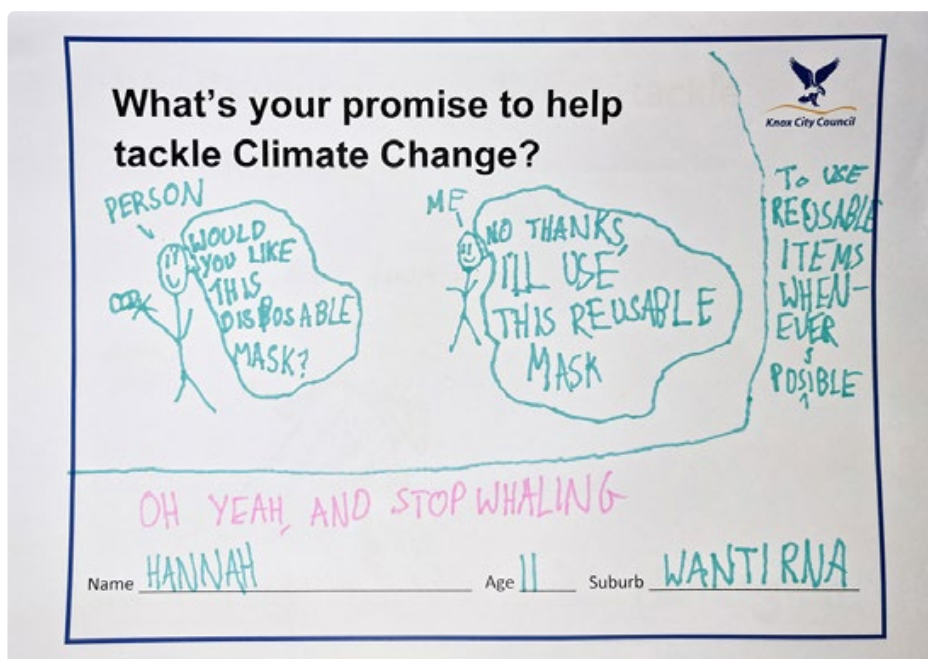
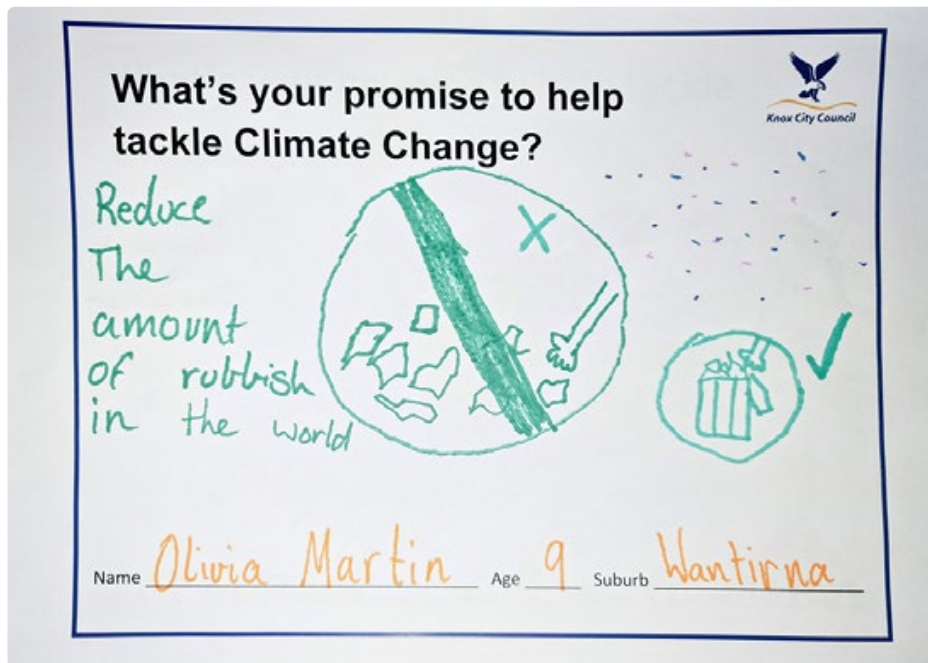
Business Actions (449 mentions)	
Adaptation measures	<ul style="list-style-type: none"> <li>• Use non-potable water where possible.</li> </ul>
Mitigation measures	<ul style="list-style-type: none"> <li>• Minimise landfill and dispose of waste responsibly</li> <li>• Change menus to match seasonal produce</li> <li>• Source local products.</li> </ul>

Table 5: Key Council actions identified

Council Actions (736 mentions)	
Adaptation measures	<ul style="list-style-type: none"> <li>• Increase planting and support local food production</li> <li>• Implement health promotion programs.</li> <li>• Provide education programs on: <ul style="list-style-type: none"> <li>◦ climate sensitive planting</li> <li>◦ adapting to the impacts of climate change</li> </ul> </li> <li>• minimising the risk of fire and impacts of smoke inhalation.</li> <li>• Protect the flora and fauna in Knox</li> <li>• Advocate to State and Federal Governments for meaningful changes and improved climate response leadership.</li> </ul>
Mitigation measures	<ul style="list-style-type: none"> <li>• Make sustainable transport options more accessible and appealing, including:</li> <li>• Make sustainable transport options more accessible and appealing, including: <ul style="list-style-type: none"> <li>◦ enhancing cycle and walking paths</li> <li>◦ providing better links between transport modes</li> <li>◦ advocating for more public transport to the region.</li> </ul> </li> <li>• Incentivise, subsidise and reward community and businesses for: <ul style="list-style-type: none"> <li>◦ renewable energy usage</li> <li>◦ efficient homes and buildings</li> <li>◦ individuals and businesses doing the right thing</li> <li>◦ efficient waste disposal.</li> </ul> </li> <li>• Work with developers to: <ul style="list-style-type: none"> <li>◦ retain trees, parks and green areas</li> <li>◦ ensure new builds use sustainable materials and are energy efficient.</li> </ul> </li> <li>• Advocate to State and Federal Governments for legislative changes that support more sustainable community outcomes.</li> <li>• Provide education to residents and businesses on: <ul style="list-style-type: none"> <li>◦ retrofitting homes and buildings</li> <li>◦ available subsidies and accessing renewable energy</li> <li>◦ responsible waste disposal</li> <li>◦ benefits of minimising emissions.</li> </ul> </li> <li>• Install charging points for electric vehicles.</li> <li>• Divert waste from landfill and find better ways to recycle.</li> <li>• Implement and advocate for changes to legislation for more sustainable new builds that support lower emissions.</li> <li>• Explore options to facilitate bulk purchasing of renewable energy for residents and businesses.</li> </ul>



Figure 11: Examples of children participants' pledge to tackle climate change





## RECOMMENDATIONS



Given the high level of community support, Conversation Caravan recommends the Draft Climate Response Plan is considered for endorsement by Council.

Based on the consultation findings outlined in this report, Conversation Caravan makes the following recommendations to the ongoing process and implementation of this project for consideration by the project team:

### Process recommendations:

- Council collates findings from the other engagement methodologies undertaken by Council independently of Conversation Caravan with those in this report, to ensure that the needs of specific stakeholders are accounted for, including businesses, Council staff and communities particularly vulnerable to the impacts of climate change.
- Council reports back to the participants of the engagement program and broader community on the outcomes of this project and measures that Council will take as a result of community feedback received. A new requirement of the Local Government Act 2020 requires councils to share the information that has been collected and inform the community as to how this will shape thinking.
- Council makes this community engagement report or a summary of this report publicly available, to feed back to participants the results of this process, next steps and the likely implementation timeframes.
- Council identifies a way to keep the community informed and updated on its progress and the community informed and updated on its progress and the community's progress towards the community target.



**Project recommendations:**

- Council considers strengthening the community target of zero emissions and setting the target to be reached significantly sooner than 2050.
- Council focuses on developing an implementation plan for the Climate Response Plan that incorporates community suggestions received during the engagement period, as included in the Executive Summary of this Community Engagement Report.
- Council explores the following community ideas that are not currently included in the Draft Climate Response Plan:
  - a. Providing education programs on:
    - climate sensitive planting
    - adapting to the impacts of climate change
    - minimising the risk of fire and impacts of smoke inhalation
    - retrofitting homes and buildings to ensure high performance
    - available subsidies and accessing renewable energy
    - responsible waste disposal
    - benefits of minimising emissions.
  - b. Making sustainable transport options more accessible and appealing, including:
    - enhancing cycle and walking paths
    - providing better links between transport modes
    - advocating for more efficient public transport to the region.
  - c. Exploring options to better manage waste and divert waste from landfill.
  - d. Extend the solar purchasing scheme to property owners/investors.
- Council continues to raise awareness of the services and incentives available to mitigate and reduce impacts of climate change. Through the consultation it was noticed that most participants were unaware of the support currently available, and suggested improvements that Council was already delivering.

**SIXTH ASSESSMENT REPORT**

Working Group I – The Physical Science Basis



## Headline Statements from the Summary for Policymakers

9 August 2021 (subject to final copy-editing)

### A. The Current State of the Climate

- A.1** It is unequivocal that human influence has warmed the atmosphere, ocean and land. Widespread and rapid changes in the atmosphere, ocean, cryosphere and biosphere have occurred.
- A.2** The scale of recent changes across the climate system as a whole and the present state of many aspects of the climate system are unprecedented over many centuries to many thousands of years.
- A.3** Human-induced climate change is already affecting many weather and climate extremes in every region across the globe. Evidence of observed changes in extremes such as heatwaves, heavy precipitation, droughts, and tropical cyclones, and, in particular, their attribution to human influence, has strengthened since the Fifth Assessment Report (AR5).
- A.4** Improved knowledge of climate processes, paleoclimate evidence and the response of the climate system to increasing radiative forcing gives a best estimate of equilibrium climate sensitivity of 3°C, with a narrower range compared to AR5.

### B. Possible Climate Futures

- B.1** Global surface temperature will continue to increase until at least the mid-century under all emissions scenarios considered. Global warming of 1.5°C and 2°C will be exceeded during the 21st century unless deep reductions in carbon dioxide (CO<sub>2</sub>) and other greenhouse gas emissions occur in the coming decades.
- B.2** Many changes in the climate system become larger in direct relation to increasing global warming. They include increases in the frequency and intensity of hot extremes, marine heatwaves, and heavy precipitation, agricultural and ecological droughts in some regions, and proportion of intense tropical cyclones, as well as reductions in Arctic sea ice, snow cover and permafrost.
- B.3** Continued global warming is projected to further intensify the global water cycle, including its variability, global monsoon precipitation and the severity of wet and dry events.
- B.4** Under scenarios with increasing CO<sub>2</sub> emissions, the ocean and land carbon sinks are projected to be less effective at slowing the accumulation of CO<sub>2</sub> in the atmosphere.
- B.5** Many changes due to past and future greenhouse gas emissions are irreversible for centuries to millennia, especially changes in the ocean, ice sheets and global sea level.

## SIXTH ASSESSMENT REPORT

Working Group I – The Physical Science Basis



### C. Climate Information for Risk Assessment and Regional Adaptation

- C.1** Natural drivers and internal variability will modulate human-caused changes, especially at regional scales and in the near term, with little effect on centennial global warming. These modulations are important to consider in planning for the full range of possible changes.
- C.2** With further global warming, every region is projected to increasingly experience concurrent and multiple changes in climatic impact-drivers. Changes in several climatic impact-drivers would be more widespread at 2°C compared to 1.5°C global warming and even more widespread and/or pronounced for higher warming levels.
- C.3** Low-likelihood outcomes, such as ice sheet collapse, abrupt ocean circulation changes, some compound extreme events and warming substantially larger than the assessed *very likely* range of future warming cannot be ruled out and are part of risk assessment.

### D. Limiting Future Climate Change

- D.1** From a physical science perspective, limiting human-induced global warming to a specific level requires limiting cumulative CO<sub>2</sub> emissions, reaching at least net zero CO<sub>2</sub> emissions, along with strong reductions in other greenhouse gas emissions. Strong, rapid and sustained reductions in CH<sub>4</sub> emissions would also limit the warming effect resulting from declining aerosol pollution and would improve air quality.
- D.2** Scenarios with low or very low greenhouse gas (GHG) emissions (SSP1-1.9 and SSP1-2.6) lead within years to discernible effects on greenhouse gas and aerosol concentrations, and air quality, relative to high and very high GHG emissions scenarios (SSP3-7.0 or SSP5-8.5). Under these contrasting scenarios, discernible differences in trends of global surface temperature would begin to emerge from natural variability within around 20 years, and over longer time periods for many other climatic impact-drivers (*high confidence*).

## 6.4 Audit and Risk Committee - Chairperson's Report

**SUMMARY: Manager Governance, Phil McQue**

**This report presents the Audit and Risk Committee Chairperson's Report for September 2020 to August 2021, in accordance with the Committee Terms of Reference.**

### **RECOMMENDATION**

**That Council receive and note the Audit and Risk Committee Chairperson's Report for September 2020 to August 2021, shown at Attachment 1.**

#### **1. INTRODUCTION**

The Audit and Risk Committee (Committee) is a Committee established in accordance with section 53 and 54 of the Local Government Act 2020 (LGA 2020). Under the Charter, the Chairperson of the Committee is to formally report on the operations of the Committee to the Council twice annually.

This report also meets the reporting requirements to Council as mandated by the LGA pursuant to Section 54(5) and importantly provides Council with a summary of the matters that the Committee has addressed in the reporting period in discharging its responsibilities under its Charter.

#### **2. DISCUSSION**

The Audit and Risk Committee Chairperson's Report for September 2020 to August 2021 was presented and endorsed at the Committee meeting held on 26 August 2021.

The Committee Chairperson, Ms Lisa Tripodi, has been invited to present the report to Council at its September 2021 meeting.

#### **3. CONSULTATION**

The Report has been prepared in consultation with the Committee Chairperson and the report was endorsed by the Audit and Risk Committee at its August meeting.

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

Nil.

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

Nil.

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

Nil.

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

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

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

## **8. CONFLICT OF INTEREST**

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

## **9. CONCLUSION**

It is recommended that Council receive the Audit and Risk Committee Chairperson's Report for September 2020 to August 2021.

## **10. CONFIDENTIALITY**

There is no content in this report that meets the definition of confidential information from the Local Government Act 2020.

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

**Report Authorised By:       Director City Strategy and Integrity, Matt Kelleher**

### **Attachments**

1.   ARC Chairperson August 21 Report [6.4.1 - 7 pages]



Knox City Council  
Audit and Risk Committee  
September 2020 - August 2021

**Chairperson Report: Knox City Council Audit and Risk Committee****1. Background and Purpose of this Report**

The Audit and Risk Committee (the Committee) is a Committee established in accordance with section 53 and 54 of the Local Government Act 2020 (LGA). Under the Charter, the Chairperson of the Committee is to formally report on the operations of the Committee to the Council twice annually.

This report meets the reporting requirements to Council as mandated by the LGA pursuant to section 54(5) and importantly provides Council with a summary of the matters that the Committee has addressed in the reporting period in discharging its responsibilities under its Charter. It is the first such report under the new LGA. The Committee's Charter is set by the Council and was last revised and approved by Council on 25 August 2020, following the necessary changes required by the new LGA.

**2. Period of Reporting**

This report covers the Committee activity from 1 September 2020 to 31 August 2021. In that period the Committee has met on four occasions: 17 December 2020; 18 March 2021, 3 June 2021 and 26 August 2021

**3. Committee Membership and Meetings**

The composition of the Committee in accordance with its Charter is three independent members and two Council representatives. Councillor members are appointed by Council annually, for a 12-month term, which may be renewed subject to Council resolution. Independent members are appointed by Council for a three-year term following an external selection process.

The Chief Executive Officer and Senior Management representatives attended meetings of the Committee, by invitation, to assist in meeting discussions and procedures. Representatives from the internal and external auditors also attend to present on matters related to internal and external audit activities.

The following table provides details of the Committee members and meeting attendance during the reporting period.



**Chairperson Report: Knox City Council Audit and Risk Committee****Table 1: Membership, meeting dates and attendance***X in attendance*

Attendee	Role	17/12/20	18/03/21	3/06/21	26/08/21
Ms. Lisa Tripodi	Independent	X	X	X	X
Mr. Homi Burjorjee	Independent	X	X	X	X
Mr. Geoff Harry	Independent	X	X	X	X
Cr Lisa Cooper	Council	X	X	X	X
Cr Darren Pearce	Council	X	X	X	X



The Committee's Charter is used to develop an Annual Work Plan which guides the agenda and activities at each meeting during the year. The Committee can confirm that all Committee obligations required under the Charter were addressed during the reporting period.

#### 4. Key Activities during the Reporting Period

##### 4.1 Chief Executive Officer Report

The Committee received quarterly updates from the Chief Executive Officer on matters including Council's COVID-19 response and community packages, business support and grants, Councillor induction, Local Government Act 2020 implementation, organisational restructure, people and culture matters and statutory compliance.

The Committee was briefed on a report by VAGO on a wide-ranging survey it undertook across the whole local government sector on sexual harassment. The Committee was also provided survey results for Knox City Council and a response to the 11 recommendations raised in VAGO's Report. The Committee will receive a further report on the progress of implementation of the recommendations.

The Committee requested further information on the increase in Council's Workers Compensation claims including details on all WorkCover claims, payouts and out of pocket costs to Council. The Committee noted the extent of psychological claims made and that Council had increased mental health support since the COVID-19 pandemic began. Council is reviewing its early intervention and prevention training programs to minimise future risks in the workplace.

**Chairperson Report: Knox City Council Audit and Risk Committee****4.2 Internal Audit**

The Strategic Internal Audit Plan (SIAP) for the period 2021-2023 was reviewed and endorsed at the 17 December 2020 Committee meeting. Progress against the adopted SIAP was monitored and reviewed at each meeting. The internal audit service provider (Crowe) continued the practice of presenting the scope for each internal audit to the Committee for discussion before their execution in order to ensure that the focus remained aligned to the risk profile of the organisation and the requirements of the Committee.

In accordance with the SIAP, the following Internal Audits were presented during the period:

- Emergency Management      December 2020
- Volunteer Management      March 2021
- Road Management Plan      June 2021
- Corporate Governance      August 2021

Recommendations contained within the reports were accepted by Management for implementation.

The Committee endorsed the following Memorandum of Audit Plans for Internal Audits to be completed during 2021:

- COVID 19 Relief Packages
- Human Resource Management
- Corporate Governance
- Payroll
- Long Term Financial Plan

**Actions from Completed Internal Audits**

Addressing outstanding Internal Audit Actions from previous Internal Audit Reviews was a prime focus of the Committee. A revised reporting format provided the Committee with greater oversight on the progress of these Internal Audit Actions, with a number being delayed due to the diversion of human resources to the pandemic response.

The Committee notes that Executive Management has implemented a process to consider these outstanding Internal Audit Action items on a monthly basis, with a view to prioritising completion of these Internal Audit Actions.

At the beginning of the reporting period there were 69 Internal Audit Actions open. Since then, 52 new Internal Audit Actions were added and 54 Internal Audit Actions were closed. As at the 26 August 2021 meeting, 54 Internal Audit Actions remain open, with many requiring revised completion dates.

**Chairperson Report:** Knox City Council Audit and Risk Committee

### 4.3 External Audit

The External Auditors attended the June 2021 Meeting to discuss the External Audit Strategy and Interim Management Letter for the financial year ended 30 June 2021.

The Committee did express disappointment for not providing the Audit Strategy to the Committee meeting in March 2021 and has requested that it be presented to the Committee in March 2022, to allow for due consideration and review.

At the August 2021 meeting the Committee considered the External Auditors Closing Report and Management Letter and received a briefing from the External Auditors on the audit outcomes during the meeting, noting that there were no significant issues raised. The Committee also met privately with the Internal and External Auditors.

The Committee considered and received the draft 2020-21 Annual Financial Report and 2020-21 Annual Performance Statement and resolved to recommend to Council that the unaudited reports be received and approved in principle, with any material changes to be consulted with the Committee prior to such changes being made.

### 4.4 Risk Management

During the year, the Committee noted the Quarterly Risk Management updates and noted reports on Strategic Risk Management, Strategic and Operational Risk Profiles, Insurance including Work Cover, Incident and Injury Reporting, Occupational Health and Safety. The Committee requested a Climate Change Risk Assessment update, subsequently provided to the Committee in March 2021.

### 4.5 Governance and Compliance Reports

Informing areas of focus by the Committee are reports and publications from other jurisdictions and external bodies including VAGO, Ombudsman Victoria, the Local Government Inspectorate and IBAC.

The Committee received and considered:

- Curious Eyes Report (*Industry Governance Report with Management commentary provided in response to various issues*).
- Governance Compliance Monitoring Report (*detailing ongoing compliance with relevant legislation*). *No significant matters noted*.
- Councillor Expenses (*as required by the Local Government Act 2020*).
- Quarterly Compliance Report (*No significant breaches noted*).
- Local Government Act 2020 Governing Principles.



**Chairperson Report:** Knox City Council Audit and Risk Committee



#### **4.6 Financial and ICT Reporting**

In addition, the Committee received and considered:

- Digital Transformation Project Presentation *(requested by the Committee)*
- ICT Governance Committee Minutes
- ICT Portfolio Bi-Annual Report *(requested by the Committee)*
- Quarterly Financial Performance Report
- Australian Accounting Standards Update
- Accounting Policies, Judgements, Estimates and Assumptions
- Loan Borrowing Policy
- Sale of Land and Building Policy
- Payment Assistance Policy
- Ombudsman Financial Hardship Report *(requested by the Committee)*

#### **4.7 Fraud Prevention systems and controls**

There were no material matters of fraud and corruption reported to the Committee during the reporting period.

### **5. Reporting to Council**

The Committee reports formally to Council at least twice per annum. Minutes of Committee meetings are provided to Council as soon as practical after each meeting.

An Annual Assessment was undertaken with all Committee members during July and August 2021. The assessment considered the Committee's activities and performance pertaining to governance, compliance, reporting, internal audits, external audit, financial reporting, and risk management. A number of opportunities for improvement were identified by members which will become the focus for management in the second half of 2021-22.

**Chairperson Report: Knox City Council Audit and Risk Committee****6. Conclusion**

The Committee benefits from the combined knowledge of Councillor and independent members during meetings. As Chairperson, I would like to acknowledge the contribution of all members who perform their responsibilities with diligence and professionalism. I also acknowledge the contribution of our audit representatives from VAGO and Crowe.

I would like to record my appreciation of the work undertaken by staff in supporting the Committee, particularly regular attendees and presenters at Committee meetings. The Committee enjoys a strong working relationship with Council.

**Lisa Tripodi**

**Chair on behalf of the Audit and Risk Committee  
31 August 2021**



## 6.5 Proposed 2022 Council and Committee Meeting Schedule

**SUMMARY: Senior Administration Officer, Joanne Ellis**

**This report outlines the proposed Council and Delegated Committee meeting schedule for the 2022 calendar year.**

**It also proposes minor updates to the Meeting Structures and Cycle Policy on which the schedule is based, consequential upon the implementation of the Local Government Act 2020.**

### **RECOMMENDATION**

**That Council:**

- 1. Approve the 2022 Council and Committee meeting schedule as per Attachment 1; and**
- 2. Adopt the revised Meeting Structures and Cycle Policy in accordance with Attachment 2.**

### **1. INTRODUCTION**

Following commencement of the Local Government Act 2020 (LGA) and in concert with the setting of the 2022 meeting schedule, it is timely to consider revisions to the Meeting Structures and Cycle Policy.

The schedule for meetings in 2022 has been prepared based on the following traditional cycle below, with some variations accommodated as outlined further in this report.

**Second Monday of the month                      Strategic Planning Committee (SPC) Meeting (7pm start)**

**Fourth Monday of the month                      Council Meeting (7pm start)**

Additional meetings may be scheduled throughout the year as and when required, and dates may be amended in accordance with Chapter 2, Part C of Council's Governance Rules. Where there are five Mondays in a given month, the 5<sup>th</sup> Monday would usually be the preferred date to schedule additional meetings if required and this is acknowledged on the schedule.

### **2. DISCUSSION**

#### Draft Meeting Structures and Cycle Policy

New definitions in the LGA and the introduction of Governance Rules to regulate meeting procedure are the key drivers of amendments to the Policy, which do not materially impact its operation.

Changes are set out using Track Changes in Attachment 1 to the officers' report and reflect:

- A change in terminology from "Ordinary Council Meeting", "Special Council Meeting" and "Statutory Meeting" to the single definition of "Council Meeting" in the LGA.
  - A change in terminology from "Special Committee" to a new definition of "Delegated Committee" in the LGA.
  - The introduction of Governance Rules, documenting the procedural rules for meetings.
  - A new definition of "confidential Information" in the LGA necessitating a change to reflect Issues Briefings are conducted with an "expectation" of confidentiality, as papers and
-

discussions may not in every case, meet the strict definition of confidential information in the Act.

- Grammatical and typographical corrections.

#### Proposed Meeting Schedule 2022

The proposed schedule for 2022 is included at Attachment 1. Following Councillor requests for meeting free weeks during school holidays, this has been accommodated in the proposed 2022 meeting schedule.

Departures from the cycle set out in the Meeting Structures and Cycle Policy are as follows:

- In January, it is customary to commence the year with a Council meeting, and the meeting has been scheduled for Monday 31 January.
- In March, the SPC meeting is scheduled for Tuesday to accommodate the Labour Day holiday.
- In April:
  - the second week of the school holidays (inclusive of Easter Monday) is meeting free.
  - the Council Meeting is scheduled for Tuesday, to accommodate Anzac Day.
- In June:
  - the SPC Meeting is scheduled for Tuesday, to accommodate the Queen's Birthday holiday.
  - the week commencing 20 June 2020 is meeting free, as a number of Councillors customarily attending the ALGA National General Assembly (scheduled for Sunday 19 to Wednesday 22 June 2022).
- In July, the second week of the school holidays is meeting free.
- In August, the Council meeting will be on the 5<sup>th</sup> Monday to accommodate the Annual Financial Reporting timeline.
- In September, the first week of the school holidays is meeting free.
- In November, the SPC is scheduled for the first Monday of the month, being 7 November 2022. As there are five Mondays in October, this results in the SPC occurring two weeks after the October Council Meeting and accommodates a meeting for the Election of the Mayor and Deputy Mayor (and Committee appointments) the following Monday, 14 November 2022.
- In December, the Council meeting is scheduled to commence at 5pm, on the third Monday of the month, being 19 December 2022.

### **3. CONSULTATION**

Councillors and the Executive Management Team have been consulted in the preparation of the 2022 meeting schedule.

Once adopted by Council, the schedule will be communicated to the community via Council's website.

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

Nil.

**5. FINANCIAL & ECONOMIC IMPLICATIONS**

Nil.

**6. SOCIAL IMPLICATIONS**

Nil

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

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

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

**8. CONFLICT OF INTEREST**

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

**9. CONCLUSION**

Revisions to the Meeting Structures and Cycle Policy are considered appropriate to reflect the custom and practice of Knox City Council and the new Local Government Act 2020.

The proposed 2022 Council and Committee meeting schedule is consistent with the principles in Meeting Structures and Cycle Policy and is an essential part of planning the workload of Council's decision-making forums.

The Governance Principles of Section 9 of the LGA have been considered in the amendment of the Meeting Structures and Cycle Policy and preparation of the proposed 2022 meeting schedule

**10. CONFIDENTIALITY**

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

**Report Prepared By: Senior Administration Officer, Joanne Ellis**

**Coordinator Governance, Andrew Dowling**

**Report Authorised By: Director City Strategy and Integrity, Matt Kelleher**

**Attachments**

1. Attachment 1 - Proposed 2022 Council and Committee Meeting Dates [6.5.1 - 2 pages]
2. Attachment 2 - Revised Policy Meeting Structures and Cycle Policy [6.5.2 - 5 pages]



### Proposed Council and Committee Meeting Schedule for 2022

Day	Date	Time	Meeting
<b>JANUARY</b>			
Wednesday	26 January 2022	Australia Day	
Monday	31 January 2022	7.00pm	Council Meeting
<b>FEBRUARY</b>			
Monday	14 February 2022	7.00pm	Strategic Planning Committee
Monday	28 February 2022	7.00pm	Council Meeting
<b>MARCH</b>			
Monday	14 March 2022	Labour Day	
Tuesday	15 March 2022	7.00pm	Strategic Planning Committee
Monday	28 March 2022	7.00pm	Council Meeting
<b>APRIL</b>			
Monday	11 April 2022	7.00pm	Strategic Planning Committee
Friday	15 April 2022	Good Friday	
Monday	18 April 2022	Easter Monday	
	18 – 22 April 2022	MEETING FREE WEEK	
Monday	25 April 2022	Anzac Day	
Tuesday	26 April 2022	7.00pm	Council Meeting
<b>MAY</b>			
Monday	9 May 2022	7.00pm	Strategic Planning Committee
Monday	23 May 2022	7.00pm	Council Meeting
Monday	30 May 2022	5 <sup>th</sup> Monday - Meeting Free Unless Required	
<b>JUNE</b>			
Monday	13 June 2022	Queen's Birthday	
Tuesday	14 June 2022	7.00pm	Strategic Planning Committee
	20-24 June 2022	MEETING FREE WEEK (ALGA NGA)	
Monday	27 June 2022	7.00pm	Council Meeting

JULY			
4 - 8 July 2022		MEETING FREE WEEK	
Monday	11 July 2022	7.00pm	Strategic Planning Committee
Monday	25 July 2022	7.00pm	Council Meeting
AUGUST			
Monday	8 August 2022	7.00pm	Strategic Planning Committee
Monday	29 August 2022	7.00pm	Council Meeting
SEPTEMBER			
Monday	12 September 2022	7.00pm	Strategic Planning Committee
19 – 23 September 2022		MEETING FREE WEEK	
Monday	26 September 2022	7.00pm	Council Meeting
OCTOBER			
Monday	10 October 2022	7.00pm	Strategic Planning Committee
Monday	24 October 2022	7.00pm	Council Meeting
Monday	31 October 2022	5 <sup>th</sup> Monday - Meeting Free Unless Required	
NOVEMBER			
Tuesday	1 November 2022	Melbourne Cup Day	
Monday	7 November 2022	6.30pm	Strategic Planning Committee
Monday	14 November 2022	7.00pm	Council Meeting (for the Election of Mayor and Committee Appointments with no public question time)
Monday	28 November 2022	7.00pm	Council Meeting
DECEMBER			
Monday	12 December 2022	7.00pm	Strategic Planning Committee
Monday	19 December 2022	5.00pm	Council Meeting



## Meeting Structures and Cycle

Policy Number:	2003/26	Directorate:	<u>City Strategy and Integrity</u> <del>Corporate Services</del>
Approval by:	Council	Responsible Officer:	Manager Governance <del>and</del> <u>Strategy</u>
Approval Date:	<del>29 April 2019</del> <u>27 September 2021</u>	Version Number:	<u>56</u>
Review Date:	<del>April September</del> <u>20232025</u>		

### 1. PURPOSE

This purpose of this policy is to document the cycle of formal decision making forums and Issues Briefing meetings attended by Councillors

### 2. SCOPE

This Policy relates to Council's decision-making forums:

1. ~~Ordinary~~ Council meetings,
2. Delegated Committee meetings
- ~~2. Special Council meetings,~~
- ~~3. Special Committee meetings~~

and to Issues Briefing meetings.

### 3. REFERENCES

#### 3.1 *Community & Council Plan 2017-2021*

- Goal 8 — We have confidence in decision making

#### 3.2 *Relevant Legislation*

- ~~Meeting Procedure and Use of Common Seal Local Law 2018~~
- Local Government Act 19892020

#### 3.3 *Charter of Human Rights*

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

#### 3.4 *Related Council Policies*

- Governance Rules
- ~~Nil~~



### 3.5 **Related Council Procedures**

- Guidelines for Preparing Council Reports

### 3.6 **Other References**

- Instrument of Delegation to the Strategic Planning Committee as amended from time to time

## 4. DEFINITIONS

<p><del>“Ordinary Council Meeting”</del> <del>(Section 83 LGA)</del></p>	<p><del>a meeting at which the general business of Council may be transacted.</del></p>
<p><del>“Special Council Meeting”</del> <del>(Section 84 LGA)</del></p>	<p><del>a meeting called in accordance with Section 84 of the Local Government Act 1989.</del></p>
<p><del>Special Committee (Section 86 LGA)</del></p>	<p><del>A committee established under Section 86 of the Local Government Act 1989 and which has an instrument of delegation from Council</del></p>
<p><u>Council meeting</u></p>	<p><u>A Council meeting as defined by Section 61 of the LGA and convened according to Council’s Governance Rules.</u></p>
<p><u>Delegated Committee Meeting</u></p>	<p><u>A meeting of a Delegated Committee meeting as defined by Section 63 of the LGA and convened according to Council’s Governance Rules.</u></p>
<p><del>“Issues Briefing”</del></p>	<p>Regular, scheduled meetings for all Councillors held for the purposes as set out in this Policy</p>
<p><del>“EMT”</del></p>	<p>means the Executive Management Team.</p>
<p>LGA</p>	<p>Local Government Act <del>1989</del><u>2020</u></p>
<p><u>Strategic Planning Committee</u></p>	<p><u>A Delegated Committee established by Council under Section 63 of the LGA</u></p>
<p><u>Statutory Meeting</u></p>	<p><del>A Special Council Meeting held for the election of the Mayor, and which may also include (but is not limited to):</del></p> <ul style="list-style-type: none"> <li><del>• The election of a deputy Mayor</del></li> <li><del>• Appointment of Councillors to various Council and external Committees; and</del></li> <li><del>• Taking the Oath of Office</del></li> </ul> <p><del>(Meeting Procedure and Use of Common Seal Local Law 2018)</del></p>



## 5. COUNCIL POLICY

Council will establish a schedule of Council meetings and Delegated Committee meetings annually in accordance with Council's Governance Rules.

Until such time as Council resolves otherwise:

- the schedule shall be prepared on the basis of the following cycle:

First Monday of the month	Issues Briefing Meeting
Second Monday of the month	Strategic Planning Committee Meeting
Third Monday of the month	Issues Briefing Meeting
Fourth Monday of the month	<del>Ordinary Meeting of Council Meeting</del>

with such alterations as Council considers necessary to accommodate public holidays and the other business of Council and Councillors:

- ~~the schedule shall include a Statutory Meeting as close as practicable to the one year anniversary of the previous election of the Mayor~~
- the annual schedule shall include a Council Meeting called in accordance with section 26 of the LGA and Council's Governance Rules for the election of the Mayor, and such meeting may also include (but is not limited to):
  - The election of a deputy Mayor
  - Appointment of Councillors to various Council and external Committees; and
  - Taking the Oath of Office

The form and content of reports to the above meetings shall, subject to any resolution of Council, be determined by the Chief Executive Officer in consultation with Councillors.

### 5.1 ~~Ordinary~~ Council Meetings

~~Ordinary~~ Council Meetings are the pre-eminent decision-making forum of Council and can consider any matter under Council's jurisdiction, by or under any legislation or regulation.

~~Ordinary~~ Council Meetings:

a) Will be scheduled in accordance with Council's Governance Rules as adopted from time to time.

a)b) Will consider such business as determined in accordance with:

- the Local Government Act 19892020; and



- ~~Council's Governance Rules as adopted from time to time.~~
- ~~the Meeting Procedure and Use of Common Seal Local Law 2018~~

~~b)c)~~ Will be conducted in a formal meeting environment and in accordance with:

- the Local Government Act ~~1989~~2020; and
- ~~Council's Governance Rules as adopted from time to time.~~
- ~~the Meeting Procedure and Use of Common Seal Local Law 2018~~

### **5.2 Special Council Meetings**

~~Special Council Meetings have the same powers as Ordinary Council Meetings, however are convened for a specific purpose as specified in the notice calling the meeting and:~~

~~a) Will consider such business as determined in accordance with the notice calling the meeting and:~~

- ~~the Local Government Act 1989; and~~
- ~~the Meeting Procedure and Use of Common Seal Local Law 2018~~

~~b) Will be conducted in a formal meeting environment and in accordance with:~~

- ~~the Local Government Act 1989; and~~
- ~~the Meeting Procedure and Use of Common Seal Local Law 2018~~

### **5.3 Strategic Planning Committee Meetings**

The Strategic Planning Committee is a ~~Special Delegated~~ Committee under Section ~~86-63~~ of the Local Government Act ~~1989-2020~~ comprised solely of Councillors. All Knox Councillors are members of the Committee. ~~As a The Committee, members exercise exercises~~ Council's powers, and performs Council's duties and functions in accordance with a formal instrument of delegation.

The Strategic Planning Committee:

- a) Has been established to provide a decision-making forum:
  - i. With less procedural formality, enabling more extensive discussion and debate, particularly for, but not limited to, strategic and policy related matters.
  - ii. That receives deputations and or presentations from external parties and Council staff.
- b) Will consider such business as determined in accordance with:
  - the Local Government Act ~~1989~~2020; and
  - ~~Council's Governance Rules as adopted from time to time.~~
  - ~~the Meeting Procedure and Use of Common Seal Local Law 2018~~
- c) Will ~~conducted~~conduct its meetings in a formal environment and in accordance with:



- the Local Government Act ~~1989~~2020; and
- ~~Council's Governance Rules as adopted from time to time the Meeting Procedure and Use of Common Seal Local Law 2018, with such exclusions as determined by Council to achieve its purpose as set out in clause a) above.~~e

#### 5.4 Issues Briefing Meeting

Issues Briefing Meetings provide an informal meeting forum for Councillors, EMT and other staff to facilitate an information exchange and communication.

Issues Briefing Meetings:

- Have no delegated authority to make decisions on Council's behalf, or direct officers in the exercise of their delegation powers, or discharge of their delegated functions and duties.
- Are intended to be a confidential forum and all papers prepared for and considered, and the content of discussions held ~~are should be to be~~ treated as confidential.
- Are held for the purpose of:
  - Ensuring Councillors are well informed and in the best possible position to debate issues effectively once matters come into a decision-making forum.
  - Enabling Councillors to ask questions about information given to them; to identify information shortfalls; to explore options; and to gain a more detailed understanding of matters presented or discussed.
  - Enabling officers to understand Councillors' perspectives on issues presented and receive feedback to inform decision-makers, and or reports prepared for decision-making forums.
  - Receiving informal deputations or presentations from external parties in exceptional circumstances that fulfil the purposes above.
- Will be held in an informal environment and not subject to the procedural formalities of Council's Governance Rules~~Meeting Procedure and Use of Common Seal Local Law 2018~~.
- Are subject to the conflict of interest provisions of the Local Government Act ~~1989~~2020.
- Will be chaired by the Mayor. Where the Mayor is unavailable or unable to chair the meeting, meetings will be chaired by the Deputy Mayor, or such other Councillor as nominated by the Mayor.
- Will generally be expected to commence at 6.30pm and be of a maximum 2-2.5 hours duration.

## 6.6 Ferntree Gully Cemetery Trust Annual Report for the Year Ended 30 June 2021

### **SUMMARY: Coordinator Governance, Andrew Dowling**

**This report presents to Knox City Council, as Trustee for the Ferntree Gully Cemetery, relevant statutory documentation pertaining to the 2020/21 financial year of operations for consideration and adoption, prior to submission to the Department of Health.**

### **RECOMMENDATION**

**That Council, as the Trustee for the Ferntree Gully Cemetery Trust, resolve to:**

- 1. Receive and note the audited financial statements for the Ferntree Gully Cemetery Trust for the year ended 30 June 2021 (Attachment 1);**
- 2. Receive and note the Independent Auditor's Report to the Trustees of the Ferntree Gully Cemetery Trust (Attachment 2); and**
- 3. Adopt the Abstract of Accounts from the Trust Members of the Ferntree Gully Public Cemetery for the 2020/21 financial year (Attachment 3) and authorise Councillors \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ to sign the accounts on behalf of the Trust for submission to the Department of Health.**

### **1. INTRODUCTION**

The Knox City Council is Trustee for the Ferntree Fully Cemetery Trust and has a statutory obligation to complete an Abstract of Accounts for the Ferntree Gully Cemetery, pursuant to the *Victorian Cemeteries and Crematoria Act 2003*.

### **2. DISCUSSION**

The following documentation is provided for consideration and adoption where applicable:

- Audited financial statements for the Ferntree Gully Cemetery Trust for the year ended 30 June 2021 (Attachment 1);
- Independent Auditor's Report to the Trustees of the Ferntree Gully Cemetery Trust (Attachment 2); and
- An Abstract of Accounts from the Trust Members of the Ferntree Gully Public Cemetery for the 2020-21 financial year (Attachment 3) for submission to Department of Health.

The above documents are prepared with the assistance of Council's Business and Financial Services Department. Rizza Alexander conducted an independent audit of the Ferntree Gully Cemetery Trust Financial Statements 2020-21 in accordance with Australian Auditing Standards, and issued an unqualified audit report, stating:

*"In our opinion, the accompanying financial report of Ferntree Gully Cemetery Trust:*

*(i) Gives a true and fair view of the Trusts financial position as at 30 June 2021 and of its financial performance for the year then ended; and*



*(ii) Complying with Australian Accounting Standards (including Australian Accounting interpretations). “*

The Abstract details a summary of financial operations, Right of Interment and Interment information and a general condition report of the cemetery. The abstract is required to be signed by three trust members, being three Councillors in this instance.

### **3. CONSULTATION**

Nil.

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

Nil.

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

Knox City Council’s Business and Financial Services Department provides ongoing financial advice and accounting services to the Council in its capacity as Trustee for the cemetery. These services are included in the management fee of \$157,914 payable by the Trust to the Council for the 2020/21 financial year. The management fee also includes other service areas, such as Governance and Operations that support the cemetery operations.

The 2020/21 Financial Statements detail that the Ferntree Gully Cemetery operations produced a \$118,166 deficit, following a \$118,766 deficit the previous financial year. The deficit was due to the exhaustion of available ashes positions for sale, fewer burials and decreased plaque sales.

As at 30 June 2021, the Ferntree Gully Cemetery Trust held \$784,597 in cash and cash equivalents, down \$211,393 from the previous financial year.

Interest earned through investments for the 2020/21 financial year was \$537 (down from \$6,200 in 2019-20).

There were 23 burials (20 burials previous financial year) and 43 ashes interments (31 ashes interments previous financial year) during the 2020-21 financial year.

There were no graves, ashes or interment positions available at the conclusion of last financial year and no positions are available as of 30 June 2021. Works being undertaken during 2020 and 2021 will provide 3 new Columbarium Walls incorporating 231 new ashes positions and 49 garden bed niches, creating new revenue generation opportunities.

### **6. SOCIAL IMPLICATIONS**

Nil

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

Goal 1 - We value our natural and built environment

Strategy 1.3 - Ensure the Knox local character is protected and enhanced through the design and location of urban development and infrastructure

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

Strategy 7.1 - Protect and preserve our local cultural heritage

Goal 8 - We have confidence in decision making

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

## **8. CONFLICT OF INTEREST**

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council

## **9. CONCLUSION**

The Ferntree Gully Cemetery 2020-21 audited financial statements, independent audit report, and Abstract of Accounts are presented to Council for consideration, as Trustee for the Ferntree Gully Cemetery.

## **10. CONFIDENTIALITY**

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

**Report Prepared By:** Senior Administration Support Officer, Joanne Ellis  
Coordinator Governance, Andrew Dowling

**Report Authorised By:** Director City Strategy and Integrity, Matt Kelleher

### **Attachments**

1. Attachment 1 - Audited Financial Statements 2020-21 [6.6.1 - 13 pages]
2. Attachment 2 - Ferntree Gully Cemetery - Independent Auditor's Report - 2021 [6.6.2 - 2 pages]
3. Attachment 3 - Abstract of accounts 2020-21 [6.6.3 - 8 pages]

**FERNTREE GULLY CEMETERY TRUST**

**FINANCIAL STATEMENTS**

**FOR THE PERIOD ENDED 30 JUNE 2021**

## FERNTREE GULLY CEMETERY TRUST

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**FERNTREE GULLY CEMETERY TRUST  
STATEMENT BY THE TRUSTEE**

In the opinion of the Trustee of the Ferntree Gully Cemetery Trust:

- 1 (a) The accompanying financial statements are drawn up so as to give a true and fair view of the results and the state of affairs of the Trust at 30 June 2021; and  
  
(b) At the date of this statement, there are reasonable grounds to believe that the Trust will be able to pay its debts as and when they fall due.
- 2 The financial statements have been prepared in accordance with AASB Accounting Standards.

Dated at Wantirna South this \_\_\_\_\_ day of \_\_\_\_\_ 2021

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

**FERNTREE GULLY CEMETERY TRUST**  
**COMPREHENSIVE INCOME STATEMENT**  
**FOR THE YEAR ENDED 30 JUNE 2021**

	Note	June 2021 \$	June 2020 \$
<b>Income</b>			
Plot sales	1(c)	1,353	2,532
Burial fees	1(c)	41,127	36,294
Monument fees	1(c)	4,130	2,846
Plaque fees	1(c)	27,501	21,154
Grant income	1(c)	-	-
Investment income	1(c)	537	6,200
<b>Total income</b>		<u>74,648</u>	<u>69,026</u>
<b>Expenses</b>			
Management fees	5(c)	157,914	151,840
Plaques		14,492	12,016
Operating costs	2.1(a)	9,114	14,644
Utilities	2.1(b)	1,021	735
Depreciation	2.2	10,273	8,557
<b>Total expenses</b>		<u>192,814</u>	<u>187,792</u>
<b>Profit/(loss) for the year</b>		<u>(118,166)</u>	<u>(118,766)</u>
<b>Total comprehensive result</b>		<u>(118,166)</u>	<u>(118,766)</u>

The above comprehensive income statement should be read in conjunction with the accompanying notes.

**FERNTREE GULLY CEMETERY TRUST****BALANCE SHEET**  
AS AT 30 JUNE 2021

	Note	June 2021 \$	June 2020 \$
<b>Assets</b>			
<b>Current assets</b>			
Cash and cash equivalents	3.1(a)	784,597	995,990
Trade and other receivables	3.1(c)	2,252	5,739
Other financial assets	3.1(b)	-	-
<b>Total current assets</b>		<u>786,849</u>	<u>1,001,729</u>
<b>Non-current assets</b>			
Property, plant and equipment	4.1	<u>867,672</u>	<u>818,872</u>
<b>Total non-current assets</b>		<u>867,672</u>	<u>818,872</u>
<b>Total assets</b>		<u>1,654,521</u>	<u>1,820,601</u>
<b>Liabilities</b>			
<b>Current liabilities</b>			
Trade and other payables	3.2(a)	<u>1,668</u>	<u>49,582</u>
<b>Total current liabilities</b>		<u>1,668</u>	<u>49,582</u>
<b>Total liabilities</b>		<u>1,668</u>	<u>49,582</u>
<b>Net assets</b>		<u>1,652,853</u>	<u>1,771,019</u>
<b>Equity</b>			
Accumulated surplus		<u>1,652,853</u>	<u>1,771,019</u>
<b>Total equity</b>		<u>1,652,853</u>	<u>1,771,019</u>

The above balance sheet should be read in conjunction with the accompanying notes.

**FERNTREE GULLY CEMETERY TRUST**  
**STATEMENT OF CHANGES IN EQUITY**  
**FOR THE YEAR ENDED 30 JUNE 2021**

	<b>Accumulated surplus</b>	
	<b>June 2021 \$</b>	<b>June 2020 \$</b>
Balance at beginning of the financial year	1,771,019	1,889,785
Comprehensive result	(118,166)	(118,766)
Balance at end of the financial year	1,652,853	1,771,019

The above statement of changes in equity should be read with the accompanying notes.



## FERNTREE GULLY CEMETERY TRUST

### STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2021

	Note	June 2021 Inflows/ (Outflows) \$	June 2020 Inflows/ (Outflows) \$
<b>Cash flows from operating activities</b>			
<b>Receipts</b>			
Plot sales		1,353	2,747
Burial fees		45,240	39,923
Plaque fees		30,251	23,269
Monument fees		4,130	2,846
Grants		-	-
Interest received		653	7,147
Net GST refund		20,696	16,924
		<u>102,323</u>	<u>92,856</u>
<b>Payments</b>			
Payments to suppliers		(254,643)	(171,302)
		<u>(254,643)</u>	<u>(171,302)</u>
<b>Net cash provided by/(used in) operating activities</b>	6.1	<u>(152,320)</u>	<u>(78,446)</u>
<b>Cash flows from investing activities</b>			
Payments for property, plant and equipment		(59,073)	(65,137)
Proceeds from disposal of financial assets		-	-
Purchase of financial assets		-	-
<b>Net cash provided by/(used in) investing activities</b>		<u>(59,073)</u>	<u>(65,137)</u>
Net increase (decrease) in cash and cash equivalents		(211,393)	(143,583)
Cash and cash equivalents at beginning of financial year		995,990	1,139,573
<b>Cash and cash equivalents at the end of the financial year</b>		<u>784,597</u>	<u>995,990</u>

The above statement of cash flows should be read with the accompanying notes.

## FERNTREE GULLY CEMETERY TRUST

### NOTES TO THE FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2021

#### Overview

#### Introduction

The Trustee of Ferntree Gully Cemetery is Knox City Council. The sole purpose of the Trust is to administer the Ferntree Gully Cemetery.

#### Statement of compliance

These financial statements are a general purpose financial report that consists of a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows and notes accompanying these financial statements. The general purpose financial report complies with Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board (AASB), the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.

#### Note 1 Significant accounting policies

##### (a) Basis of accounting

The accrual basis of accounting has been used in the preparation of these financial statements, whereby assets, liabilities, equity, income and expenses are recognised in the reporting period to which they relate, regardless of when cash is received or paid.

Judgements, estimates and assumptions are required to be made about the carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated judgements are based on professional judgement derived from historical experience and various other factors that are believed to be reasonable under the circumstances. Actual results may differ from these estimates.

Revisions to accounting estimates are recognised in the period in which the estimate is revised and also in future periods that are affected by the revision. Judgements and assumptions made by management in the application of AAS's that have significant effects on the financial statements and estimates relate to:

- the determination of depreciation on infrastructure (refer to Note 4)

Unless otherwise stated, all accounting policies are consistent with those applied in the prior year. Where appropriate, comparative figures have been amended to accord with current presentation, and disclosure has been made of any material changes to comparatives.

##### (b) Going concern

In preparing the financial statements, the Trustees are satisfied that the entity is trading as a going concern. However the Trustees also note that the ability of the entity to continue as a going concern in the long term is uncertain due to the lack of sustainable operating profits or cash flows from core business activities, particularly as all available burial plots and vaults have been sold.

##### (c) Revenue recognition

Income is recognised when the Trust obtains control of the contribution or the right to receive the contribution, it is probable that the economic benefits comprising the contribution will flow to the Trust, and the amount of the contribution can be measured reliably.

##### (d) Impact of COVID-19

On 16 March 2020 a state of emergency was declared in Victoria due to the global pandemic COVID-19 virus, known as coronavirus. A state of disaster was subsequently declared on 2 August 2020. The impacts of the pandemic have abated somewhat through the 2020-21 year. These events have not had any significant impacts on the financial operations of the Trust.

## FERNTREE GULLY CEMETERY TRUST

### NOTES TO THE FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2021

	June 2021 \$	June 2020 \$
<b>Note 2 The cost of delivering services</b>		
<b>2. 1 Materials and Services</b>		
<b>(a) Operating costs</b>		
Audit fee	1,650	1,650
Refund pre-purchased plots	6,440	4,367
Maintenance	592	1,710
Other operating costs	432	6,917
	9,114	14,644
<b>(b) Utilities</b>		
Telephone	1,021	735
	1,021	735
<b>Total material and services</b>	10,135	15,379
<b>2. 2 Depreciation</b>		
Depreciation expense	10,273	8,557
<b>Total depreciation and amortisation</b>	10,273	8,557

## FERNTREE GULLY CEMETERY TRUST

### NOTES TO THE FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2021

	June 2021 \$	June 2020 \$
<b>Note 3 Our financial position</b>		
<b>3.1 Financial assets</b>		
<b>(a) Cash and cash equivalents</b>		
Cash at Bank	23,295	15,340
Cash at Call	761,302	980,650
<b>Total cash and cash equivalents</b>	<b>784,597</b>	<b>995,990</b>
<b>(b) Other financial assets</b>		
Term deposits	-	-
	-	-

Cash and cash equivalents include cash on hand, deposits at call, and other highly liquid investments with original maturities of 90 days or less, net of outstanding bank overdrafts (if applicable).

Financial assets including investments such as term deposits are held to maturity and measured at amortised cost.

<b>(c) Trade and other receivables</b>		
<b>Current</b>		
Plot debtors	-	-
Accrued interest	7	122
Net GST receivable	2,245	5,617
<b>Total current trade and other receivables</b>	<b>2,252</b>	<b>5,739</b>

Receivables are carried at cost. A provision for doubtful debts is recognised when there is objective evidence that an impairment has occurred.

No provision has been made for doubtful debts.

## FERNTREE GULLY CEMETERY TRUST

### NOTES TO THE FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2021

	<b>June 2021</b>	<b>June 2020</b>
	<b>\$</b>	<b>\$</b>
<b>3.2 Payables</b>		
<b>(a) Trade and other payables</b>		
Trade payables	1,668	49,582
	1,668	49,582

### 3.3 Commitments

The Trustee does not have any outstanding commitments in relation to the Ferntree Gully Cemetery.

### 3.4 Number of graves, ashes and interment positions available

<b>Description</b>	<b>No.</b>	<b>No.</b>
Foothills graves	-	-
Foothills vaults	-	-
Ashes Garden	-	-
Rose garden	-	-
Ashes vaults - double	-	-
Ashes vault - single	-	-
Wall of Remembrance	-	-
Pioneer Beam	-	-
Memorial Rose Garden	-	-
Lawn F	-	1
Church of England Section A	-	-
Church of England Section B	-	-
Methodist Section B	-	1
Presbyterian Section B	-	-
Roman Catholic Section C	-	-
The Grove Niche Walls	-	-
	-	2

## FERNTREE GULLY CEMETERY TRUST

### NOTES TO THE FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2021

#### Note 4 Assets we manage

#### 4.1 Plant, furniture, equipment and library materials

##### Summary of property, plant and equipment

	At cost \$	Accumulated Depreciation \$	Written Down Value \$
<b>2021</b>			
Land at cost	554,721	-	554,721
Infrastructure	345,488	(32,537)	312,951
	900,209	(32,537)	867,672

	At cost \$	Accumulated Depreciation \$	Written Down Value \$
<b>2020</b>			
Land at cost	554,721	-	554,721
Infrastructure	286,416	(22,265)	264,151
	841,137	(22,265)	818,872

##### **Land**

At cost 1 July 2020			554,721
<b>Written down value of land at 30 June 2021</b>			554,721

##### **Infrastructure**

At cost 1 July 2020			286,416
Accumulated depreciation at 1 July 2020			(22,265)

##### **Movements in Cost**

Acquisition of assets at cost			59,073
			323,224

##### **Movements in accumulated depreciation**

Depreciation			(10,273)
			(10,273)

At cost 30 June 2020			345,489
Accumulated depreciation at 30 June 2021			(32,538)
<b>Written down value of infrastructure at 30 June 2021</b>			312,951

## FERNTREE GULLY CEMETERY TRUST

### NOTES TO THE FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2021

#### Note 5 People and relationships

**(a) Trustee**

The Trustee of Ferntree Gully Cemetery Trust is Knox City Council.

**(b) Key Management Personnel**

The Councillors of Knox City Council during the year were:

Councillor Nicole Seymour (Mayor)	Mayor from 1 July 2020 to 24 October 2020 Councillor from 9 November 2020 to current
Councillor Lisa Cooper (Mayor)	Mayor from 16 November 2020 to current Councillor from 1 July 2020 to 24 October 2020 and from 9 November 2020 to 16 November 2020
Councillor Marcia Timmers-Leitch (Deputy Mayor)	Deputy Mayor from 1 July 2020 to 24 October 2020 Councillor from 9 November 2020 to current
Councillor Susan Laukens (Deputy Mayor)	Deputy Mayor from 16 November 2020 to current
Councillor Yvonne Allred	Councillor from 9 November 2020 to current
Councillor Meaghan Baker	Councillor from 9 November 2020 to current
Councillor Jude Dwight	Councillor from 9 November 2020 to current
Councillor Adam Gill	Councillor from 1 July 2020 to 24 October 2020
Councillor Sorina Grasso	Councillor from 9 November 2020 to current
Councillor Tony Holland	Councillor from 1 July 2020 to 24 October 2020
Councillor Jake Keogh	Councillor from 1 July 2020 to 24 October 2020
Councillor Peter Lockwood	Councillor from 1 July 2020 to 24 October 2020
Councillor John Mortimore	Councillor from 1 July 2020 to 24 October 2020
Councillor Darren Pearce	Councillor from 1 July 2020 to 24 October 2020

The Councillors received no remuneration from the Trust in connection with its management.

**(c) Other Related Party Disclosures**

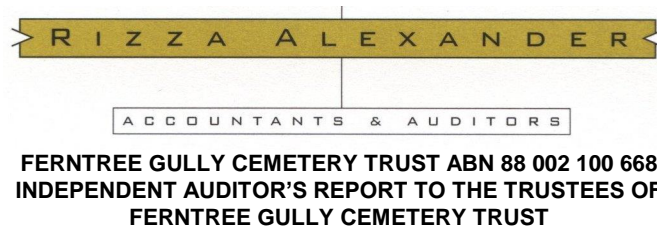
Knox City Council's Finance department provides ongoing financial advice and accounting services to the Trustees. These services are included in the management fee of \$157,914 payable by the Trust to the Council for the year.

June	June
2021	2020
\$	\$

#### Note 6 Other matters

##### 6.1 Reconciliation of cash flows from operating activities to surplus

Profit/(loss) for the year	(118,166)	(118,766)
Add back depreciation expense	10,273	8,557
<b>Change in assets and liabilities</b>		
(Increase)/decrease in trade and other receivables	3,488	(498)
Increase/(decrease) in trade and other payables	<u>(47,915)</u>	<u>32,261</u>
<b>Net cash provided by/(used in) operating activities</b>	<u>(152,320)</u>	<u>(78,446)</u>



## Report on the Audit of the Financial Report

### Opinion

We have audited the financial report of Ferntree Gully Cemetery Trust which comprises the balance sheet as at 30 June 2021, the comprehensive income statement, statement of changes in equity and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies, and the trustees' declaration.

In our opinion, the accompanying financial report of Ferntree Gully Cemetery Trust:

- (i) Gives a true and fair view of the Trusts financial position as at 30 June 2021 and of its financial performance for the year then ended; and
- (ii) Complying with Australian Accounting Standards (including Australian Accounting Interpretations).

### Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the Trust in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110: *Code of Ethics for Professional Accountants* (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### Information Other than the Financial Report and Auditor's Report Thereon

The trustees are responsible for the other information. The other information comprises the information included in the Trust's annual report for the year ended 30 June 2021, but does not include the financial report and our auditor's report thereon. Our opinion on the financial report does not cover the other information and accordingly we do not express any form of assurance conclusion thereon. In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

### Responsibilities of the Trustees for the Financial Report

The trustees are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards and for such internal control as the trustees determine is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the trustees are responsible for assessing the Trust's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the trustees either intend to liquidate the Trust or to cease operations, or have no realistic alternative but to do so.

RIZZA ALEXANDER ABN 22 927 707 358  
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 P O BOX 283 IVANHOE VIC 3079 TEL: 9497 1733 FAX: 9497 5966  
 Email: info@rizzaalexander.com.au

LIABILITY LIMITED BY A SCHEME APPROVED UNDER PROFESSIONAL STANDARDS LEGISLATION



- 2 -

**Auditor's Responsibilities for the Audit of the Financial Report**

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Trust's internal control.
- Evaluate the appropriateness of accounting policies used and reasonableness of accounting estimates and related disclosures made by the trustees.
- Conclude on the appropriateness of the trustees' use of the going concern basis of accounting and based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Trust's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Trust to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the trustees regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.



Paul Rizza CA  
Rizza Alexander

Dated: 24<sup>th</sup> day of August 2021

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LIABILITY LIMITED BY A SCHEME APPROVED UNDER PROFESSIONAL STANDARDS LEGISLATION

## Abstract of accounts 2020–21

Rendered pursuant to s. 52 of the Victorian *Cemeteries and Crematoria Act 2003*. Due 1 September 2021.

### OFFICIAL

Cemetery trust name	FERNTREE GULLY CEMETERY TRUST
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### General account

Income and expenditure columns must balance. Bank statements matching the closing bank and investment balances must be attached. Trusts with an annual income (total of the three rows marked \*) or expenditure (total of the 11 rows marked \*\*) of \$250,000 up to \$1 million must attach a copy of a review of their accounts. Trusts with an annual income (\*) or expenditure (\*\*) of more than \$1 million must attach a copy of an audit.

Income	\$	¢	Expenditure	\$	¢
Balance in bank at start of financial year	<b>995,990</b>		Secretary and other administrative staff **		
Cash in hand at start of financial year			Grounds staff (e.g. Sexton, groundskeeper employed by the trust)**		
Investments at start of financial year			Gravedigging** (operating costs)		
Interest received*	<b>653</b>		Contractors** (mgmnt fees)	<b>173,705</b>	
Fees received for graves, monuments, interments, etc.*	<b>80,974</b>		Memorialisation (plaques, etc.)**	<b>15,941</b>	
Other income* GST Refunds	<b>20,696</b>		Office expenses**	<b>63,811</b>	
Transfers from investments			Buildings (new construction)**	<b>59,073</b>	
Transfers from reserves			Insurance**		
Department of Health grants	<b>Nil</b>		Works (development of new areas, repairs and fencing, drainage, etc.)**		
Other grants	<b>Nil</b>		Other expenses and miscellaneous**	<b>1,186</b>	
Unpresented cheques	<b>Nil</b>		Balance in bank at end of financial year		
[This field remains blank]			Cash in hand at end of financial year	<b>784,597</b>	
			Investments at end of financial year		
<b>Total</b>	<b>1,098,313</b>		<b>Total</b>	<b>1,098,313</b>	

## Perpetual maintenance account

Do not re-enter investment or bank account information entered in the 'General account' section.

Income	\$	¢	Expenditure	\$	¢
Balance at start of financial year	Nil		Expenditure / transfer to general account	Nil	
Interest received			Balance at end of year		
New funds received			Gravedigging**		
<b>Total</b>	<b>Nil</b>		<b>Total</b>	<b>Nil</b>	

## Assets and liabilities

Please record the total value of assets in each category. Use the value of the asset when originally purchased, as recording the depreciation of assets over time is not required. Monetary assets included in the 'General account' section should not be duplicated here. If the trust has no assets or liabilities, enter a zero at both totals.

Assets	\$	Liabilities	\$
Key structures (Examples: office building, mausoleum, chapel, toilet facility, machinery shed, niche wall)		Monies owed to a third party	0
Minor structures (Examples: gazebo, rotunda, storage shed, outside seating)		Monies committed to expenditure	0
Major machinery (Examples: tractor, backhoe, ride-on mower)			
Small machinery (Examples: mechanical and electrical equipment, computer, printer, grave shoring)			
Miscellaneous equipment (Examples: hand tools, wheelbarrows)			
<b>Total</b>		<b>Total</b>	

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## Attestation – building compliance

Cemetery trusts need to meet the requirements of the Ministerial Directions for Public Construction Procurement in Victoria.

The department has developed *Class B cemetery trust guidelines for public construction procurement in Victoria*, which outlines the measures that trusts should implement when engaging in public construction projects costing more than \$50,000, available on the [health.vic website](https://www2.health.vic.gov.au/public-health/cemeteries-and-crematoria/governance-and-finance/governance/class-b-public-construction-procurement) <<https://www2.health.vic.gov.au/public-health/cemeteries-and-crematoria/governance-and-finance/governance/class-b-public-construction-procurement>>.

Examples of public construction projects include constructing buildings, mausolea, crematoria, niche walls, roads, fences, drainage, excavation, grading, engineering design and surveying.

Answer the following questions by placing an 'x' in the box that applies.

Question	Yes	No
Has your trust engaged in any construction projects this financial year in excess of \$50,000?		<b>X</b>
If yes, the public construction project was undertaken in accordance with purchasing and tendering policies adopted by the trust.		

## Current condition of cemetery

Place an 'x' in the box that applies.

Property/equipment	Excellent	Good	Average/ poor	Not applicable
<b>Key structures</b> (Examples: office building, mausoleum, chapel, toilet facility, machinery shed)		<b>X</b>		
<b>Minor structures</b> (Examples: gazebo, rotunda, storage shed, outside seating)		<b>X</b>		
<b>Major machinery</b> (Examples: tractor, backhoe, ride-on mower)	<b>X</b>			
<b>Small machinery</b> (Examples: mechanical and electrical equipment, computer, printer, grave shoring)		<b>X</b>		
<b>Miscellaneous equipment</b> (Examples: hand tools, wheelbarrows)		<b>X</b>		
<b>Fences</b>	<b>X</b>			
<b>Internal roads and paths</b>		<b>X</b>		

### Key

Excellent – **may** need general maintenance or repair in the next five years

Good – **will** need general maintenance or repair in the next two to three years

Average/poor – **will** need **urgent** maintenance in the next 12 months

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Not applicable – the cemetery does not have this type of infrastructure or equipment

## Right of interment (ROI) and interment information

Where accurate numbers are not available, trusts should provide estimates. If your trust manages multiple cemeteries (active or closed), please provide information for each site in a separate table by copying these tables.

### Bodily remains

Question	Response
Number of ROI for bodily remains (at-need) sold in 2020–21	0
Number of ROI for bodily remains (pre-need) sold in 2020–21	0
Number of interments of bodily remains (first burial in a plot) in 2020–21	12
Number of interments of bodily remains (second or subsequent burial in a plot) in 2020–21	12

### Cremated remains

Question	Response
Number of ROI for cremated remains (both at-need and pre-need) sold in 2020–21	0
Number of interments of cremated remains (in graves and memorials such as niche walls) in 2020–21	40

### Cemetery

Question	Response
Total number of bodily remains interred since the establishment of the cemetery	6152
Remaining number of unsold ROI for bodily remains at 30 June 2021 (including estimated number of plots that could be created in areas of the cemetery that have not been developed)	0

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## Land use (optional section)

The three questions below are optional. To help the department understand land availability in Victorian cemeteries, trusts are invited to answer the following questions using estimates or exact figures.

Question	Response
Number of hectares of land used for burials (occupied plots) and infrastructure in the cemetery as at 30 June 2021	2
Number of hectares of land not used (empty plots and undeveloped areas) in the cemetery as at 30 June 2021	0
Total number of hectares in the cemetery (both used and not used land)	2

## Proposed works (optional section)

Answering this section is optional. Trusts are invited to provide a brief outline of cemetery repairs, maintenance or improvements considered necessary and an estimated cost of works proposed to occur during the next financial year. For information about funding for proposed works, visit the [Cemetery Grants Program webpage](https://www2.health.vic.gov.au/public-health/cemeteries-and-crematoria/grants) <<https://www2.health.vic.gov.au/public-health/cemeteries-and-crematoria/grants>>.

Proposed works	Proposed cost (\$)
Replacement signage	\$10,000

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## Statutory declarations

Two trust members (the chairperson and one other trust member) must execute a statutory declaration.

### Statutory declaration – trust member 1 (chairperson)

I, \_\_\_\_\_ of \_\_\_\_\_  
 [Full Name] [Address]

\_\_\_\_\_  
 [Occupation]

make the following statutory declaration under the **Oaths and Affirmations Act 2018**:

The above abstract of accounts for the financial year 2020-21 is true and correct for the trust mentioned below.

\_\_\_\_\_  
 [Trust name]

**I declare that the contents of this statutory declaration are true and correct and I make it knowing that making a statutory declaration that I know to be untrue is an offence.**

\_\_\_\_\_  
 [Signature of person making this declaration]

Declared at: \_\_\_\_\_ in the state of Victoria

\_\_\_\_\_  
 [City, Town or suburb]

on \_\_\_\_\_

[Date]

### Statutory declaration witness – trust member 1 (chairperson)

*Note: See Checklist for details on how to witness statutory declarations remotely via audio visual link.*

I am an authorised statutory declaration witness\* and I sign this document in the presence of the person making the declaration:

\_\_\_\_\_  
 [Signature of statutory declaration witness]

\_\_\_\_\_  
 [Date]

\_\_\_\_\_  
 [Write or stamp name and capacity in which person is authorised to witness statutory declaration and address]

\*A person authorised under s. 30(2) of the **Oaths and Affirmations Act 2018** to witness the signing of a statutory declaration.

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## Statutory declaration – trust member 2

I, \_\_\_\_\_ of \_\_\_\_\_  
 [Full Name] [Address]

\_\_\_\_\_  
 [Occupation]

make the following statutory declaration under the **Oaths and Affirmations Act 2018**:

The above abstract of accounts for the financial year 2020-21 is true and correct for the trust mentioned below.

\_\_\_\_\_  
 [Trust name]

**I declare that the contents of this statutory declaration are true and correct and I make it knowing that making a statutory declaration that I know to be untrue is an offence.**

\_\_\_\_\_  
 [Signature of person making this declaration]

Declared at: \_\_\_\_\_ in the state of Victoria

[City, Town or suburb]

on \_\_\_\_\_

[Date]

## Statutory declaration witness – trust member 2

*Note: See Checklist for details on how to witness statutory declarations remotely via audio visual link.*

I am an authorised statutory declaration witness\* and I sign this document in the presence of the person making the declaration:

\_\_\_\_\_  
 [Signature of statutory declaration witness] [Date]

\_\_\_\_\_  
 [Write or stamp name and capacity in which person is authorised to witness statutory declaration and address]

\* A person authorised under s. 30(2) of the **Oaths and Affirmations Act 2018** to witness the signing of a statutory declaration.

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Under s. 52(3) of the Cemeteries and Crematoria Act a cemetery trust must submit a report for each financial year to the Secretary of the Department of Health by 1 September in the following financial year.

**End of financial year bank and investment statements must be provided** with this form and [emailed to the Cemetery Sector Governance Support Unit](mailto:cemeteries@health.vic.gov.au) at <cemeteries@health.vic.gov.au>.

Email is the department's preferred method to receive these documents. If you do not have access to email, the documents can be posted to:

The Manager  
Cemetery Sector Governance Support Unit  
Department of Health  
GPO Box 4057  
MELBOURNE VIC 3001

To receive this document in another format, phone 1800 034 280, using the National Relay Service 13 36 77 if required, or [email the Cemetery Sector Governance Support Unit](mailto:cemeteries@health.vic.gov.au) <cemeteries@health.vic.gov.au>.

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Available at [health.vic](https://www2.health.vic.gov.au/public-health/cemeteries-and-crematoria/governance-and-finance/finance/abstract-of-accounts) <https://www2.health.vic.gov.au/public-health/cemeteries-and-crematoria/governance-and-finance/finance/abstract-of-accounts>

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

**SUMMARY:** Coordinator Governance, Andrew Dowling

Instruments of Delegation represent the formal delegation of powers by Council and enable the effective functioning of Council.

The attached Instruments of Delegation (Instruments) have been revised to reflect legislative changes based on advice from Council's solicitors and current executive and staff responsibilities.

### RECOMMENDATION

That Council:

- A. In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation – Cemeteries and Crematoria (Attachment 1 to the officers' report), resolve that:
1. There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the Instrument of Delegation – Cemeteries and Crematoria (Attachment 1) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument
  2. The Instrument of Delegation – Cemeteries and Crematoria set out in Attachment 1 come into force immediately upon this resolution being made and following the acceptance of tracked changes, the instrument being signed by the Mayor and Council's Chief Executive Officer;
  3. On the coming into force of the Instrument of Delegation – Cemeteries and Crematoria, the respective previous Instrument of Delegation – Cemeteries and Crematoria executed in April 2021 be revoked; and
  4. The duties and functions set out in the Instrument of Delegation – Cemeteries and Crematoria must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may adopt from time to time.
- B. In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation – Road Management Responsibilities (Attachment 2 to the officers' report), resolve that:
1. There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the Instrument of Delegation – Road Management Responsibilities (Attachment 2) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument
  2. The Instrument of Delegation – Road Management Responsibilities set out in Attachment 2 come into force immediately upon this resolution being made and, following the acceptance of tracked changes, the instrument being signed by the Mayor and Council's Chief Executive Officer;

3. **On the coming into force of the Instrument of Delegation – Road Management Responsibilities, the respective previous Instrument of Delegation – Road Management Responsibilities executed in April 2021 be revoked; and**
  4. **The duties and functions set out in the Instrument of Delegation – Road Management Responsibilities must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may adopt from time to time.**
- C. **In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation – Domestic Animals and Food Acts (Attachment 3 to the officers' report), resolve that:**
  1. **There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the Instrument of Delegation – Domestic Animals and Food Acts (Attachment 3) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument**
  2. **The Instrument of Delegation – Domestic Animals and Food Acts set out in Attachment 3 come into force immediately upon this resolution being made and, following the acceptance of tracked changes, the instrument being signed by the Mayor and Council's Chief Executive Officer;**
  3. **On the coming into force of the Instrument of Delegation – Domestic Animals and Food Acts, the respective previous Instrument of Delegation – Domestic Animals, Environment Protection and Food Acts executed in April 2021 be revoked; and**
  4. **The duties and functions set out in the Instrument of Delegation – Domestic Animals and Food Acts must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may adopt from time to time.**
- D. **In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation – Planning (Attachment 4 to the officers' report), resolve that:**
  1. **There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the Instrument of Delegation – Planning (Attachment 4) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument**
  2. **The Instrument of Delegation – Planning set out in Attachment 4 come into force immediately upon this resolution being made and, following the acceptance of tracked changes, the instrument being signed by the Mayor and Council's Chief Executive Officer;**
  3. **On the coming into force of the Instrument of Delegation – Planning, the respective previous Instrument of Delegation – Planning executed in July 2020 be revoked; and**
  4. **The duties and functions set out in the Instrument of Delegation – Planning must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may adopt from time to time.**

## 1. INTRODUCTION

Council is empowered to delegate its powers, duties or functions with some strategic exemptions such as the setting of rates, borrowing funds, adopting a planning scheme amendment and adopting a budget.

Delegations are necessary to facilitate effective functioning of councils as they enable day-to-day decisions to be made in relation to routine administrative and operational matters.

In granting delegations, Council is not granting unfettered power to Council staff or relinquishing its own powers. A delegate must comply with the conditions of delegation as well as any policies of Council and any legislative framework. Council can still exercise any delegated power, duty or functions itself by resolution in the Chamber.

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

## 2. DISCUSSION

The current Instrument of Delegation

- Cemeteries and Crematoria has been in force since 26 April 2021.
- Road Management Responsibilities has been in force since 26 April 2021.
- Domestic Animals, Environment Protection & Food Acts has been in force since 26 April 2021.
- Planning has been in force since 31 July 2020.

There are no significant amendments proposed to the respective instruments or delegates, however regular review and remaking of instruments of delegation ensures they remain contemporaneous, accurate and consistent with current legislation and business practices.

The revised Instruments included as Attachments 1 to 4 are based upon the previous Instruments considered by Council and have been amended to:

- reflect changes to organisational structure;
- ensure completeness and reflect recent legislative changes;
- ensure the descriptions of delegated powers are current and accurate; and
- correct typographical / formatting errors.

All proposed changes are highlighted using the track changes tool in the attached instruments.

Those changes include amendments to the summaries of various delegated powers, duties or functions in each of the four instruments. While these changes (in Column 2 of the instruments) are informative to the reader, the actual powers, duties or functions delegated are those set out in the respective legislation referred to in Column 1, and so it is noteworthy that a change to the summary does not materially alter the actual delegation.

Other changes of note in each instrument are also summarised below:

### Instrument of Delegation – Cemeteries and Crematoria (Attachment 1);

- Changes to the preamble regarding method of execution
- Deletion of redundant delegation [s.15(1) and (2)]
- Changes to the summaries of delegations in column 2 [Sections 36, 37, s75, s91(1)]
- Updated reference to the new Local Government Act 2020 [s.47]
- Correction of typographical errors [s.13, s.109(2)]

- Deletion of redundant conditions referencing Council’s Meeting Procedure Local Law. [Schedule 1, Clause 8]

Instrument of Delegation – Road Management Responsibilities (Attachment 2);

- Changes to the preamble regarding method of execution
- Changes to the summaries of delegations in column 2 [Sections 12(7), 22(5), ]
- Correction of typographical error [s.120(2)]

Instrument of Delegation – Domestic Animals and Food Acts (Attachment 3);

- Amendment to the delegation title
- Changes to the preamble regarding method of execution
- Removal of the CEO as a delegate for Section 41A(1) regarding menacing dogs, as the CEO is not an authorised officer under Section 72 of the Domestic Animals Act.
- Deletion of redundant delegations under the Environment Protect Act 1970. Replacement delegations under the new Environment Protection Act 2017 have previously been considered by Council at its meeting on 26 July 2021.
- Removal of conditions and limitations referencing the commencement date for various sections of the Food Act, as the commencement date has passed.
- Changes to the summary of delegation in column 2 [Food Act Sections 36AB(4)]
- Inclusion of Section 116 of the Food Act 1984 for completeness only. No delegates have been specified for this power.

Instrument of Delegation – Planning (Attachment 4);

(Legislative references are to the Planning and Environment Act 1987 unless specified otherwise.)

- Changes to the preamble regarding method of execution
- Various changes to delegates / conditions to reflect the new title of the Director City Strategy and Integrity, and to remove redundant references to the “Director Corporate Development” and “Director Corporate Services”.
- Changes to the summaries of delegations in column 2 [s.41(1) & (2), s.49(2), s.51, s.54A(4), s.57(5), s.62(5)(a), s 62(6)(a), s.70, s.97G(6), s.156, s.179(2)]
- Correction of typographical errors in section numbers [s.46GZE(3) and s.46GZF(3)] [r.25(b) Planning And Environment Regulations]
- Corrections to s.46GZ(5) providing a more detailed description of the delegated duty and correcting typographic errors in the condition and limitation.
- Deletion of redundant delegation under s.75A (as the necessary power is already delegated under s.64A)
- New Delegations
  - s.28(2) and (4) – The administrative duties to publish notices on Council’s website regarding planning scheme amendments have been added for completeness.
  - s.41(2) – The administrative duty to make copies of planning scheme amendments available has been added for completeness
  - s.46GZ(5) – The administrative function of receiving land equalisation funds has been included for completeness
  - s 46GZE(2) – The administrative function of receiving unexpended land equalisation funds has been included for completeness
  - s.50(6) – the administrative duty to make note of amendments in the register has been added for completeness

- s.60(1A) – the duty to consider certain matters before deciding on an application has been included for completeness. This is arguably already included within the existing duty delegated under s.60 but is included for certainty based on Maddocks' advice.
- A new delegation under the Residential Tenancies Regulations 2021 regarding approval of toilet systems
- A new delegation under the Local Government Act 1989 regarding cladding rectification agreements. It is noteworthy that this power is not exercisable unless Council has first resolved to enter into a rectification agreement under Section 185I

### **3. CONSULTATION**

Council subscribes to the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments and template instruments, which are then tailored to organisational requirements. All proposed instruments have been prepared having regard to the advice provided by Maddocks Lawyers.

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

Nil.

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

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

### **6. SOCIAL IMPLICATIONS**

Nil.

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

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

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

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

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

### **9. CONCLUSION**

The revised Instruments of Delegation build upon delegations previously adopted by Council and enable the effective functioning of Knox City Council. It is therefore recommended that Council make the revised delegations.

## **10. CONFIDENTIALITY**

There is no content in this report that meets the definition of confidential information from the Local Government Act 2020.

**Report Prepared By:** Coordinator Governance, Andrew Dowling

**Report Authorised By:** Director City Strategy and Integrity, Matt Kelleher

### **Attachments**

1. Attachment 1 - Instrument of Delegation - Cemeteries and Crematoria Act [6.7.1 - 33 pages]
2. Attachment 2 - Instrument of Delegation - Road Management Responsibilities [6.7.2 - 25 pages]
3. Attachment 3 - Instrument of Delegation - Domestic Animals and Food Acts [6.7.3 - 16 pages]
4. Attachment 4 - Instrument of Delegation - Planning [6.7.4 - 88 pages]



## Council to Council Staff: Cemeteries and Crematoria

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. declares that:
  - 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on ~~27~~ 27 ~~September 2021~~; and
  - 2.2 the delegation:
    - 2.2.1 comes into force immediately ~~upon its execution the common seal of Council is affixed to this Instrument of Delegation~~;
    - 2.2.2 remains in force until varied or revoked;
    - 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 2.3, and the Schedule; and
    - 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 2.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of a Council Meeting; or
    - 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
      - (a) policy; or
      - (b) strategy adopted by Council; or



- 2.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
  - 2.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.
3. Note that on 9 December 2020, the then Chief Executive Officer announced a restructure to positions within the organisation which will come progressively into effect and consequently the following position and department / directorate titles should be read interchangeably:

Old Position Title	New Position Title
Executive Manager Strategy, People and Culture	Director People and Innovation
Principal People and Culture Partnerships	Manager People Partnerships
Old Department / Directorate Title	New Department / Directorate Title
Strategy, People & Culture	People and Innovation

Cr Lisa Cooper - Mayor

Bruce Dobson- Chief Executive Officer

Date:

~~The COMMON SEAL of the  
KNOX CITY COUNCIL was  
hereunto affixed in the  
presence of:-  
-  
Cr Lisa Cooper - Mayor  
-  
Tony Doylelan Bell - Chief Executive  
Officer  
-~~

Date: \_\_\_\_\_

Instrument of Delegation – Council to Staff September 2021  
Cemeteries and Crematoria

**SCHEDULE**

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**CEMETERIES AND CREMATORIA REGULATIONS 2015.....28**

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##]The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.8(1)(a)(ii)	Power to manage one or more public cemeteries	Not Delegated	
s.12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance	where Council is a Class B cemetery trust
s.12(2)	duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance	where Council is a Class B cemetery trust
s.13	duty to do anything necessary or convenient to enable it to carry out its functions	Chief Executive Officer Director - City Strategy and Integrity  Coordinator - Governance Senior Governance Officer Governance Officer Senior Administration Officer Administration Officer Sexton	
s14	Power to manage multiple public cemeteries as if they are one cemetery	Not Delegated	
<del>s.15(1) and (2)</del>	<del>power to delegate powers or functions other than those listed</del>	<del>Chief Executive Officer</del>	
s.15(4)	duty to keep records of delegations	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance Governance Officer	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##]The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.17(1)	power to employ any persons necessary	Chief Executive Officer Director - City Strategy and Integrity Director - People and Innovation Manager - People Partnerships People Experience Lead Manager - Governance Coordinator - Governance	
s.17(2)	power to engage any professional, technical or other assistance considered necessary	Chief Executive Officer Director -City Strategy and Integrity Manager - Governance Coordinator - Governance	
s. 17(3)	power to determine the terms and conditions of employment or engagement	Chief Executive Officer Director - City Strategy and Integrity Director - People and Innovation Manager- People Partnerships People Experience Lead Manager - Governance Coordinator – Governance	subject to any guidelines or directions of the Secretary
s.18(3)	duty to comply with a direction from the Secretary	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##]The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19	power to carry out or permit the carrying out of works	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Admin Support Officer Sexton	
s.20(1)	duty to set aside areas for the interment of human remains	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance	
s.20(2)	power to set aside areas for the purposes of managing a public cemetery	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance	
s.20(3)	power to set aside areas for those things in paragraphs (a) – (e)	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance	
s.24(2)	power to apply to the Secretary for approval to alter the existing distribution of land	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance	
s.36	power to grant licences to enter and use part of the land or building in a public cemetery in accordance with <del>this</del> section <u>36</u>	Chief Executive Officer Director - City Strategy and Integrity Manager – Governance	subject to the approval of the Minister
s.37	power to grant leases over land in a public cemetery in accordance with <del>this</del> section <u>37</u>	Not Delegated	subject to the Minister approving the purpose

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
## The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.40	duty to notify Secretary of fees and charges fixed under section 39	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance	
s.47	power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Administrative Officer Administrative Officer	provided the street was constructed pursuant to the Local Government Act <del>1989</del> 2020
s.57(1)	duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance Senior Governance Officer Senior Administrative Officer Administrative Officer	report must contain the particulars listed in s.57(2)  report must be endorsed by Council
s.59	duty to keep records for each public cemetery	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer	

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



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.69	duty to take reasonable steps to notify of conversion to historic cemetery park	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Administrative Officer	
s.70(1)	duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance	
s.70(2)	duty to make plans of existing place of interment available to the public	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance	
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Sexton	
s.71(2)	power to dispose of any memorial or other structure removed	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Sexton	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.72(2)	duty to comply with request received under section 72	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer	
s.73(1)	power to grant a right of interment	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer	
s.73(2)	power to impose conditions on the right of interment	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
## The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.75	power to grant the rights of interment set out in subsections 75(a) and (b)	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer	
s.77(4)	power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer	

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

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##]The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Senior Administrative Officer	
s.84(1)	function of receiving notice of surrendering an entitlement to a right of interment	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer	
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Senior Administrative Officer Administration Officer	the notice must be in writing and contain the requirements listed in s.85(2)

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.85(2)(b)	duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Senior Administrative Officer Administrative Officer	does not apply where right of interment relates to remains of a deceased veteran.
85(2)(c)	power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or;  remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance Senior Governance Officer	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	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Sexton	
s.86(2)	power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance Senior Governance Officer	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.86(3)(a)	power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer	
s.86(3)(b)	power to remove interred cremated human remains and take further action in accordance with s.86(3)(b)	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Administrative Officer	
s.86(5)	duty to provide notification before taking action under s.86(4)	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Administrative Officer	
s 86A	duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Administrative Officer	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.87(3)	duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Senior Administrative Officer Administrative Officer	
s.88	function to receive applications to carry out a lift and re-position procedure at a place of interment	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance Senior Governance Officer Senior Administrative Officer Administrative Officer	
s.91(1)	power to cancel a right of interment in accordance with <del>this</del> section 91	Not Delegated	
s.91(3)	duty to publish notice of intention to cancel right of interment	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance	
s.92	power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance	



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.98(1)	function of receiving application to establish or alter a memorial or a place of interment	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer	
s.99	power to approve or refuse an application made under section 98, or to cancel an approval	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer	Advice should be sought from the Sexton as required before exercising this power
s.99(4)	duty to make a decision on an application under section 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer	Advice should be sought from the Sexton as required before exercising this power
s.100(1)	power to require a person to remove memorials or places of interment	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.100(2)	power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with section 100(1)	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Sexton	
s.100(3)	power to recover costs of taking action under section 100(2)	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance	
s.101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance	
s.102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	Not Delegated	
s.102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)	Not Delegated	
s.103(1)	power to require a person to remove a building for ceremonies	Not Delegated	
s.103(2)	power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance	
s.103(3)	power to recover costs of taking action under section 103(2)	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.106(1)	power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance	
s.106(2)	power to require the holder of the right of interment to provide for an examination	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance	In consultation with Council
s.106(3)	power to open and examine the place of interment if section 106(2) not complied with	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance Sexton	In consultation with Council
s.106(4)	power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under section 106(1) is not complied with	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance Sexton	In consultation with, Council
s.107(1)	power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance	In consultation with Council
s.107(2)	power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance	In consultation with Council

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.108	power to recover costs and expenses	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance	In consultation with Council
s.109(1)(a)	power to open, examine and repair a place of interment	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance Sexton	where the holder of right of interment or responsible person cannot be found  In consultation with Council
s.109(1)(b)	power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance Sexton	where the holder of right of interment or responsible person cannot be found In consultation with Council
s.109(2)	power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	Chief Executive Officer Director - City Strategy and Integrity <del>Corporate Services</del> Manager - Governance Coordinator – Governance	where the holder of right of interment or responsible person cannot be found In consultation with Council
s.110(1)	power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	Not Delegated	
s.110(2)	power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	Not Delegated	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s. 110A	power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	Not Delegated	
s.111	power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance	
s.112	power to sell and supply memorials	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer	
s.116(4)	duty to notify the Secretary of an interment authorisation granted	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance	
s.116(5)	power to require an applicant to produce evidence of the right of interment holder's consent to application	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer	

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s.118	power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer	
s.119	power to set terms and conditions for interment authorisations	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer	
s.131	function of receiving an application for cremation authorisation	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.133(1)	duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Administrative Officer Administrative Officer	subject to subsection (2)

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.145	duty to comply with an order made by the Magistrates' Court or a coroner	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.146	power to dispose of bodily remains by a method other than interment or cremation	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Administrative Officer Administrative Officer	subject to the approval of the Secretary
s.147	power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Senior Administrative Officer Administrative Officer	
s.149	duty to cease using method of disposal if approval revoked by the Secretary	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Administrative Officer Administrative Officer	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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s.150 & 152(1)	power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Senior Administrative Officer Administrative Officer	
s.151	function of receiving applications to inter or cremate body parts	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer	
s.152(2)	power to impose terms and conditions on authorisation granted under section 150.	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Senior Administrative Officer Administrative Officer	
Schedule 1 clause 8(3)	power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance	<del>Meetings held in accordance with meeting-procedure local law</del>
Schedule 1 clause 8(8)	power to regulate own proceedings	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance	<del>Meetings held in accordance with meeting-procedure local law</del> subject to clause 8



<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.24	duty to ensure that cemetery complies with depth of burial requirements	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer Sexton	
r.25	duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer Sexton	
r.27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Senior Administrative Officer Administrative Officer Sexton	

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	Not Delegated	
r28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	Not Delegated	
r29	Power to dispose of any metal substance or non-human substance recovered from a cremator	Not Delegated	
r30(2)	Power to release cremated human remains to certain persons	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	Subject to any order of a court
r31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	Not Delegated	
r31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	Not Delegated	
r31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	Not Delegated	

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	
r32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer Sexton	
r33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer Sexton	

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

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r. 41(1)	power to approve fishing and bathing within a public cemetery	Not Delegated	
r. 42(1)	power to approve hunting within a public cemetery	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance	
r. 43	power to approve camping within a public cemetery	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance	
r. 45(1)	power to approve the removal of plants within a public cemetery	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer Sexton	
r.46	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance	
r. 47(3)	power to approve the use of fire in a public cemetery	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance	

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.48(2)	power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance Sexton	Advice should be sought from the Sexton as required before exercising this power
<b>Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules</b>			
Schedule 2, clause 4	power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 2	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance	see note above regarding model rules
Schedule 2, clause 5(1)	duty to display the hours during which pedestrian access is available to the cemetery	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Sexton	see note above regarding model rules
Schedule 2, clause 5(2)	duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance	see note above regarding model rules
Schedule 2, clause 6(1)	power to give directions regarding the manner in which a funeral is to be conducted	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer Sexton	see note above regarding model rules

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 2, clause 7(1)	power to give directions regarding the dressing of places of interment and memorials	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer Sexton	see note above regarding model rules  Advice should be sought from the Sexton as required before exercising this power
Schedule 2, clause 8	power to approve certain mementos on a memorial	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Senior Governance Officer Governance Officer Senior Administrative Officer Administrative Officer	see note above regarding model rules
Schedule 2, clause 11(1)	power to remove objects from a memorial or place of interment	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Sexton	see note above regarding model rules
Schedule 2, clause 11(2)	duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Sexton	see note above regarding model rules

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 2, clause 12	power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance Sexton	see note above regarding model rules
Schedule 2, clause 14	power to approve an animal to enter into or remain in a cemetery	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance Sexton	see note above regarding model rules
Schedule 2, clause 16(1)	power to approve construction and building within a cemetery	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance	see note above regarding model rules Does not apply to a Cemetery Trust when carrying out its own functions or to an employee, agent or contractor of the Cemetery Trust
Schedule 2, clause 17(1)	power to approve action to disturb or demolish property of the cemetery trust	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator – Governance Sexton	see note above regarding model rules
Schedule 2, clause 18(1)	power to approve digging or planting within a cemetery	Chief Executive Officer Director - City Strategy and Integrity Manager - Governance Coordinator - Governance Sexton	see note above regarding model rules





## Council to Council Staff: Road Management Responsibilities

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. declares that:
  - 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on [27 September 2021](#); and
  - 2.2 the delegation:
    - 2.2.1 comes into force immediately ~~upon its execution~~ [the common seal of Council is affixed to this Instrument of Delegation](#);
    - 2.2.2 remains in force until varied or revoked;
    - 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 2.3, and the Schedule; and
    - 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 2.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of a Council Meeting; or
    - 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
      - (a) policy; or
      - (b) strategy
 adopted by Council; or



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

\_\_\_\_\_

Cr Lisa Cooper - Mayor

\_\_\_\_\_

Bruce Dobson- Chief Executive Officer

Date:

The COMMON SEAL of the  
 KNOX CITY COUNCIL was  
 hereunto affixed in the  
 presence of:-

\_\_\_\_\_

Cr Lisa Cooper – Mayor

\_\_\_\_\_

Tony Doylelan Bell – Chief Executive Officer

Date: \_\_\_\_\_



**SCHEDULE**



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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	Chief Executive Officer Director - City Strategy and Integrity Chief Financial Officer Director - Infrastructure Manager - Sustainable Infrastructure	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	Chief Executive Officer Director - City Strategy and Integrity Chief Financial Officer Coordinator – Property Management	
s.11(9)(b)	duty to advise Registrar	Chief Executive Officer Director- Infrastructure Director –City Strategy and Integrity Chief Financial Officer Coordinator – Property Management	
s.11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	Chief Executive Officer Director - City Strategy and Integrity Chief Financial Officer Director - Infrastructure Manager - Sustainable Infrastructure	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	Chief Executive Officer Director - City Strategy and Integrity Chief Financial Officer Director - Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.12(2)	power to discontinue road or part of a road	Chief Executive Officer Director - City Strategy and Integrity Chief Financial Officer Director - Infrastructure Manager - Sustainable Infrastructure	were Council is the coordinating road authority
s.12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	Chief Executive Officer Director - City Strategy and Integrity Chief Financial Officer Director - Infrastructure Manager - Sustainable Infrastructure	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	Chief Executive Officer Director –Infrastructure Manager – Sustainable Infrastructure Director – City Strategy and Integrity Chief Financial Officer Coordinator – Property Management	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(6)	function of hearing a person in support of their written submission	Chief Executive Officer Director –Infrastructure Manager – Sustainable Infrastructure Director – City Strategy and Integrity Chief Financial Officer Coordinator – Property Management	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(7)	duty to fix day, time and place of meeting under <a href="#">section subsection-12(6)</a> and to give notice	Chief Executive Officer Director- Infrastructure Director – City Strategy and Integrity Chief Financial Officer Coordinator – Property Management	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.12(10)	duty to notify of decision made	Chief Executive Officer Director- Infrastructure Director – – City Strategy and Integrity Chief Financial Officer Coordinator – Property Management	duty of coordinating road authority where it is the discontinuing body  does not apply where an exemption is specified by the regulations or given by the Minister
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	Chief Executive Officer Director Infrastructure Director - City Strategy and Integrity Chief Financial Officer Manager - City Futures	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from the Head, Transport for Victoria	Chief Executive Officer Director - Infrastructure	
s.14(7)	power to appeal against decision of the Head, Transport for Victoria	Chief Executive Officer Director - Infrastructure	
s.15(1)	power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	Chief Executive Officer Director - Infrastructure	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	Chief Executive Officer Director - Infrastructure	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.15(2)	duty to include details of arrangement in public roads register	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	
s.16(7)	power to enter into an arrangement under section 15	Chief Executive Officer Director - Infrastructure	
s.16(8)	duty to enter details of determination in public roads register	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	
s.17(2)	duty to register public road in public roads register	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	where Council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	where Council is the coordinating road authority
s.17(3)	duty to register a road reasonably required for general public use in public roads register	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	where Council is the coordinating road authority
s.17(4)	power to decide that a road is no longer reasonably required for general public use	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	where Council is the coordinating road authority
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	where Council is the coordinating road authority
s.18(1)	power to designate ancillary area	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.18(3)	duty to record designation in public roads register	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	where Council is the coordinating road authority
s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	
s.19(4)	duty to specify details of discontinuance in public roads register	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	
s.19(5)	duty to ensure public roads register is available for public inspection	Chief Executive Officer Director Infrastructure Manager – Sustainable Infrastructure	
s.21	function of replying to request for information or advice	Chief Executive Officer Director - Infrastructure	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	Chief Executive Officer Director - Infrastructure	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	Chief Executive Officer Director - City Strategy and Integrity Chief Financial Officer Director - Infrastructure Manager - Sustainable Infrastructure	
s.22(5)	duty to give effect to a direction under <a href="#">this</a> section <a href="#">22</a> .	Chief Executive Officer Director - Infrastructure	
s.40(1)	duty to inspect, maintain and repair a public road.	Chief Executive Officer Director Infrastructure	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.40(5)	power to inspect, maintain and repair a road which is not a public road	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	Chief Executive Officer Director - Infrastructure	
s.42(1)	power to declare a public road as a controlled access road	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	power of coordinating road authority and Schedule 2 also applies
s.42A(3)	duty to consult with the Head, Transport for Victoria and Minister for Local Government before road is specified	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	where Council is the coordinating road authority if road is a municipal road or part thereof
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	where Council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	Chief Executive Officer Director - Infrastructure Manager - Operations Coordinator - Works Services Coordinator - Parks Services Coordinator – Construction Group	where Council is the responsible road authority, infrastructure manager or works manager

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.48M(3)	function of consulting with the relevant authority for purposes of developing guidelines under section 48M	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	
s.49	power to develop and publish a road management plan	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	
s.51	power to determine standards by incorporating the standards in a road management plan	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	
s.54(2)	duty to give notice of proposal to make a road management plan	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	
s.54(6)	power to amend road management plan	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	
s.54(7)	duty to incorporate the amendments into the road management plan	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	Chief Executive Officer Director - Infrastructure Manager – Sustainable Infrastructure	
s.63(1)	power to consent to conduct of works on road	Chief Executive Officer Director - Infrastructure Manager – Community Infrastructure Manager – Operations	where Council is the coordinating road authority
s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	Chief Executive Officer Director - Infrastructure Manager – Community Infrastructure Manager – Operations	where Council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	Chief Executive Officer Director - Infrastructure Manager – Community Infrastructure Coordinator - Project Delivery Director - City Strategy and Integrity Manager - City Safety & Health Coordinator - Community Laws Team Leader - Parking Enforcement Team Leader - Asset Preservation Community Laws Officers	where Council is the infrastructure manager or works manager

<b>ROAD MANAGEMENT ACT 2004</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.66(1)	power to consent to structure etc	Chief Executive Officer Director - Infrastructure Manager – Community Infrastructure Coordinator - Project Delivery Director - City Strategy and Integrity Manager - City Safety & Health Coordinator - Community Laws Team Leader - Parking Enforcement Team Leader - Asset Preservation Community Laws Officers	where Council is the coordinating road authority
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	Chief Executive Officer Director - Infrastructure Manager – Community Infrastructure Coordinator - Project Delivery Director - City Strategy and Integrity Manager - City Safety & Health Coordinator - Community Laws Team Leader - Parking Enforcement Team Leader - Asset Preservation Community Laws Officers	where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.67(3)	power to request information	Chief Executive Officer Director - Infrastructure Manager – Community Infrastructure Coordinator - Project Delivery Director - City Strategy and Integrity Manager - City Safety & Health Coordinator - Community Laws Team Leader - Parking Enforcement Team Leader - Asset Preservation Community Laws Officers	where Council is the coordinating road authority
s.68(2)	power to request information	Chief Executive Officer Director - Infrastructure Manager – Community Infrastructure Coordinator - Project Delivery Director - City Strategy and Integrity Manager - City Safety & Health Coordinator - Community Laws Team Leader - Parking Enforcement Team Leader - Asset Preservation Community Laws Officers	where Council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	Chief Executive Officer	
s.72	duty to issue an identity card to each authorised officer	Chief Executive Officer Director - City Strategy and Integrity Manager – Governance Coordinator – Governance Senior Governance Officer Governance Officer	

<b>ROAD MANAGEMENT ACT 2004</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.85	function of receiving report from authorised officer	Chief Executive Officer Director - Infrastructure Manager – Community Infrastructure	
s.86	duty to keep register re section 85 matters	Chief Executive Officer Director - Infrastructure Manager – Community Infrastructure	
s.87(1)	function of receiving complaints	Chief Executive Officer Director - Infrastructure	
s.87(2)	duty to investigate complaint and provide report	Chief Executive Officer Director Infrastructure Director City Strategy and Integrity	
s.112(2)	power to recover damages in court	Chief Executive Officer Director - Infrastructure Manager - Community Infrastructure	
s.116	power to cause or carry out inspection	Chief Executive Officer Director - Infrastructure Manager - Community Infrastructure Coordinator - Project Delivery Team Leader - Asset Preservation	
s.119(2)	function of consulting with the Head, Transport for Victoria	Chief Executive Officer Director - Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.120(1)	power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	Chief Executive Officer Director - Infrastructure Manager - Operations Manager - Community Infrastructure Coordinator - Works Services Coordinator - Parks Services Coordinator - Construction	
s.120(2)	duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in section 120(1)	Chief Executive Officer Director - Infrastructure Manager - Community Infrastructure Manager - Operations	
s.121(1)	power to enter into an agreement in respect of works	Chief Executive Officer Director - Infrastructure Manager - Sustainable Infrastructure Manager - Operations Manager - Community Infrastructure	
s.122(1)	power to charge and recover fees	Chief Executive Officer Director - Infrastructure Manager - Community Infrastructure	
s.123(1)	power to charge for any service	Chief Executive Officer Director - Infrastructure Manager - Community Infrastructure	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	Chief Executive Officer Director - Infrastructure Manager - Sustainable Infrastructure Manager - Community Infrastructure Manager - Operations	



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	Chief Executive Officer Director - Infrastructure Manager - Sustainable Infrastructure	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	Chief Executive Officer Director - Infrastructure Manager - Sustainable Infrastructure	
Schedule 2 Clause 4	function of receiving details of proposal from the Head, Transport for Victoria	Chief Executive Officer Director - Infrastructure Manager - Sustainable Infrastructure	
Schedule 2 Clause 5	duty to publish notice of declaration	Chief Executive Officer Director - Infrastructure Manager - Sustainable Infrastructure	
Schedule 7, Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	Chief Executive Officer Director - Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	Chief Executive Officer Director - Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the infrastructure manager or works manager

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	Chief Executive Officer Director - Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	Chief Executive Officer Director - Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	Chief Executive Officer Director - Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	Chief Executive Officer Director - Infrastructure Manager - Community Infrastructure	where Council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	Chief Executive Officer Director - Infrastructure Manager - Community Infrastructure	where Council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	Chief Executive Officer Director - Infrastructure Manager - Community Infrastructure	where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 12(5)	power to recover costs	Chief Executive Officer Director - Infrastructure Manager - Community Infrastructure	where Council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	Chief Executive Officer Director - Infrastructure Manager - Community Infrastructure	where Council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	Chief Executive Officer Director - Infrastructure Manager - Community Infrastructure	where Council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	Chief Executive Officer Director - Infrastructure Manager - Community Infrastructure	where Council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	Chief Executive Officer Director - Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	Chief Executive Officer Director - Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority, responsible authority or infrastructure manager

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 16(5)	power to consent to proposed works	Chief Executive Officer Director - Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	Chief Executive Officer Director - Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	Chief Executive Officer Director - Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	Chief Executive Officer Director - Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	Chief Executive Officer Director - Infrastructure Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	Chief Executive Officer Director - Infrastructure Manager - Community Infrastructure	where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	Chief Executive Officer Director - Infrastructure Manager - Community Infrastructure	where Council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	Chief Executive Officer Director - Infrastructure Manager - Community Infrastructure Manager - Sustainable Infrastructure	where Council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	Chief Executive Officer Director - Infrastructure Manager - Sustainable Infrastructure	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	Chief Executive Officer Director - Infrastructure Manager - Sustainable Infrastructure	where Council is the responsible road authority
Schedule 7A Clause 3(1)(e)	duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	Chief Executive Officer Director - Infrastructure Manager - Sustainable Infrastructure	where Council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	Chief Executive Officer Director - Infrastructure Manager - Sustainable Infrastructure	duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal Council (re: operating costs)

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.8(1)	duty to conduct reviews of road management plan	Chief Executive Officer Director - Infrastructure Manager - Sustainable Infrastructure	
r.9(2)	duty to produce written report of review of road management plan and make report available	Chief Executive Officer Director - Infrastructure Manager - Sustainable Infrastructure	
r.9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	Chief Executive Officer Director - Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority
r.10	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	Chief Executive Officer Director - Infrastructure Manager - Sustainable Infrastructure	
r.13(1)	Duty to publish notice of amendments to road management plan	Chief Executive Officer Director - Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority
r.13(3)	duty to record on road management plan the substance and date of effect of amendment	Chief Executive Officer Director - Infrastructure Manager - Sustainable Infrastructure	
r.16(3)	power to issue permit	Chief Executive Officer Director - Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.18(1)	power to give written consent re damage to road	Chief Executive Officer Director - Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority
r.23(2)	power to make submission to Tribunal	Chief Executive Officer Director - Infrastructure Manager – Community Infrastructure Manager - Sustainable Infrastructure Manager – Operations Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Community Laws Team Leader – Parking Enforcement	where council is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	Chief Executive Officer Director - Infrastructure Manager - Community Infrastructure Coordinator - Project Delivery Director - City Strategy and Integrity Manager - City Safety and Health Coordinator – Community Laws Team Leader - Parking Enforcement Team Leader - Asset Preservation Community Laws Officers	where council is the coordinating road authority

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	Chief Executive Officer Director - Infrastructure Manager – Community Infrastructure Manager - Sustainable Infrastructure Manager – Operations Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Community Laws Team Leader – Parking Enforcement	where Council is the responsible road authority
r.25(2)	power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	Chief Executive Officer Director - Infrastructure Manager – Operations Director – City Strategy and Integrity Manager – Governance Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Community Laws	where Council is the responsible road authority
r.25(5)	power to recover in the Magistrates' Court, expenses from person responsible	Chief Executive Officer Director - Infrastructure Manager – Operations Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Community Laws	



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

# Instrument of Delegation

**knox**  
your city



## Council to Council Staff: Domestic Animals & Food Acts

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. declares that:
  - 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on [27 September 2021](#); and
  - 2.2 the delegation:
    - 2.2.1 comes into force immediately ~~upon its execution~~ [the common seal of Council is affixed to this Instrument of Delegation](#);
    - 2.2.2 remains in force until varied or revoked;
    - 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 2.3, and the Schedule; and
    - 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 2.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of a Council Meeting; or
    - 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
      - (a) policy; or
      - (b) strategy
 adopted by Council; or



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

\_\_\_\_\_  
Cr Lisa Cooper - Mayor

\_\_\_\_\_  
Bruce Dobson - Chief Executive Officer

Date:

~~The COMMON SEAL of the  
 KNOX CITY COUNCIL was  
 hereunto affixed in the  
 presence of:—~~

\_\_\_\_\_  
Cr Lisa Cooper - Mayor

\_\_\_\_\_  
Tony Doylelan Bell - Chief Executive Officer

Date: \_\_\_\_\_



## SCHEDULE



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<b>DOMESTIC ANIMALS ACT 1994</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.41A(1)	power to declare a dog to be a menacing dog	<a href="#">Chief Executive Officer</a> Director – City Strategy and Integrity Manager – City Safety & Health Coordinator - Community Laws	<a href="#">Council may delegate this power to an authorised officer</a>  <a href="#">The delegate must be a Council authorised officer under section 72;</a>

<b>ENVIRONMENT PROTECTION ACT 1970</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.53M(3)	power to require further information	Chief Executive Officer Director—City Strategy and Integrity Manager—City Safety & Health Coordinator—Health Services Environmental Health Officer	
s.53M(4)	duty to advise applicant that application is not to be dealt with	Chief Executive Officer Director—City Strategy and Integrity Manager—City Safety & Health Coordinator—Health Services Environmental Health Officer	
s.53M(5)	duty to approve plans, issue permit or refuse permit	Chief Executive Officer Director—City Strategy and Integrity Manager—City Safety & Health Coordinator—Health Services Environmental Health Officer	refusal must be ratified by Council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	Chief Executive Officer Director—City Strategy and Integrity Manager—City Safety & Health Coordinator—Health Services Environmental Health Officer	refusal must be ratified by Council or it is of no effect

<b>ENVIRONMENT PROTECTION ACT 1970</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(e)	Chief Executive Officer Director—City Strategy and Integrity Manager—City Safety & Health	refusal must be ratified by Council or it is of no effect



<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator- Health Services Environmental Health Officer	If section 19(1) applies
s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator- Health Services Environmental Health Officer	If section 19(1) applies
s.19(3)	power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator- Health Services Environmental Health Officer	If section 19(1) applies Only in relation to temporary food premises or mobile food premises
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health	If section 19(1) applies
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services	If section 19(1) applies

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	If section 19(1) applies
s.19AA(2)	power to direct, by written order, that a person must take any of the actions described in (a)-(c).	Chief Executive Officer Director –City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services	where Council is the registration authority
s.19AA(4)(c)	power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services	where Council is the registration authority
s.19CB(4)(b)	power to request copy of records	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	where Council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	Chief Executive Officer Director –City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	where Council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator- Health Services Environmental Health Officer	where Council is the registration authority
s.19NA(1)	power to request food safety audit reports	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator- Health Services Environmental Health Officer	where Council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	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	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	where Council is the registration authority
---	power to register, renew or transfer registration	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services	where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))
s. 36A	Power to accept an application for registration or notification using online portal	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services	where Council is the registration authority <del>Note: This provision commences on 1 July 2021, unless proclaimed earlier</del>
s. 36B	Duty to pay the charge for use of online portal	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services	where Council is the registration authority <del>Note: This provision commences on 1 July 2021, unless proclaimed earlier</del>

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	Where Council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under <a href="#">subsection s.38AB (1)</a>	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services	where Council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	where Council is the registration authority
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	where Council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	where Council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	where Council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	where Council is the registration authority
s.38D(3)	power to request copies of any audit reports	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	where Council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services	where Council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.38E(4)	duty to register the food premises when conditions are satisfied	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services	where Council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	where Council is the registration authority
S38G(1)	Power to require notification of change of change of the food safety program type used for the food premises	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	where Council is the registration authority <i>Note: This provision commences on 1 July 2021, unless proclaimed earlier</i>
S38G(2)	Power to require the proprietor of the food premises to comply with any requirement of the Act	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	where Council is the registration authority <i>Note: This provision commences on 1 July 2021, unless proclaimed earlier</i>
s.39A	power to register, renew or transfer food premises despite minor defects	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services	where Council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services	where Council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services	where Council is the registration authority
S40F	Power to cancel registration of food premises	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services	where Council is the registration authority  <i>Note: This provision commences on 1 July 2021, unless proclaimed earlier</i>
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	where Council is the registration authority
s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	where Council is the registration authority



<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	Chief Executive Officer Director – City Strategy and Integrity Manager – City Safety & Health Coordinator – Health Services Environmental Health Officer	where Council is the registration authority
<a href="#">s 116</a>	<a href="#">Power to sub-delegate Executive Director's functions, duties or powers</a>	<a href="#">Not delegated</a>	<a href="#">Must first obtain Executive Director's written consent</a> <a href="#">Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation</a>



## Council to Council Staff: Planning

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

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

2. records that reference in the Schedule to:

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



“Group I” means  
Arborist  
Landscape Assessment Officer  
Assistant Landscape Office

3. declares that:
- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on [27 September 2021](#) and
- 3.2 the delegation:
- 3.2.1 comes into force immediately ~~upon its execution~~  
~~the common seal of Council is affixed to this Instrument of Delegation;~~
- 3.2.2 remains in force until varied or revoked;
- 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
- 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of a Council Meeting; or
- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
- (a) policy; or
- (b) strategy
- adopted by Council; or
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegate committee.

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[Cr Lisa Cooper - Mayor](#)

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[Bruce Dobson – Chief Executive Officer](#)

[Date:](#)



4. \_\_\_\_\_

~~The COMMON SEAL of the  
KNOX CITY COUNCIL was  
hereunto affixed in the  
presence of:—~~

~~Cr Nicole Seymour Lisa Cooper -  
Mayor~~

~~Tony Doyle lan Bell - Chief Executive  
Officer~~

Date: \_\_\_\_\_



**SCHEDULE**



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<b>HERITAGE ACT 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.116	power to sub-delegate Executive Director's functions, duties or powers	Chief Executive Officer	Must first obtain Executive Director's written consent first. Council can only sub-delegate if the instrument of delegation from the Executive Director authorises sub-delegation

<b><u>LOCAL GOVERNMENT ACT 1989</u></b>			
<b><u>Column 1</u></b>	<b><u>Column 2</u></b>	<b><u>Column 3</u></b>	<b><u>Column 4</u></b>
<b><u>PROVISION</u></b>	<b><u>THING DELEGATED</u></b>	<b><u>DELEGATE</u></b>	<b><u>CONDITIONS &amp; LIMITATIONS</u></b>
<a href="#"><u>s.185L(4)</u></a>	<a href="#"><u>power to declare and levy a cladding rectification charge</u></a>	<a href="#"><u>Chief Executive Officer</u></a>	<a href="#"><u>Council must first have entered into a cladding rectification agreement under Section 185!</u></a>



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.4B	power to prepare an amendment to the Victorian Planning Provisions	Group A	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	Group A	
s.4H	duty to make amendment to Victoria Planning Provisions available <u>in accordance with public availability requirements</u>	All Groups	
s.4I	duty to keep Victoria Planning Provisions and other documents available <u>in accordance with public availability requirements</u>	All Groups	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	Group A	
s. 8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	Group A	
s.8A(5)	function of receiving notice of the Minister's decision	Group A	
s.8A(7)	power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	Group A	





<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	Not Delegated	
s.12(3)	power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	Groups A, B & C	
s.12A(1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	Groups A, B & C	
s.12B(1)	duty to review planning scheme	Groups A, B & C	
s.12B(2)	duty to review planning scheme at direction of Minister	Groups A, B & C	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	Groups A, B & C	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	Groups A, B, C, D, E, F & I	
s.17(1)	duty of giving copy amendment to the planning scheme	Groups A, B & C	
s.17(2)	duty of giving copy s.173 agreement	Groups A, B & C	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	Groups A, B & C	
s.18	duty to make amendment etc. available <u>in accordance with public availability requirements</u>	All Groups	
s.19	power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme	Groups A	Decision not to give notice under sections 19(1)(a) and (b) and (1A) must be recorded.
s.19	function of receiving notice of preparation of an amendment to a planning scheme	Groups A, B & C	Only where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	Groups A, B & C	
s.21(2)	duty to make submissions available <u>in accordance with public availability requirements</u>	All Groups	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.21A(4)	duty to publish notice in accordance with section	Groups A, B & C	
s.22	duty to consider all submissions	Groups A, B & C	except submissions which request a change to the items in s.22(5)(a) and (b)
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	Groups A, B & C	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	Groups A, B & C	Only where Council has already resolved to refer the Amendment to a Panel
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)	Groups A, B & C	
s.26(1)	power to make report available for inspection <a href="#">in accordance with the requirements set out in s 197B of the Act</a>	Group A All other Groups	Group A: No conditions or limitations  All other Groups: Only after the Planning Authority has decided whether or not to adopt the planning amendment or twenty eight days has elapsed since it received the panel's report.



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.26(2)	duty to keep report of panel available <u>in accordance with public availability requirements for inspection</u>	Group A All other Groups	Group A: No conditions or limitations  All other Groups: Only after the Planning Authority has decided whether or not to adopt the planning amendment or twenty eight days has elapsed since it received the panel's report.
s.27(2)	power to apply for exemption if panel's report not received	Group A	
s.28(1)	duty to notify the Minister if abandoning an amendment	Groups A, B & C	Note: the power to make a decision to abandon an amendment cannot be delegated
<u>S 28(2)</u>	<u>Duty to publish notice of the decision on Internet Site</u>	<u>Groups A, B &amp; C</u>	
<u>S 28(4)</u>	<u>Duty to make notice of the decision available on Council's internet site for a period of at least 2 months</u>	<u>Groups A, B &amp; C</u>	
s.30(4)(a)	duty to say if amendment has lapsed	Group A	
s.30(4)(b)	duty to provide information in writing upon request	Group A	
s.32(2)	duty to give more notice if required	Groups A, B & C	
s.33(1)	duty to give more notice of changes to an amendment	Groups A, B & C	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.36(2)	duty to give notice of approval of amendment	Groups A, B & C	
s.38(5)	duty to give notice of revocation of an amendment	Groups A, B & C	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	Groups A, B & C	
s.40(1)	function of lodging copy of approved amendment	Groups A, B & C	
s.41(1)	duty to make approved amendment available <u>in accordance with the public availability requirements during inspection period</u>	All Groups	
<u>s. 41(2)</u>	<u>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 S197B of the Act after the inspection period ends</u>	<u>All Groups</u>	
s.42(2)	duty to make copy of planning scheme available <u>in accordance with the public availability requirements</u>	All Groups	
s. 46AW	function of being consulted by the Minister	Groups A, B and C	where Council is a responsible public entity



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s. 46AX	function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy  power to endorse the draft Statement of Planning Policy	Groups A, B and C	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	Groups A, B,C & D	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	Groups A, B, C & D	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	Groups A, B, C & D	where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s.46GJ(1)	function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	Groups A, B, C & D	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GK	duty to comply with a Minister's direction that applies to Council as the planning authority	Groups A, B, C & D	
s.46GN(1)	duty to arrange for estimates of values of inner public purpose land	Groups A, B, C & D	
s.46GO(1)	duty to give notice to owners of certain inner public purpose land	Groups A, B, C & D	
s.46GP	function of receiving a notice under s.46GO	Groups A, B, C & D	where Council is the collecting agency
s.46GQ	function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	Groups A, B, C & D	
s.46GR(1)	duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO	Groups A, B, C & D	
s.46GR(2)	power to consider a late submission duty to consider a late submission if directed to do so by the Minister	Groups A, B, C & D	
s.46GS(1)	power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s.46GQ	Groups A, B, C & D	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GS(2)	duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	Groups A, B, C & D	
s.46GT(2)	duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	Groups A, B, C & D	
s.46GT(4)	function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	Groups A, B, C & D	
s.46GT(6)	function of receiving, from the valuer-general, written notice of a determination under s.46GT(5)	Groups A, B, C & D	
s.46GU	duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s.46GU(1)(a) and (b) are met	Groups A, B, C & D	





<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GV(3)	function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  power to specify the manner in which the payment is to be made	Groups A, B, C & D	where Council is the collecting agency
s.46GV(3)(b)	power to enter into an agreement with the applicant	Groups A, B, C & D	where Council is the collecting agency
s.46GV(4)(a)	function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	Groups A, B, C & D	where Council is the development agency
s.46GV(7)	duty to impose the requirements set out in s.46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	Groups A, B, C & D	
s.46GV(9)	power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	Groups A, B, C & D	where Council is the collecting agency
s46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	Groups A, B, C & D	Where Council is the collecting agency



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GX(2)	duty, before accepting the provision of works, services or facilities by an applicant under s.46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	Groups A, B, C & D	where Council is the collecting agency
s.46GY(1)	duty to keep proper and separate accounts and records	Groups A, B, C & D	where Council is the collecting agency
s.46GY(2)	duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	Groups A, B, C & D	where Council is the collecting agency
s.46GZ(2)(a)	duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	Groups A, B, C & D	where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is that planning authority
s.46GZ(2)(a)	function of receiving the monetary component	Groups A, B, C & D	where the Council is the planning authority this duty does not apply where Council is also the collecting agency
s.46GZ(2)(b)	duty to forward any part of the of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in as responsible for those works, services or facilities	Groups A, B, C & D	where Council is the collecting agency under an approved infrastructure contributions plan this provision does not apply where Council is also the relevant development agency



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GZ(2)(b)	function of receiving the monetary component	Groups A, B, C & D	where Council is the development agency under an approved infrastructure contributions plan this provision does not apply where Council is also the collecting agency
s.46GZ(4)	duty to use any land equalisation amounts to pay land credit amounts under s.46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s.46GZ(5)	Groups A, B, C & D	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZ(5)	duty to <b>keep</b> forward any part of <b>a</b> land equalisation amount required for the acquisition of outer public purpose land <b>by a development agency specified in the approved infrastructure contributions plan to that development agency</b>	Groups A, B, C & D	where Council is the <b>development-collecting</b> agency specified <b>under an in-the</b> approved infrastructure contributions plan this provision does not apply where Council is also the relevant <b>development-collecting</b> agency
<a href="#">s 46GZ(5)</a>	<a href="#">Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land</a>	<a href="#">Groups A, B, C &amp; D</a>	<a href="#">Where Council is the development agency specified in the approved infrastructure contributions plan</a> <a href="#">This provision does not apply where Council is also the collecting agency</a>
s.46GZ(7)	duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s.46GW	Groups A, B, C & D	where Council is the collecting agency under an approved infrastructure contributions plan



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GZ(9)	duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	Groups A & B	if any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s.46GV(4)  where Council is the collecting agency under an approved infrastructure contributions plan  this duty does not apply where Council is also the development agency
s.46GZ(9)	function of receiving the fee simple in the land	Groups A & B	where Council is the development agency under an approved infrastructure contributions plan  this duty does not apply where Council is also the collecting agency
s.46GZA(1)	duty to keep proper and separate accounts and records	Groups A & B	where Council is a development agency under an approved infrastructure contributions plan
s.46GZA(2)	duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	Groups A, B, C & D	where Council is a development agency under an approved infrastructure contributions plan
s46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)		Where Council is a development agency under an approved infrastructure contributions plan
s46GZB(4)	duty in accordance with the requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	Groups A & B	if the VPA is the collecting agency under an approved infrastructure contributions plan  where Council is a development agency under an approved infrastructure contributions plan



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GZD(2)	duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZD(2)(a) and (b)	Groups A & B	where Council is the development agency under an approved infrastructure contributions plan
s.46GZD(3)	duty to follow the steps set out in s.46GZD(3)(a) and (b)	Groups A & B	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZD(5)	duty to make payments under s. 46GZD(3) in accordance with s.46GZD(5)(a) and 46GZD(5)(b).	Groups A & B	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZE(2)	duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	Chief Executive Officer <a href="#">Director City Strategy and Integrity</a> <del>Director Corporate Development</del> <del>Director City Development</del> <a href="#">City Strategy and Integrity</a>	where Council is the development agency under an approved infrastructure contributions plan  this duty does not apply where Council is also the collecting agency
<a href="#">s 46GZE(2)</a>	<a href="#">Function of receiving the unexpended land equalisation amount</a>	<a href="#">Chief Executive Officer</a> <a href="#">Director City Strategy and Integrity</a>	<a href="#">Where Council is the collecting agency under an approved infrastructure contributions plan</a>  <a href="#">This duty does not apply where Council is also the development agency</a>



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GZE(23)	Duty within 12 month after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in S 46GZE(3)(a) and (b)	Groups A & B	where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is also the development agency
s.46GZF(2)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	Groups A & B	where Council is the development agency under an approved infrastructure contributions plan
s.46GZE46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46 GZF (3)(a) and (b)	Groups A & B	where Council is the collecting agency under an approved infrastructure contributions plan
s46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)		Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	s.46GZF(3)(a) function of receiving proceeds of sale	Groups A & B	where Council is the collection agency under an approved infrastructure contributions plan this provision does not apply where Council is also the development agency
s.46GZF(4)	duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s.46GZF(5)	Groups A & B	where Council is the collecting agency under an approved infrastructure contributions plan



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GZF(6)	duty to make the payments under s.46GZF(4) in accordance with s.46GZF(6)(a) and (b)	Groups A & B	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZH	power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	Groups A & B	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZI	duty to prepare and give a report to the Minister at the times required by the Minister	Groups A & B	where Council is a collecting agency or development agency
s.46GZK	power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	Groups A & B	where Council is a collecting agency or development agency
s.46LB(3)	duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s.46LB (2)	Groups A & B	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	Groups A, B, C & D	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	Groups A, B, C & D	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	Groups A & B	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46O(1)(a) & (2)(a)	power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	Groups A & B	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	Groups A & B	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	Groups A & B	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	Groups A & B	
s.46Q(1)	duty to keep proper accounts of levies paid	Chief Executive Officer Director - <u>City Strategy and Integrity Corporate Development</u> <del>Director-City Development</del>	
s.46Q(1A)	duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	Chief Executive Officer Director - <u>City Strategy and Integrity Corporate Development</u> <del>Director-City Development</del>	
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	Chief Executive Officer Director - <u>City Strategy and Integrity Corporate Development</u> <del>Director-City Development</del>	





<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	Chief Executive Officer Director - <u>-City Strategy and Integrity Corporate Development</u> <del>Director-City Development</del>	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)	Chief Executive Officer Director - <u>-City Strategy and Integrity Corporate Development</u> <del>Director-City Development</del>	must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	Chief Executive Officer Director - <u>-City Strategy and Integrity Corporate Development</u> <del>Director-City Development</del>	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	Chief Executive Officer Director - <u>-City Strategy and Integrity Corporate Development</u> <del>Director-City Development</del>	with the consent of, and in the manner approved by, the Minister
s.46QC	power to recover any amount of levy payable under Part 3B	Chief Executive Officer Director - <u>-City Strategy and Integrity Corporate Development</u> <del>Director-City Development</del>	
s.46QD	duty to prepare report and give a report to the Minister	Groups A & B	where Council is a collecting agency or development agency



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



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.50A(4)	duty to note amendment to application in register	Groups A, B, C, D, F & I	
s.51	duty to make copy of application available for inspection <u>in accordance with the public availability requirements</u>	All Groups	
s.52(1)(a)	duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	Groups A, B, C, D, F & I	
s.52(1)(b)	duty to give notice of the application to other municipal Councils where appropriate	Groups A, B, C, D, F & I	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	Groups A, B, C, D, F & I	
s.52(1)(ca)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	Groups A, B, C, D, F & I	
s.52(1)(cb)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	Groups A, B, C & D	



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



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time under section 54A(3)	Groups A, B, C, D, F, G & I	
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Groups A, B, C, D, F, G & I	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	Group A	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Groups A, B, C, D, F & I	
s.57(5)	duty to make <del>available for inspection</del> a copy of all objections <u>available in accordance with the public availability requirements</u>	All Groups	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	Groups A, B, C, D, F & I	
s.57A(5)	power to refuse to amend application	Groups A, B, C & D, F & I	
s.57A(6)	duty to note amendments to application in register	All Groups	
s.57B(1)	duty to determine whether and to whom notice should be given	Groups A, B, C & D, F & I	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.57B(2)	duty to consider certain matters in determining whether notice should be given	Groups A, B, C & D, F & I	
s.57C(1)	duty to give copy of amended application to referral authority	Groups A, B, C, D, F & I	
s.58	duty to consider every application for a permit	Groups A, B, C, D, F & I	
s.58A	power to request advice from the Planning Application Committee	Chief Executive Officer Director - <u>-City Strategy and Integrity, City Development</u>	
s.60	duty to consider certain matters	Groups A, B, C, D, F & I	
<u>s.60(1A)</u>	<u>Duty to consider certain matters</u>	<u>Groups A, B, C, D, F &amp; I</u>	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	Groups A, B, C, D, F & I	



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



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			<p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where :</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in the table in the Chief Executive Officer’s Instrument of Delegation Dated 30 March 2020, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>





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



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			<p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where :</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in the table in the Chief Executive Officer’s Instrument of Delegation Dated 30 March 2020, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(1)(c)	power to refuse the permit	Groups A, B, C, D, F & I	<p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>an application once it is “called up” by a Knox Councillor (in consultation with the Director <a href="#">City Strategy and Integrity City Development</a>) or the CEO, Director <a href="#">City Strategy and Integrity City Development</a> or Manager City Planning &amp; Building.</li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where :</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in the table in the Chief Executive Officer’s Instrument of Delegation Dated 30</p>



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			<p>March 2020, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	Groups A, B, C, D, F & I	<p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>an application once it is “called up” by a Knox Councillor (in consultation with the Director <a href="#">City Strategy and Integrity City Development</a>) or the CEO, Director <a href="#">City Strategy and Integrity City Development</a> or Manager City Planning &amp; Building.</li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where :</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p>



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			<p>(b) after following the procedure set out in the table in the Chief Executive Officer’s Instrument of Delegation Dated 30 March 2020, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	Groups A, B, C, D, F & I	<p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>an application once it is “called up” by a Knox Councillor (in consultation with the Director <del>City Strategy and Integrity City Development</del>) or the CEO, Director <del>City Strategy and Integrity City Development</del> or Manager City Planning &amp; Building.</li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where :</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in the table in the Chief Executive Officer’s Instrument of Delegation Dated 30</p>



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			<p>March 2020, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>
s61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Groups A, B, C, D, F & I	





<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	Groups A, B, C, D, F & I	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	Groups A, B, C, D, F & I	<p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>an application once it is "called up" by a Knox Councillor (in consultation with the Director-<a href="#">City Strategy and Integrity City Development</a>) or the CEO, Director <a href="#">City Strategy and Integrity City Development</a> or Manager City Planning &amp; Building.</li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <ul style="list-style-type: none"> <li></li> </ul> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where :</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in the table in the Chief Executive Officer's Instrument of Delegation Dated 30</p>



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			<p>March 2020, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>
s.62(1)	duty to include certain conditions in deciding to grant a permit	Groups A, B, C, D, F & I	
s.62(2)	power to include other conditions	Groups A, B, C, D, F & I	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	Groups A, B, C, D, F & I	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan <a href="#">or an approved infrastructure contributions plan</a>	Groups A, B, C, D, F & I	
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	Groups A, B, C, D, F & I	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	Groups A, B, C & D, F & I	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with section <a href="#">ss 46N(1), 46GV(7) or 62(5) or section 46N</a>	Groups A, B, C & D, F & I	
s.62(6)(b)	duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in section 62(1)(a)	Groups A, B, C, D, F & I	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	Groups A, B, C, D, F & I	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	Groups A, B, C, D, F & I	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(3)	duty not to issue a permit until after the specified period	Groups A, B, C, D, F & I	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	Groups A, B, C, D, F & I	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	Groups A, B, C, D, F & I	this provision applies also to a decision to grant an amendment to a permit - see section 75A



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	Groups A, B, C, D, F & I	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	Groups A, B, C, D, F & I	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	Groups A, B, C, D, F & I	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	Groups A, B, C, D, F & I	if the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s.66(6)	duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	Groups A, B, C, D, F & I	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s.69(1)	function of receiving application for extension of time of permit	All Groups	
s.69(1A)	function of receiving application for extension of time to complete development	All Groups	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.69(2)	power to extend time	Groups A, B, C, D, F & I	<p>In exercising this power consideration must be given to the matters referred to in Butterworths' Casenotes 5.35 relating to 'Extension of Time' and:</p> <ul style="list-style-type: none"> <li>• Whether there has been a change in planning circumstances of the site (ie changes in zoning or planning policy);</li> <li>• Whether there has been a change in the material circumstances of the site and surrounds;</li> <li>• The steps the owner may or may not have undertaken in an endeavour to act on the permit;</li> <li>• Whether the time limit imposed was adequate having regard to the actions required to fulfil permit conditions.</li> </ul> <p>Group B, C, D, &amp; F: May only exercise this power after obtaining the approval of at least one other delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves the removal or pruning of vegetation.</p>
s.70	duty to make copy permit available <u>in accordance with the public availability requirements for inspection</u>	Groups A, B, C, D, F & I	
s.71(1)	power to correct certain mistakes	Groups A, B, C, D, F & I	
s.71(2)	duty to note corrections in register	Groups A, B, C & D	
s.73	power to decide to grant amendment subject to conditions	Groups A, B, C & D	
s.74	duty to issue amended permit to applicant if no objectors	Groups A, B, C, D, F & I	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
S75A	<del>Duty not to issue an amended permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit.</del>	<del>Groups A, B, C, D, F &amp; I</del>	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Groups A, B, C, D, F & I	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	Groups A, B, C, D, F & I	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Groups A, B, C, D, F & I	if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	Groups A, B, C, D, F & I	if the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76	Groups A, B, C, D, F & I	if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s.76D	duty to comply with direction of Minister to issue amended permit	Groups A, B, C & D	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.83	function of being respondent to an appeal	Groups A, B, C, D, E, F & I	
s.83B	duty to give or publish notice of application for review	Groups A, B, C, D, F & I	





<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	Groups A, B, C, D, F & I	<p><u>Decision to Support an Application</u></p> <p>The application must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The proposal must be considered to be in compliance with the Knox Planning Scheme, including the Municipal Strategic Statement and Local Planning Policy Framework and any incorporated documents to the planning scheme;</p> <p>This power cannot be exercised in relation to:</p>



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<ul style="list-style-type: none"> <li>an application once it is “called up” by a Knox Councillor (in consultation with the Director-<del>City Strategy and Integrity City Development</del>) or the CEO, Director <del>City Strategy and Integrity City Development</del> or Manager City Planning &amp; Building.</li> <li>an application which has received objections from the owners and/or occupiers of 15 or more separate properties, unless:                             <ul style="list-style-type: none"> <li>The site is located within an Activity Centre with a Structure Plan approved by Council; or</li> <li>The site is located within an ‘Activity Area’ as identified in the Knox Housing Strategy 2015 (or as amended).</li> </ul> </li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers may be exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p> <p><u>Decision to Oppose an Application</u></p> <p>This power cannot be exercised in relation to:</p>



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<ul style="list-style-type: none"> <li>an application once it is “called up” by a Knox Councillor (in consultation with the Director-<a href="#">City Strategy and Integrity City Development</a>) or the CEO, Director <a href="#">City Strategy and Integrity City Development</a> or Manager City Planning &amp; Building.</li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where :</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in the table in the Chief Executive Officer’s Instrument of Delegation Dated 30 March 2020, the Chief Executive Officer forms the opinion that</p>



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and  (c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation



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



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



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



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





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



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			<p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in the table in the Chief Executive Officer's Instrument of Delegation Dated 30 March 2020, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>
s.96H(3)	power to give notice in compliance with Minister's direction	Groups A, B & C	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.96J	power to issue permit as directed by the Minister	Groups A, B & C	
s.96K	duty to comply with direction of the Minister to give notice of refusal	Groups A, B & C	
s. 96Z	duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate	All Groups	
s.97C	power to request Minister to decide the application	Group A	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	Groups A, B & C	
s.97G(3)	function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	Groups A, B & C	
s.97G(6)	duty to make a copy of permits issued under section 97F available <u>in accordance with the public availability requirements for inspection</u>	All Groups	
s.97L	duty to include Ministerial decisions in a register kept under section 49	Groups A, B & C	
s.97MH	duty to provide information or assistance to the Planning Application Committee	Group A	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	Group A	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	Groups A, B, C, D & E	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Groups A, B, C, D & E	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Groups A, B, C, D & E	
s.97Q(4)	duty to comply with directions of VCAT	Groups A, B, C, D & E	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	Groups A, B, C, D & E	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	Group A	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	Group A	
s.101	function of receiving claim for expenses in conjunction with claim	Group A	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.103	power to reject a claim for compensation in certain circumstances	Group A	
s.107(1)	function of receiving claim for compensation	Group A	
s.107(3)	power to agree to extend time for making claim	Group A	
s.114(1)	power to apply to the VCAT for an enforcement order	Groups A, B & E	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	Groups A, B, C, D & E	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	Groups A, B & E	
s.123(1)	power to carry out work required by enforcement order and recover costs	Groups A & E	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	Group A	except Crown Land
s.129	function of recovering penalties	Groups A, B & E	
s.130(5)	power to allow person served with an infringement notice further time	Groups A, B & E	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.149A(1)	power to refer a matter to the VCAT for determination	Groups A & B	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	Groups A & B	
s.156	duty to pay fees and allowances (including a payment to the Crown under <a href="#">subsection s.156(2A)</a> ), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under <a href="#">subsection s.156(2B)</a> power to ask for contribution under <a href="#">subsection s.156(3)</a> and power to abandon amendment or part of it under <a href="#">subsection s.156(4)</a>	Group A	where Council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	Groups A, B, C, D & E	
s.171(2)(g)	power to grant and reserve easements	Group A	
s.172C	power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	Group A	where Council is a development agency specified in an approved infrastructure contributions plan
s.172D(1)	power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s.46GV(4)	Group A	where Council is a collecting agency specified in an approved infrastructure contributions plan



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.172D(2)	power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s.46GV(4)	Group A	where Council is the development agency specified in an approved infrastructure contributions plan
s.173(1)	power to enter into agreement covering matters set out in section 174	Chief Executive Officer Director <a href="#">City Strategy and Integrity City Development</a>	The Agreement must align with the requirements of a condition (s) on an issued Planning Permit
s.173(1A)	power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	Group A	where council is the relevant responsible authority
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	Groups A, B, C & D	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	Groups A, B, C & D	
s.177(2)	power to end a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	Chief Executive Officer Director <a href="#">City Strategy and Integrity City Development</a>	This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.
s.178	power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	Chief Executive Officer Director <a href="#">City Strategy and Integrity City Development</a>	The Agreement must align with the requirements of a condition (s) on an issued Planning Permit
s.178A(1)	function of receiving application to amend or end an agreement	Groups A, B, C & D	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	Groups A, B, C & D	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	Groups A, B, C & D	
s.178A(5)	power to propose to amend or end an agreement	Chief Executive Officer Director <a href="#">City Strategy and Integrity City Development</a>	This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.





<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	Chief Executive Officer Director <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a>	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	Chief Executive Officer Director <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a>	
s.178C(2)	duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	Groups A, B, C & D	
s.178C(4)	function of determining how to give notice under s.178C(2)	Groups A, B, C & D	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	Chief Executive Officer Director <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a>	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	Chief Executive Officer Director <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a>	<p>If no objections are made under s.178D</p> <p>Must consider matters in s.178B</p> <p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>• A section 173 agreement that was entered into via a resolution of Council; or</li> <li>• If any objections are made under s.178D</li> </ul> <p>The above conditions and limitations do not apply to the Chief Executive Officer where :</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in the table in the Chief Executive Officer's Instrument of Delegation Dated 30 March 2020, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <ul style="list-style-type: none"> <li>• (c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</li> </ul>



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Chief Executive Officer Director <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a>	<p>If no objections are made under s.178D</p> <p>Must consider matters in s.178B</p> <p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>• A section 173 agreement that was entered into via a resolution of Council; or</li> <li>• If any objections are made under s.178D</li> </ul> <p>The above conditions and limitations do not apply to the Chief Executive Officer where :</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in the table in the Chief Executive Officer’s Instrument of Delegation Dated 30 March 2020, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <ul style="list-style-type: none"> <li>• (c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</li> </ul>



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(2)(c)	power to refuse to amend or end the agreement	Chief Executive Officer Director <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a>	<p>If no objections are made under s.178D</p> <p>Must consider matters in s.178B</p> <p>This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.</p> <p>The above conditions and limitations do not apply to the Chief Executive Officer where :</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in the table in the Chief Executive Officer's Instrument of Delegation Dated 30 March 2020, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	Chief Executive Officer Director <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a>	<p>After considering objections, submissions and matters in s.178B This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.</p> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where :</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in the table in the Chief Executive Officer’s Instrument of Delegation Dated 30 March 2020, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	Chief Executive Officer Director <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a>	<p>After considering objections, submissions and matters in s.178B This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.</p>



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	Chief Executive Officer Director <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a>	<p>After considering objections, submissions and matters in s.178B This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.</p> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where :</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in the table in the Chief Executive Officer’s Instrument of Delegation Dated 30 March 2020, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.178E(3)(d)	power to refuse to amend or end the agreement	Chief Executive Officer Director <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a>	<p>After considering objections, submissions and matters in s.178B This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.</p> <p>The above conditions and limitations do not apply to the Chief Executive Officer where :</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in the table in the Chief Executive Officer's Instrument of Delegation Dated 30 March 2020, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	Groups A, B, C & D	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	Groups A, B, C & D	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.178F(4)	duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	Groups A, B, C & D	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	Chief Executive Officer Director <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a>	
s.178H	power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	Groups A, B, C & D	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	Groups A, B, C & D	
s.179(2)	duty to make <a href="#">available for inspection a copy of each agreement available in accordance with the public availability requirements</a>	Groups A, B, C, D & E	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	Groups A, B, C & D	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	Groups A, B, C & D	





<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	Groups A, B, C & D	
s.182	power to enforce an agreement	Groups A, B, C, D & E	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	Groups A, B, C & D	
s.184F(1)	power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	Chief Executive Officer Director <a href="#">City Strategy and Integrity City Development</a>	<p>This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.</p> <p>The above conditions and limitations do not apply to the Chief Executive Officer where :</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in the table in the Chief Executive Officer's Instrument of Delegation Dated 30 March 2020, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.184F(2)	duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	Chief Executive Officer Director <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a>	
s.184F(3)	duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	Groups A, B, C & D	
s.184F(5)	function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	Groups A, B, C & D	
s.184G(2)	duty to comply with a direction of the Tribunal	Chief Executive Officer Director <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a>	
s.184G(3)	duty to give notice as directed by the Tribunal	Groups A, B, C, D & F	
s.198(1)	function to receive application for planning certificate	Groups A, B & C	
s.199(1)	duty to give planning certificate to applicant	Groups A, B & C	
s.201(1)	function of receiving application for declaration of underlying zoning	Group A	
s.201(3)	duty to make declaration	Group A	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Misc	power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	Groups A, B, C, D & E	
Misc	power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	Groups A, B, C & D	
Misc	power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	Groups A, B, C & D	
Misc	power to give written authorisation in accordance with a provision of a planning scheme	Groups A, B, C & D	
Misc.	power to mediate an appeal at the Victorian Civil and Administrative Tribunal – Mediation Hearing	Groups A, B, C, & D	The mediated outcome shall be generally in accordance with the Council decision on the application.
Misc.	power to request that the Minister for Planning prepare and approve a Planning Scheme Amendment	Group A	The Planning Scheme Amendments requested must be matters which do not require advertising and have no policy implications, such as urgent, or minor, administrative or procedural matters, or rectification of errors.
Misc.	power to make minor changes to a Planning Scheme Amendment	Group A	Changes must not affect the purpose or intent of the Amendment.



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



RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s91ZU(1)	Power to give a renter a notice to vacate rented premises	Chief Executive Officer Director – <del>City Strategy and Integrity City Development</del> <del>Director – Corporate Services</del> Manager - City Safety & Health Coordinator - Health Services	Where Council is a public statutory authority engaged in the provision of housing  <i>Note: this power is not yet in force and will commence on <u>27 April</u> 1 January 2021, unless proclaimed earlier.</i>
S91ZZC(1)	Power to give a renter a notice to vacate rented premises	Chief Executive Officer Director – <del>City Strategy and Integrity City Development</del> <del>Director – Corporate Services</del> Manager - City Safety & Health Coordinator - Health Services	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes  <i>Note: this power is not yet in force and will commence on <u>27 April</u> 1 January 2021, unless proclaimed earlier.</i>
S91ZZE(1)	Power to give a renter a notice to vacate rented premises	Chief Executive Officer Director – <del>City Strategy and Integrity City Development</del> <del>Director – Corporate Services</del> Manager - City Safety & Health Coordinator - Health Services	Where Council is a public statutory authority engaged in the provision of housing  <i>Note: this power is not yet in force and will commence on <u>27 April</u> 1 January 2021, unless proclaimed earlier.</i>
S91ZZE(3)	Power to give a renter a notice to vacate rented premises	Chief Executive Officer Director – <del>City Strategy and Integrity City Development</del> <del>Director – Corporate Services</del> Manager - City Safety & Health Coordinator - Health Services	Where Council is a public statutory authority engaged in the provision of housing  <i>Note: this power is not yet in force and will commence on <u>27 April</u> 1 January 2021, unless proclaimed earlier.</i>



RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142D	function of receiving notice regarding an unregistered rooming house	Chief Executive Officer Director - <a href="#">City Strategy and Integrity City Development</a> Manager - City Safety & Health Coordinator - Health Services	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	Chief Executive Officer Director - <a href="#">City Strategy and Integrity City Development</a> Manager - City Safety & Health Coordinator - Health Services	
s. 142G(2)	power to enter certain information in the Rooming House Register	Chief Executive Officer Director - <a href="#">City Strategy and Integrity City Development</a> Manager - City Safety & Health Coordinator - Health Services	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	Chief Executive Officer Director - <a href="#">City Strategy and Integrity City Development</a> Manager - City Safety & Health Coordinator - Health Services	
S206AZA(2)	Function of receiving written notification	Chief Executive Officer Director – <a href="#">City Strategy and Integrity City Development</a> Manager - City Safety & Health Coordinator - Health Services	<a href="#">Note: this function is not yet in force and will commence on 27 April 1 January 2021, unless proclaimed earlier.</a>



RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
S207ZE(2)	Function of receiving written notification	Chief Executive Officer Director – <del>City Strategy and Integrity City Development</del> Manager - City Safety & Health Coordinator - Health Services	<i>Note: this function is not yet in force and will commence on 27 April 1 January 2021, unless proclaimed earlier.</i>
S311A(2)	Function of receiving written notification	Chief Executive Officer Director – <del>City Strategy and Integrity City Development</del> Manager - City Safety & Health Coordinator - Health Services	
S317ZDA(2)	Function of receiving written notification	Chief Executive Officer Director – <del>City Strategy and Integrity City Development</del> Manager - City Safety & Health Coordinator – Health Services	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	Chief Executive Officer Director - <del>City Strategy and Integrity City Development</del> Manager - City Safety & Health Coordinator - Health Services	
s.522(1)	power to give a compliance notice to a person	Chief Executive Officer Director - <del>City Strategy and Integrity City Development</del> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	



<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	Chief Executive Officer Director - <a href="#">City Strategy and Integrity City Development</a> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	
s.525(4)	duty to issue identity card to authorised officers	Chief Executive Officer Director – <a href="#">City Strategy and Integrity City Development</a> Director- Corporate Services Manager – Governance	
s.526(5)	duty to keep record of entry by authorised officer under section 526	Chief Executive Officer Director - <a href="#">City Strategy and Integrity City Development</a> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	
s.526A(3)	function of receiving report of inspection	Chief Executive Officer Director - <a href="#">City Strategy and Integrity City Development</a> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	Chief Executive Officer Director – <a href="#">City Strategy and Integrity City Development</a> Manager – City Safety & Health	





<b>PLANNING AND ENVIRONMENT REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r. 6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	All Groups	where Council is not the planning authority and the amendment affects land within its municipal district; or  where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	Groups A, B, C, D, F & I	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	Groups A, B, C & D	where Council is the responsible authority
r.25(b))	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	Groups A, B, C, D, F & I	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	Groups A, B, C & D	where Council is not the planning authority and the amendment affects land within Council's municipal district; or  where the amendment will amend the planning scheme to designate Council as an acquiring authority.



<b>PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r.19	power to waive or rebate a fee relating to an amendment of a planning scheme	Group A	
r.20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	Group A & B	
r.21	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	Groups A & B	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 7	Power to enter into a written agreement with a caravan park owner	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	
r 10	Function of receiving application for registration	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services	
r 11	Function of receiving application for renewal of registration	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services	
r 12(4) & (5)	Duty to issue certificate of registration	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services	
r 14(1)	Function of receiving notice of transfer of ownership	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services	
r 14(3)	Power to determine where notice of transfer is displayed	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 15(1)	Duty to transfer registration to new caravan park owner	Chief Executive Officer Director - <u>City Strategy and Integrity</u> <u>City Development</u> Manager - City Safety & Health Coordinator - Health Services	
r 15(2)	Duty to issue a certificate of transfer of registration	Chief Executive Officer Director - <u>City Strategy and Integrity</u> <u>City Development</u> Manager - City Safety & Health Coordinator - Health Services	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	Chief Executive Officer Director - <u>City Strategy and Integrity</u> <u>City Development</u> Manager - City Safety & Health Coordinator - Health Services	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	Chief Executive Officer Director - <u>City Strategy and Integrity</u> <u>City Development</u>	
r 17	Duty to keep register of caravan parks	Chief Executive Officer Director - <u>City Strategy and Integrity</u> <u>City Development</u> Manager - City Safety & Health Coordinator - Health Services	
r 18(4)	Power to determine where the emergency contact person's details are displayed	Chief Executive Officer Director - <u>City Strategy and Integrity</u> <u>City Development</u> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 18(6)	Power to determine where certain information is displayed	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	
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	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	
r 22(2)	Duty to consult with relevant emergency services agencies	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 25(3)	Duty to consult with relevant floodplain management authority	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	
r 26	Duty to have regard to any report of the relevant fire authority	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <a href="#">City Development</a> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 41(4)	Function of receiving installation certificate	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <del>City Development</del> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <del>City Development</del> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	
Sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	Chief Executive Officer Director - <a href="#">City Strategy and Integrity</a> <del>City Development</del> Manager - City Safety & Health Coordinator - Health Services Environmental Health Officer	





<u>RESIDENTIAL TENANCIES REGULATIONS 2021</u>			
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
<u>PROVISION</u>	<u>THING DELEGATED</u>	<u>DELEGATE</u>	<u>CONDITIONS &amp; LIMITATIONS</u>
<u>Sch 4 of cl3(a)(iii)</u>	<u>Power to approve any other toilet system</u>	<u>Chief Executive Officer</u> <u>Director - City Strategy and Integrity</u> <u>Manager - City Safety &amp; Health</u> <u>Coordinator - Health Services</u> <u>Environmental Health Officer</u>	

## 7 Public Question Time

Following the completion of business relating to Item 6, City Strategy and Integrity, the business before the Council Meeting will now be deferred to consider questions submitted by the public.

## 8 Infrastructure Officers' Reports for consideration

### 8.1 Contract 2723 - Eildon Parade Children Centre Refurbishment and Upgrade Works

**SUMMARY:** Facilities Project Officer, Ben Zhang

**This report considers and recommends the appointment of the successful tender for Contract 2723 – Eildon Parade Children Centre Refurbishment and Upgrade Works.**

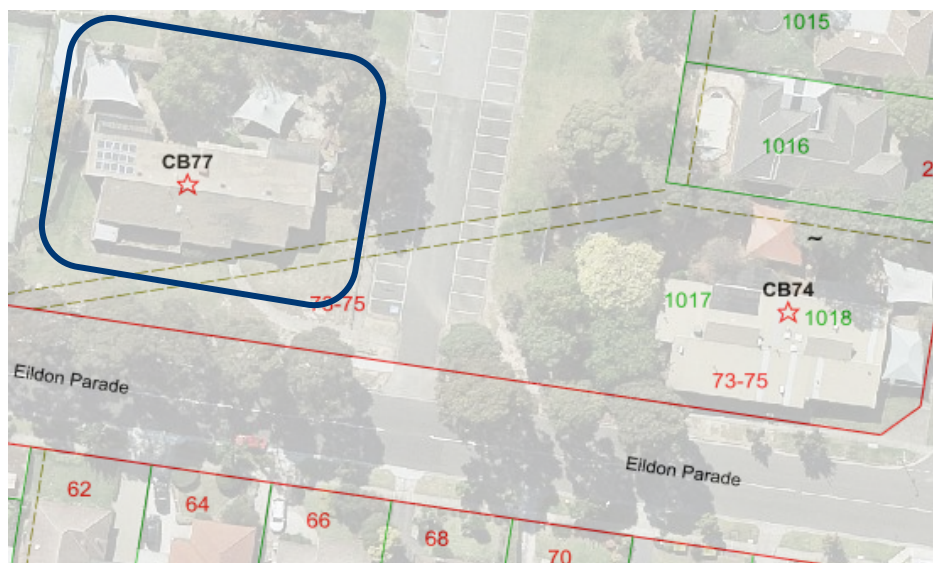
#### RECOMMENDATION

**That Council:**

- 1. Accept the tender submitted by Building Impressions Pty Ltd for the lump sum of \$1,098,000.00 (excl. GST), \$1,207,800.00 (incl. GST) for Contract No. 2723 – Eildon Parade Children Centre Refurbishment and Upgrading Works;**
- 2. Authorise the Chief Executive Officer (or such person the Chief Executive Officer selects) to execute contract documentation of Contract No. 2723 - Eildon Parade Children Centre Refurbishment and Upgrading Works to give effect to Council's decision; and**
- 3. Advises all tenders accordingly.**

#### 1. INTRODUCTION

Contract 2723 – Eildon Parade Children Centre Refurbishment and Upgrade Works is to refurbish and upgrade the existing Eildon Child Care Centre (CB77). The project aims to support the relocation of Eildon Parade Kindergarten and Playgroup, currently located at Eildon Parade Children and Family Centre (CB74), as per location map attached below. This project forms part of the Early Years Assets Project in line with Council's decision on 26 November 2018.



The project is planned to start from October 2021 and anticipated completion is in March 2022 to enable relocation of current Eildon Parade Kindergarten and Playgroup into the new facility from the second school term of 2022.

## **2. DISCUSSION**

Contract 2723 will engage a qualified and experienced contractor to provide labour and material to undertake refurbishment and upgrade works to the existing Eildon Child Care Centre (CB77), as well as upgrades to the playground and associated landscape works. This will enable the transition of the current facility to a kindergarten and playgroup facility. The works shall ensure that the completed facility meets the requirement of the National Construction Code (NCC) with regard to safety and energy efficiency, Knox City Council's Sustainable Building Policy, Children's Services Regulations and Infrastructure Policy and the Disability Discrimination Act (DDA), as well as other applicable legislative requirements.

It is anticipated the successful contractor will be able to complete all works within the timeframe from October 2021 to March 2022 for the facility to be ready for servicing children and families from the second School Term in 2022.

### **Tenders called for**

An invitation to tender notice was advertised in The Age newspaper with the tender period commencing 15 May 2021 and closing on 17 June 2021.

### **Tenders Received**

The following companies submitted tenders for contract 2723:

1. Gladona Building Services Pty Ltd
2. Ausbuild Construction Pty Ltd
3. Building Impressions Pty Ltd
4. Insight Construction Group
5. Ducon Maintenance Pty Ltd
6. Circon Constructions Pty Ltd
7. Total Construction Maintenance Solutions
8. Harris HMC Interiors (VIC) Pty Ltd
9. DBS Construction Group Pty Ltd
10. Kingdom Constructions Group Pty Ltd
11. ECC United Commercial Pty Ltd
12. AWS Services VIC Pty Ltd

### **Evaluation Panel**

An evaluation panel was established to assess the tenders submitted against the established criteria including:

- Price

- Quality Management
- Occupational Health & Safety
- Insurance
- Compliance to conditions of Contract
- Conflicts of Interest
- Project Methodology and Delivery Time
- Relevant Experience, Past Performance and Category Management
- Local, Social and Environmental Considerations

### **Recommended Tender**

Based on the consideration of the criteria and tender assessment, the tender submitted by Building Impressions Pty Ltd is considered to offer the best value for money to undertake the works outlined in Contract 2723 – Eildon Parade Children Centre Refurbishment and Upgrade Works.

### **3. CONSULTATION**

Recent consultation with Family and Children Services and service user groups has occurred regarding project delivery timeframe so that services can be managed accordingly.

Consultation has occurred with relevant internal stakeholders such as Family and Children Services Team, Planning Team, Sustainability Team, Landscape Team, Stormwater Team, Parks and representatives from user groups during various stages of the project including scoping, design and tendering.

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

This contract is based on the design in line with the Sustainable Buildings & Infrastructure Policy adopted by Council in July 2020. The design has fully considered Economic and Environmentally Sustainable Development (EESD) principles. Some of the details are as follows:

- Fossil fuel (gas) to the building will be abolished.
- 5 star energy and environmentally friendly products are selected (LED lights, air conditioners, toilet suites and plumbing fixtures, etc.)
- Recycled plastic products in wet areas; and
- 5KW Solar system would be installed.

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

The funding for this contract will be drawn from Capital Works Program of which the budget for the project has been allocated at \$1,262,700 (excluding GST) or \$1,388,970 (including GST) in financial year 2021/22.

Based on the recommended tender submitted by Building Impression Pty Ltd for the lump sum price of \$ 1,207,800 (including GST), there is adequate funding available to award this contract.

## **6. SOCIAL IMPLICATIONS**

Completion of project under this contract will provide a fresh look and fully functioning Family and Children facility, which not only will be able to accommodate the kindergarten and playgroup located in the Eildon Parade Children and Family Centre, but also have the capacity for more 4-year old kinder, 33 compared to 26 in the old kindergarten; and in addition, the new facility will have a capacity to accommodate of 16 of 3-year old kinder. It will be fully accessible and friendly to all users.

There is a tennis pavilion with nine tennis courts and a recently renovated and extended sports pavilion with two ovals just at the back of the facility and a playground at the corner. More families and children would be attracted to the facility for learning, play as well as performing active and passive recreation activities.

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

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

Strategy 7.3 - Strengthen community connections

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

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

## **8. CONFLICT OF INTEREST**

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

## **9. CONCLUSION**

Following the tender evaluation process, the following tender achieved the highest evaluation rating for this contract and it is recommended that Council award Contract 2723 – Eildon Parade Children Centre Refurbishment and Upgrade Works to Building Impression Pty Ltd.

## **10. CONFIDENTIALITY**

Attachment 1 is included in the confidential agenda as it contains confidential information pursuant to Council's Governance Rules and Section 66 of the Local Government Act 2020, as it relates to:

- Private commercial information that, if released, would unreasonably expose tenders to disadvantage because it would release financial information about the business that is not available to their competitors.

**Report Prepared By:** Facilities Project Officer, Ben Zhang

**Report Authorised By:** Director Infrastructure, Grant Thorne

## **Attachments**

Confidential Attachment 1 is issued under separate cover.

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## 8.2 Arterial Road Project Priorities 2021

**SUMMARY:** Sustainable Transport Planner, Winchelle Chuson

**As part of Council's advocacy program, a list of arterial road priority projects is submitted to the Department of Transport for consideration. This report provides a summary of Council's priorities for arterial road projects and will be used by officers in submissions to State and Federal Governments for funding and delivery of these projects.**

### **RECOMMENDATION**

**That Council:**

- 1. Adopt the priority lists for the Arterial Road Projects Priorities 2021 as presented in Appendix A of this report;**
- 2. Send a copy of all the priority lists in Appendix A to the Federal Minister for Communications, Urban Infrastructure, Cities and the Arts, the State Ministers for Transport Infrastructure; Public Transport, Roads and Road Safety; and all local State and Federal Members of Parliament and the Department of Transport for consideration;**
- 3. Incorporates the top 10 priority projects listed in the 'Combined Categories' list in Council's advocacy campaign in the lead up to the Federal and State Elections; and**
- 4. Continues to advocate for funding to improve transport infrastructure across Knox.**

### **1. INTRODUCTION**

The Arterial Road Project Priority List identifies key projects that are required to improve the performance of Knox's arterial road network in support of all transport modes. As part of Council's advocacy program, Council submits this list to a range of State and Federal Government organisations to seek funding to deliver these nominated projects.

Historically each year, Council has advocated to VicRoads and local State and Federal Members of Parliament to fund the installation of the top priority projects. VicRoads has been integrated into the Department of Transport (DoT) creating a super organisation that incorporates planning and delivery for all transport modes, including Freight, Private Vehicle, Active Transport (Walking and Cycling) and Public Transport provision. Acknowledging the merged department, Council should continue to advocate to the Department of Transport and local Members of Parliament for priority initiatives, noting that Council has historically received and endorsed its public transport priorities via a separate report, primarily to give key focus to gaps in public transport provision within Knox.

Though the majority of the projects identified within this report would be delivered or funded by the Department of Transport, some of these projects also qualify for other State and Federal funding opportunities through relevant Road Safety programs, including Black Spot and Blacklength programs, which target sites with three or more casualty crashes in the last five years. Council also seeks funding from the Transport Accident Commission (TAC) for pedestrian and cycling safety infrastructure improvements.

## 2. DISCUSSION

The proposed projects within the Arterial Road Project List aim to improve the function and safety of all forms of transport or affect the performance of the arterial road network.

The type of projects that are considered includes:

- New arterial road links;
- Duplication of roads;
- Installation of traffic signals;
- Improvement of bus priority;
- Installation of safe road crossings for pedestrians and cyclists; and
- Installation of bike facilities along arterial roads

### Assessment Criteria

Under the Integrated Transport Act 2010, State and Local Government agencies should work towards ‘an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible State.’ To better align with State Government strategic objectives, priority projects for Knox are assessed against criteria based on the Transport Integration Act 2010.

Currently, each project is assessed against the Act’s objectives:

- Social and economic inclusion
- Economic prosperity
- Environmental Sustainability
- Integration of transport and land use
- Efficiency, coordination and reliability
- Safety and health and wellbeing

The assessment criteria is a 60 point system with 10 points allocated to each of the Integrated Transport Act Objectives. Although the assessment criteria categories are a reflection of the Integrated Transport Act 2010 objectives, the points system was assigned by Council officers in order to be able to compare and quantify projects against each other. Each of the objectives were assessed using a *minor* (2 points), *moderate* (6 points) and *significant* (10 point) scale. In rare circumstances, some projects in particular categories were awarded 4 points or 8 points if they didn’t fully fit in one of the higher categories.

In the 2019 Arterial Roads Priority report, officers highlighted that the Department of Transport was considering utilising a new priority system called Movement and Place and recommended that the Movement and Place classifications were to be included in future assessment criteria.



Movement and Place is a transport planning approach that aims to optimise the relationship between the transport network, the land uses and the people the network serves. The concept requires classification of the level of service for each transport mode and the level of use for each location (place) based on the different types of interactions and movements the area encourages. The consideration of how a space is used versus the movement of goods and people is a useful tool to ensure the integration of transport with land use planning. Furthermore, the movement and place concepts use a more thorough assessment of projects to ensure that the project scope considers environmental impacts in greater depth and the infrastructure improvements would increase road safety for all users.

The Department of Transport's classification of the transport network using the Movement and Place concepts have not been finalised therefore the classifications were not available to be included in the 2021 assessment criteria. As such, the assessment criteria utilised in 2019 has again been used for the 2021 Arterial Roads Project Priority List.

In addition, Knox's Community Plan 2021-2031 and Council Plan 2021-2025 are currently being developed. It is proposed that the Arterial Roads Project Priorities assessment criteria should also align with the plans' objectives to ensure projects are prioritised based on Knox's community needs.

In its current form, Council officers acknowledge that the 60-point assessment criteria used for the 2017, 2019 and now 2021 criteria generates ambiguity when assessing the projects. This is further exacerbated by the need to rank highly varying project types against each other (e.g. a duplication versus a pedestrian crossing). As a result, it is proposed that the next Arterial Roads Priority report be submitted in 2023 once the Movement and Place classifications and Council's Community and Council Plan have been finalised. The report will include a review of the assessment criteria that:

- Expands the assessment criteria points system from 60 points to 100 points to provide a better sliding scale so project priority can be clearly exhibited;
- Reflects a combination of the Integrated Transport Act 2010 and the Knox Community Plan 2021-2031 and Council Plan 2021-2025 values to finesse the selection of projects that better reflect community needs; and
- Considers the inclusion of the Movement and Place classifications.

### **Council's Arterial Road Priority List for 2021**

Council's list of projects have been identified as a result of Council plans and strategies, traffic investigations, accident statistics, public enquiries, or OH&S reports. These projects are then ranked against each other utilising the previous 2019 assessment criteria. Based on the criteria, the following projects are ranked as the top 10 projects required to improve Knox's transport network.

**Figure 1: Top 10 Projects – Combined Categories**

<b>Rank #</b>	<b>Location</b>	<b>Project</b>	<b>Score</b>
<b>1</b>	Burwood Hwy between Eastlink to Upper Ferntree Gully Activity Centre	Upgrade Burwood Hwy centre median to provide a dedicated bus rapid transit, trackless tram or tram extension connecting into the Vermont South tram superstop for Route 75 Tram Line. Feasibility Study to extend the Route 75 tram should also explore a route extension along Mountain Hwy to the Bayswater Business Park.	<b>48</b>
<b>2</b>	Burwood Hwy intersection with Cathies Lane, Wantirna	Upgrade the intersection to include traffic lights, bike lanterns and bus jump queue along Burwood Hwy.	<b>48</b>
<b>3</b>	Ferntree Gully Station connecting the Railway Trail, Ferntree Gully	Complete the Railway Trail Shared Path to provide a safe direct route through the Ferntree Gully Station carpark.	<b>40</b>
<b>4</b>	Burwood Hwy Intersection with McMahons Road and Clyde Street, Ferntree Gully	Upgrade of intersection to Traffic Signals.	<b>36</b>
<b>5</b>	Ferntree Gully Road at Rushdale Road, Knoxfield	Upgrade the intersection with traffic lights to improve freight movement from the industrial estate and increase road safety.	<b>36</b>
<b>6</b>	Stud Road between Kingsley Close and Tampe Road, Rowville	Installation of a median break including the construction a DDA Pram crossing to improve pedestrian connection between bus stops on the east and west side of Stud Road.	<b>36</b>
<b>7</b>	High Street intersection with Mowbray Drive, Wantirna South	Upgrade the intersection with traffic signals with bike lanterns to improve the Wantirna Cycling Link connection as well as turning movement in and out of Mowbray Drive.	<b>34</b>
<b>8</b>	Scoresby Road near Kent Street, Knoxfield	Installation of Pedestrian Operated Signals to improve the bus stop connection and provide a safe crossing point for students trying to access the local primary schools (Kent Park Primary School and Knox Park Primary School).	<b>34</b>
<b>9</b>	Stud Road at Rosa Street, Scoresby	Installation of Pedestrian Operated Signals to improve connection with the bus stop connection to address previous crash history.	<b>34</b>
<b>10</b>	Burwood Hwy between Scoresby Road to Ferntree Gully Road, Ferntree Gully	Shared Path construction with some sections formalised as on-road bike lanes within the service lane.	<b>32</b>

The projects listed above have been ranked purely on how they rank irrespective of the mode of transport. However, in order to determine the viability of the nominated projects against similar infrastructure projects across the State, DoT categorises projects under one of the following four categories:

- Access and Operation Improvements (Bottlenecks);
- Strategic Network Capacity Improvements;
- Bicycle; and
- Pedestrian.

Using the above four categories, projects have been itemised accordingly as shown in Appendix A (figure 2 – 5).

The projects on the 2021 Arterial Road Project List builds upon the 2019 Arterial Road Project List previously been approved by Council, with the exception of the following alterations:

- Rank number one (1) under the Combined Categories (altered)
  - The description for extension of the tram on Burwood Highway from the Vermont South Tram interchange to Stud Road was altered to reflect the endorsed March 2021 Council report that altered the initially proposed dedicated bus rapid transit connection to the Vermont South tram superstop to include an extension of the Tram Route 75 utilising a form of rapid transit along Burwood Highway to Upper Ferntree Gully and along Mountain Highway to the Bayswater Business Precinct. This is to ensure that both Mountain Highway and Burwood Highway alignments are not considered in isolation.
- Rank number five (5) under Strategic Network Capacity Improvements (expanded)
  - Replacement of the installation of traffic signals for the Police Road/Stud Road intersection with the construction of Police Road, Rowville between Churchill Park Drive and Stud Road.
- Rank number one (1) under Pedestrian Network Improvements (combined)
  - Median crossing proposed along Boronia Road between Pine Crescent and Park Crescent were combined as one project rather than three separate projects.
- Previously ranked three (3) under Bottlenecks (removed)
  - Removal of the traffic light proposed for Scoresby Road/Applegum Crescent as this will be incorporated as part of the Department of Primary Industry site redevelopment masterplan.

### **Advocacy for the Arterial Road Projects**

Council will submit its key priorities to DoT to highlight its priority road infrastructure improvement projects. With consideration for the upcoming Federal and State elections, it is proposed that Council should advocate directly to local and relevant portfolio Members of Parliament and candidates for funding in the lead up to the elections.

Given that there are several transport projects nominated across all modes of transport for the municipality, Council will be developing a transport advocacy document that will sit separately but complementary to Council's Community Investment Plan. The transport advocacy document will provide greater detail and a wider scope of transport projects for the municipality. As part of this advocacy document, the top 10 combined category priorities (as listed in Figure 1) will be included along with key municipal projects such as the Rowville Rail and bus frequency improvements.

### **Recently Funded Projects**

Through previous advocacy efforts, Council's advocacy program has resulted in obtaining funding towards the following projects:

- Dorset Road extension (\$80m Federal Government);
- Napoleon Road duplication (\$50m Federal Government);
- Boronia Road/Lewis Road upgrade and traffic signals (\$4m Federal Government);
- Ferntree Gully/Henderson Road intersection upgrade (\$5m Federal Government);
- Henderson Road Bridge (\$6m Federal Government);
- Kelletts Road/Henderson Road upgrade and traffic signals (\$4m Federal Government);
- Burwood Highway shared user path bridge overpass design and additional parking at the 1000 steps National Park (\$300k Federal Government – Planning and Design work only);
- Ferntree Gully Road shared path between Stud Road and O'Connor Road; (\$33k, Federal Government);
- Mountain Highway shared path between Army Road and Colchester Road; (\$72k, Federal Government).

The above listed projects have been funded through State and Federally funded programs and as part of the previous election promise or the Local Roads and Community Infrastructure grants – a Covid – 19 stimulus package.

### **3. CONSULTATION**

All consultation relating to projects announced for funding will be undertaken by the State Government through the Department of Transport unless funding is allocated directly to Council on the basis that Council will project manage the delivery of the project. Consultation processes will differ depending on the scope of the project, the degree to which stakeholders may be affected by a project and the legal requirements of the project.

As part of the Council's processes, the Transport and Traffic Team will be involved during the implementation of each project and will liaise between Council and State or Federal Government departments to ensure that all relevant internal and external stakeholders are consulted appropriately.

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

The Knox Integrated Transport Plan 2015 encourages sustainable transport usage to minimise the negative impacts of private motorised transport on our natural environment. The Transport Integrated Act 2010 boosts the importance of sustainability and environmental impact when considering, designing and delivering transport infrastructure outcomes. As a result, some of the previously listed projects have been amended to better consider integration with or improvements for sustainable transport modes. It is acknowledged through previously presented reports on public transport advocacy that there remains a deficit of public transport services across Knox and as such, Public Transport advocacy will continue to be a dedicated and prominent pillar of Council's ongoing advocacy.

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

These projects are generally expected to be fully funded by the State and Federal Government, however this does not preclude Knox contributing funding to achieve beneficial joint objectives. These will be presented on a case by case basis as part of Council's annual budget setting. It is to be noted that considerable officer time is expended in supporting the planning, design, delivery and communication of funded projects.

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

Transport provides an opportunity for all members of the community to access employment, education and other local services and activities, thereby improving community connection and minimise social isolation. Where possible, the proposed projects aim to also ensure compliance with the Disability Discrimination Act and support alternative transport options to the private motorised vehicles to assist affordable housing outcomes for the city of Knox.

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

##### **Goal 3 - We can move around easily**

Strategy 3.1 - Enable improved transport choices supported by integrated and sustainable transport systems and infrastructure

Strategy 3.2 - Improve bike and footpath connectivity, including identifying gaps between existing bike routes, footpaths and key places

##### **Goal 4 - We are safe and secure**

Strategy 4.2 - Enhance community connectedness opportunities to improve perceptions of safety

Strategy 4.3 - Maintain and manage the safety of the natural and built environment

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

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

#### **9. CONCLUSION**

The Transport Integration Act objectives provide a framework for the provisions of an integrated and sustainable transport system for the State. The 2019 arterial roads priority ranking criteria has

been maintained with the view that the arterial roads priority ranking criteria will be altered once the Community and Council Plan 2021-2025 and the Department of Transport's Movement and Place classifications have been completed.

The projects prioritised and presented in Appendix A of this report are proposed to be forwarded to the to the Federal Minister for Communications, Urban Infrastructure, Cities and the Arts, the State Ministers for Transport Infrastructure; Public Transport, Roads and Road Safety; and all local State and Federal Members of Parliament and the Department of Transport for consideration.

They will also be forwarded to election candidates, when they have been announced. The top 10 arterial roads projects (Combined Categories) identified in Figure 1 of this report and Appendix A will also be incorporated in Council's transport advocacy document and feature selected projects within Council's Investment Plan.

## **10. CONFIDENTIALITY**

There is no content in this report that meets the definition of confidential information from the Local Government Act 2020.

**Report Prepared By:** Sustainable Transport Planner, Winchelle Chuson

**Report Authorised By:** Director, Infrastructure, Grant Thorne

### **Attachments**

1. Arterial Roads Priority 2021 Council Report Appendix A 2021 09 03 [WZ0E] [8.2.1 - 6 pages]



## Appendix A: Arterial Roads Priority Top 10\* based on Category

*\*Note: The Arterial Roads Priority List customarily reports on the top 10 projects for each category. For 2021, the Bottlenecks, Capacity and Bicycle categories only identify top 8 priorities as there are insufficient projects within the arterial roads project list to present 10 projects for each of these categories.*

Figure 1: Top 10 Arterial Roads Projects – Combined Categories

Rank #	Location	Project	Score
1	Burwood Hwy between Eastlink to Upper Ferntree Gully Activity Centre	Upgrade Burwood Hwy centre median to provide a dedicated bus rapid transit, trackless tram or tram extension connecting into the Vermont South tram superstop for Route 75 Tram Line. Feasibility Study to extend the Route 75 tram should also explore a route extension along Mountain Hwy to the Bayswater Business Park.	48
2	Burwood Hwy intersection with Cathies Lane, Wantirna	Upgrade the intersection to include traffic lights, bike lanterns and bus jump queue along Burwood Hwy.	48
3	Ferntree Gully Station connecting the Railway Trail, Ferntree Gully	Complete the Railway Trail Shared Path to provide a safe direct route through the Ferntree Gully Station carpark.	40



## Memorandum

<b>4</b>	Burwood Hwy Intersection with McMahons Road and Clyde Street, Ferntree Gully	Upgrade of intersection to Traffic Signals.	<b>36</b>
<b>5</b>	Ferntree Gully Road at Rushdale Road, Knoxfield	Upgrade the intersection with traffic lights to improve freight movement from the industrial estate and increase road safety.	<b>36</b>
<b>6</b>	Stud Road between Kingsley Close and Tampe Road, Rowville	Installation of a median break including the construction a DDA Pram crossing to improve pedestrian connection between bus stops on the east and west side of Stud Road.	<b>36</b>
<b>7</b>	High Street intersection with Mowbray Drive, Wantirna South	Upgrade the intersection with traffic signals with bike lanterns to improve the Wantirna Cycling Link connection as well as turning movement in and out of Mowbray Drive.	<b>34</b>
<b>8</b>	Scoresby Road near Kent Street, Knoxfield	Installation of Pedestrian Operated Signals to improve the bus stop connection and provide a safe crossing point for students trying to access the local primary schools (Kent Park Primary School and Knox Park Primary School).	<b>34</b>
<b>9</b>	Stud Road at Rosa Street, Scoresby	Installation of Pedestrian Operated Signals to improve connection with the bus stop connection to address previous crash history.	<b>34</b>
<b>10</b>	Burwood Hwy between Scoresby Road to Ferntree Gully Road, Ferntree Gully	Shared Path construction with some sections formalised as on-road bike lanes within the service lane.	<b>32</b>





## Memorandum

Figure 2: Top 8 Access and Operation Improvements (Bottlenecks)

Rank #	Location	Project	Score
1	Burwood Hwy Intersection with McMahons Road and Clyde Street, Ferntree Gully	Upgrade of intersection to Traffic Signals	36
2	Scoresby Road intersection with Malvern Street	Install right turn lane.	26
3	Scoresby Road intersection with Orange Grove, Baywater	Install right turn lane.	16
4	Scoresby Road intersection with Salmon Road and Jordan Court, Boronia	Install right turn lane.	16
5	Napoleon Road between Lysterfield Road to Kellelts Road, Lysterfield	Duplicate from 2 lanes to 4 lanes.	16
6	Napoleon Road between Wellington Road to Kellelts Road, Lysterfield	Duplicate from 2 lanes to 4 lanes.	16
7	Lysterfield Road between Napoleon Road to Wellington Road, Lysterfield	Duplicate from 2 lanes to 4 lanes.	14
8	Stud Road and Avalon Road, Rowville	Widen the exiting lane from Avalon Road to two lanes.	12



## Memorandum

Figure 3: Top 8 Strategic Network Capacity Improvements

Rank #	Location	Project	Score
1	Burwood Hwy between Eastlink to Upper Ferntree Gully Activity Centre	Upgrade Burwood Hwy centre median to provide a dedicated bus rapid transit, trackless tram or tram extension connecting into the Vermont South tram superstop for Route 75 Tram Line. Feasibility Study to extend the Route 75 tram should also explore a route extension along Mountain Hwy to the Bayswater Business Park.	48
2	Burwood Hwy intersection with Cathies Lane, Wantirna	Upgrade the intersection with traffic lights, bike lanterns and bus jump queue along Burwood Hwy.	48
3	Ferntree Gully Road at Rushdale Road, Knoxfield	Upgrade the intersection with traffic lights to improve freight movement from the industrial estate and increase road safety.	36
4	High Street intersection with Mowbray Drive, Wantirna South	Upgrade the intersection with traffic signals with bike lanterns to improve the Wantirna Cycling Link connection as well as turning movement in and out of Mowbray Drive.	34
5	Police Road, Rowville	Construct Police Road between Stud Road and Churchill Park Road to address congestion and excessive through traffic occurring in Bergins Road and within the adjacent residential estates caused by a lack of access to the arterial road network for motorists coming from/through the City of Casey.	28
6	Wellington Road between Stud Road and Eastlink, Rowville	Construct new dedicated bus lane and improve the interchange at Stud Road intersecting with Wellington Road to improve the commuter interchange between Smart Bus Routes 900 and 901.	28
7	Ferntree Gully Road between Stud Road and Burwood Hwy, Knoxfield	Extend the existing four lanes to a six lane carriage with consideration to include dedicated bus lanes all day or during peak hour with the installation of a shared path along Ferntree Gully.	20
8	Wantirna Road bridge, Wantirna	Widen the existing bridge from 2 lanes to four lanes.	6



## Memorandum

Figure 4: Top 8 Bicycle Network Improvements

Rank #	Location	Project	Score
1	Ferntree Gully Station Car Park and Railway Trail Upgrade, Ferntree Gully	Construct a dedicated shared path connecting the northern and southern section of the Railway Trail through the Ferntree Gully Station car park.	40
2	Burwood Hwy between Scoresby Road to Ferntree Gully Road, Ferntree Gully	Shared Path construction with some sections formalised as on-road bike lanes within the service lane.	32
3	Stud Road from Ferntree Gully Road to George Street, Scoresby	Construction of a shared path and on-road bike lane within the service lane.	32
4	Dandenong Creek Trail, Bayswater	Upgrade the Dandenong Creek Trail to a 3m wide trail	30
5	Boronia Road between Wantirna Road and Stud Road, Wantirna	Construction of a shared path.	30
6	High Street Road near Cathies Lane, Wantirna South	Installation of a bike lantern to provide an alternative crossing point for cyclists to the Blind Creek Underpass which becomes flooded during heavy rainfall.	20
7	Blind Creek Trail	Upgrade the Blind Creek Trail to a 3m wide trail	8
8	Dandenong Creek Trail, Bayswater	Upgrade the Dandenong Creek Trail to a 3m wide trail	8



## Memorandum

Figure 5: Top 10 Pedestrian Network Improvements

Rank #	Location	Project	Score
1	Boronia Road at Park Crescent, Pine Crescent and Cypress Avenue, Boronia	Installation of median breaks including the construction of a DDA pram crossing to improve pedestrian connection between bus stops and the local shops.	42
2	Stud Road between Kingsley Close and Tampe Road, Rowville	Installation of a median break including the construction a DDA Pram crossing to improve pedestrian connection between bus stops on the east and west side of Stud Road.	36
3	Stud Road near Rosa Street, Scoresby	Installation of Pedestrian Operated Signals to improve connection with the bus stop connection to address previous crash history.	34
4	Scoresby Road near Kent Street, Knoxfield	Installation of a Pedestrian Operated Signals to improve connection with the bus stops and the local schools – Knox Park Primary School and Kent Park Primary.	34
5	Scoresby Road 300m south of the Mountain Hwy traffic lights, Bayswater	Installation of Pedestrian Operated Signals to improve connection for local businesses.	28
6	Forest Road at Wright Street, The Basin	Installation of Pedestrian Operated Signals to improve connection to the bus stop and address the limited sight distance around the bend.	24
7	Glenfern Road south of Brennock Park Drive, Ferntree Gully	Upgrade existing school crossing to a Pedestrian Operated Signal to assist all users wishing to cross Glenfern Road throughout the day.	24
8	Kelletts Road near Lakesfield Drive, Lysterfield	Upgrade existing school crossing to a Pedestrian Operated Signal to improve sight distance, pedestrian access to existing bus stops, driver reaction time and provide a safe crossing point on a 80km road throughout the day.	24
9	Mountain Highway near Beresford Drive, Boronia	Upgrade existing school crossing to a Pedestrian Operated Signal.	24
10	Boronia Road near Edinburgh Road, Bayswater	Installation of median break including the construction of a DDA pram crossing to improve pedestrian connection between bus stops.	24

## 8.3 Capital Works Ranking Criteria Report

**SUMMARY: Coordinator – Capital Works, Gene Chiron**

**This report presents the ranking criteria proposed to be used to prioritise New/Upgrade projects within individual 2022-2026 Capital Works Programs. The criteria considers Council's Community Facilities Planning Policy and Climate Change Response Plan where appropriate and are presented for Council's consideration.**

### **RECOMMENDATION**

**That Council:**

- 1. Adopt the Capital Works Program ranking criteria for New/Upgrade Programs as shown in Attachment 1; and**
- 2. Note that the Capital Works Program ranking criteria will be utilised for the development of the Draft 2022-2026 Capital Works Program.**

### **1. INTRODUCTION**

In accordance with Council's Funding Allocation Policy, all proposed New/Upgrade category capital works projects are to be ranked within their respective sub programs for presentation to Council. The proposed ranking criteria for each New/Upgrade sub program are submitted for Council's consideration and endorsement.

The principle of this approach is to demonstrate transparently that Council is considering the allocation of funding to the highest priority needs within the municipality. This process also facilitates good governance and strategically drives the delivery of the Capital Works Program to improve services to the community.

### **2. DISCUSSION**

#### **2.1 Ranking Criteria**

Council's New/Upgrade Program presently comprises 23 individual sub programs. The ranking criteria were presented to Council for the first time in this format at the November 2006 Strategic Planning Committee meeting. Of note, the criteria used to rank each sub program have been developed based on a multifaceted evaluation philosophy.

In accordance with the Funding Allocation Policy, ranking criteria for all individual sub programs are reviewed and adjusted as applicable, on an annual basis. The ranking criteria are now presented to Council following this review.

All individual ranking criteria proposed to be used to develop the 2022-2026 Capital Works program for New/Upgrade projects are included as an attachment to this report (Attachment 1).

The programs and adjustments are noted as follows:

<b>NO.</b>	<b>PROGRAM</b>	<b>ADJUSTMENTS</b>
4000	STRUCTURED SPORTING FACILITIES	No Change
4000A	STRUCTURED SPORTING FACILITIES (CARPARKS)	No Change
4001	CULTURAL FACILITIES	Program Name Change Only
4002	INDOOR LEISURE FACILITIES	No Change
4003	FAMILY & CHILDREN SERVICES BUILDINGS & FACILITIES	Change to criteria naming convention only
4004	AGED CARE BUILDINGS	No Change
4005	COMMUNITY BUILDINGS, LIBRARIES AND FACILITIES FOR OTHERS	Program name change only
4006	NEW FOOTPATH CONSTRUCTION PROGRAM & PEDESTRIAN FACILITIES	No Change
4007	ROAD & BRIDGE CONSTRUCTION	No Change
4008	LOCAL AREA TRAFFIC MANAGEMENT SCHEMES	No Change
4009	NEW BICYCLE / SHARED PATHS	No Change
4010	LOCAL ROAD SAFETY INITIATIVES	No Change
4011	PUBLIC TRANSPORT INFRASTRUCTURE	No Change
4012	NEW PLANT & MACHINERY	No Change
4014	UNSTRUCTURED RECREATION	No Change
4015	PLACE MANAGEMENT PROGRAM	No Change
4016	STREETScape UPGRADES	No Change
4017	STORMWATER UPGRADES	No Change
4018	SUSTAINABILITY INITIATIVES	No Change
4019	CIVIC & CORPORATE BUILDINGS & FACILITY UPGRADES	No Change
4021	SUSTAINABLE INITIATIVES FOR OUTDOOR STRUCTURED FACILITIES	No Change
4022	INTEGRATED STORMWATER SOLUTIONS	No Change
4023	COMMUNITY SAFETY INITIATIVES	No Change

Following significant change in last year's review affecting eleven programs, this year's changes are principally are non-material and relate primarily to changes in naming conventions and program groupings. The Family and Childrens Services Building and Facilities (non buildings) criteria have been revised to better reflect the assessment criteria. Attachment 2 shows a track changes copy of any adjustments made to the Family and Childrens Services Building and Facilities (non buildings) program. All other programs have been reviewed for consistency of terminology to ensure compatibility when referencing key plans, strategies and policies.

## **2.2 Basis for Amendments**

### **Program 4003 – Family & Children Services Building and Facilities (non buildings):**

Ranking criteria naming conventions have been modified.

### **Programs 4001 and 4005 Program Name Changes**

Program 4001 - Cultural and Library Facilities has been re-named, noting that the libraries service team now sit within Council's Community Wellbeing team. Program 4005, has been re-named as the Community Buildings, Libraries and Facilities for Others.

## **2.3 Utilisation of ranking criteria**

The ranking criteria are now presented for Council's endorsement following which, these criteria will be utilised to prepare the Draft 2022-2026 Capital Works Program for New/Upgrade projects for Council's consideration.

During 2021/2022 budget deliberations, Councillors were presented with an indicative 5-year Capital Works program for new and upgraded works across all programs, which broadly aligned with the funding parameters of the Long-Term Financial Forecast.

The formally adopted Capital Program for 2021/2022 endorses a one-year program of works. This 2021/2022 approach will continue to present a five-year horizon of upcoming Capital Works Programs, giving focus to the first year of delivery. It's to be noted that under the requirements of the new Local Government Act, Councils will be required to present a 10 year asset plan as part of its development of a Long Term Financial Plan. Full details are yet to be made available, however this requirement may be set in place over the coming 12 months, at which point the budget review process for capital works will incorporate a longer horizon of projects.

The Draft Capital Works Program will be presented to Council as part of preparing the 2022/2023 budget, with the projects within programs ranked. It is to be noted that where changes to ranking criteria have been endorsed by Council, this may result in some re-ordering of projects relative to presentation of the previous year's program. This may impact on the timing of delivery across a five-year horizon.

## **3. CONSULTATION**

Consultation was undertaken with relevant staff (Program Managers and Coordinators) across a number of departments that are involved with the development of business cases for Capital Works projects.

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

The ranking criteria for New/Upgrade projects have been developed using a multifaceted evaluation philosophy, with programs structured in accordance with social, environmental, economic as well as governance categories. As noted, the criteria for New and Upgrade Capital Works sub programs have been reviewed, with only administrative adjustments proposed to

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inform the ongoing development and delivery of Council's overall Capital Works Program. This assessment process is important in ensuring that the Program delivers the greatest benefits to the Knox community.

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

The underpinning concept in the use of the ranking criteria is to ensure that projects are prioritised with substantiation so that the overall needs of the community are addressed in a strategic way with the highest priority projects taking precedence. This supports consistency and transparency in allocating funding to ongoing capital programs whereby, subject to practicality and Council endorsement, funding is directed to the highest ranked projects.

## **6. SOCIAL IMPLICATIONS**

The provision, upgrade and replacement of community assets and infrastructure are aligned to the needs of the community, so that they are enjoyed by current and future generations. As noted, the use of comprehensive and transparent ranking criteria is seen to be an important tool in the establishment of Council's Capital Works Program to ensure that those projects that have the greatest benefit or outcome are identified.

Importantly, members of the community or individuals who are advocating for projects can be confident that a transparent process, based on objective and agreed criteria, will form the basis of ranking and identify the top ranked projects. This also ensures equity whereby all community groups or individuals, whether large or small, can be confident that projects are transparently assessed based on merit. This also meets the objectives of the Local Government Act and best practice in terms of good governance and transparency and allows all groups and individuals to see where their projects sit based on these ranking criteria.

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

### **Goal 1 - We value our natural and built environment**

Strategy 1.1 - Protect and enhance our natural environment

### **Goal 3 - We can move around easily**

Strategy 3.2 - Improve bike and footpath connectivity, including identifying gaps between existing bike routes, footpaths and key places

### **Goal 4 - We are safe and secure**

Strategy 4.3 - Maintain and manage the safety of the natural and built environment

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

Strategy 7.3 - Strengthen community connections

## **8. CONFLICT OF INTEREST**

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure on Chapter 5 of the Governance Rules of Knox City Council.



## **9. CONCLUSION**

Ranking criteria for New/Upgrade Capital sub programs have been developed to provide a transparent approach to prioritising capital projects for Council consideration. These criteria have been presented and endorsed by Council since November 2006 and provide the basis for prioritisation of Council's Capital Works Program. In accordance with the Funding Allocation Policy, these criteria are revised annually and are now presented for Council's consideration. It is recommended that Council endorse the ranking criteria for the respective sub programs as presented within this report.

## **10. CONFIDENTIALITY**

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

**Report Prepared by: Coordinator – Capital Works, Gene Chiron**

**Report Authorised by: Director – Infrastructure, Grant Thorne**

## **Attachments**

1. Council Report 2022 2023 Capital Works Ranking Criteria ATTACHMENT 1 [2WGF] [8.3.1 - 51 pages]
2. Council Report 2022 2023 Capital Works Ranking Criteria ATTACHMENT 2 [AA05] [8.3.2 - 4 pages]

**ATTACHMENT 1**

**PROPOSED RANKING CRITERIA – 2022-2026**

**4000 - 4023 NEW/UPGRADE**

## Article I. 4000 STRUCTURED SPORTING FACILITIES (Non - Buildings)

The assessment process incorporates a quadruple bottom line evaluation which considers an assessment of the social, environmental, economic and governance categories.

Assessment Criteria for Structured Sporting Facilities	Rating		Score
<b>Governance</b>			
Is the project supported by City Plan, Council Plan, Leisure Plan or Planning Documents or other relevant leisure plans or relevant State and Federal standards?	Yes		5
	No		0
Does this project meet Council's facility standards policy, support the Leisure Plan and will it strengthen and/or enhance the ability for people to recreate? (If the project is not addressed by the Facility Standards Policy, the application will be assessed on a case by case basis, benchmarked against like infrastructure)	Yes		15
	No		0
Risk exposure to the Community/Council should the project not be undertaken (rated against Council's Integrated Risk Management Process).	Medium		15
	Low		5
	Not at all		0
<b>Social / Community Engagement / Community Benefit</b>			
Does the project encourage greater recreation participation/engagement from any of the following: women, people with disabilities (support Council's Access and Inclusion Plan), youth, seniors and socially isolated individuals and communities?	All 5		12
	4		8
	3		4
	1-2		2
	0		0
To what extent has planning for this project been undertaken?	Significantly (Detailed design/Costing and Stakeholder sign-off)		10
	Moderately (Concept design/Quantity Survey Costing/Extensive Consultation)		5
	Slightly (Initial scoping / initial discussion)		2
	Not at all		0
Increased utilisation of existing recreation infrastructure as a result of the project.	Significantly (> 20%)		10
	Moderately (10%-20%)		8
	Slightly (< 10%)		4
	Not at all		0
Rationale - Evidence to support current/future demands.	Extensively		12
	Somewhat		6
	Not at All		0
Number of club members or participants/week and residents that will benefit from the project.	Members > 500	Participants/wk > 1500	3
	100 - 500	1000 - 1500	2
	< 100	< 1000	1

<b>Environmental</b>		
How does this project contribute to the natural and built environment of Knox, considering energy efficiencies, sustainable design principles and integrated transport options?	Extensively	3
	Moderately	2
	No	0
<b>Economic / Financial Impact</b>		
Confirmed financial commitment (e.g. Bank statement).	Yes	3
	No	0
To what extent is the community group/club financially contributing to this project?	Exceeds the Policy	12
	Meets the Policy	8
	Below the Policy	2
	Not at all	0
<b>Maximum Possible Score</b>		<b>100</b>

Article II.

### Article III. 4000 STRUCTURED SPORTING FACILITIES (Buildings)

The assessment process for Structured Sporting Facilities uses Council's consolidated building facilities ranking criteria. The criteria ranks projects against Council strategic plans, risk, finance, and asset service delivery improvements.

<b>Assessment Criteria for Buildings in Structured Sporting Facilities</b>			
	<b>Maximum Score</b>	<b>Description</b>	<b>Score</b>
<b>Alignment with Strategic Plans</b>			
<b>Community and Council Plan or other adopted Plan or Strategy</b>	15	Project Aligns with a Council Plan Initiative	15
Initiatives, strategies and goals of the Community and Council Plan.  Or Council adopted Masterplans, Strategies or Implementation Plans		Project Aligns with a Council Plan Strategy	12
		Project Aligns with two or more Council Goals or aligns with a Council adopted Masterplan, Strategy or Implementation Plan	10
		Project Aligns with 1 Council Goal	5
		Project does not align with the Community and Council Plan and is not related to an adopted Masterplan, Strategy or Implementation Plan	0
<b>Climate Change Response</b>	15	The Project Addresses both Mitigation and Adaptation	15
The project contributes towards Climate Change Adaptation and/or Mitigation		The Project Addresses either Mitigation or Adaptation	10
		The Project Addresses neither Mitigation nor Adaptation	0
<b>Risk</b>			
<b>Regulatory compliance</b>	10	Project is required to resolve one or more regulatory issues	10
DDA, NCC, Australian standards, etc.		Project will enable the facility to meet specific industry guidelines	5
		Project does not resolve regulatory issues or respond to specific industry guidelines	0
<b>Risk if project does not proceed</b>	15	High	15
Based on assessment from Corporate Risk Framework		Medium	10
		Low	5
		Negligible	0

<b>Financial</b>			
<b>External funding</b>	10	Project to be 50% or more funded by a grant, or external organisation	10
		Project to be 10-50% funded by a grant, or external organisation	5
		Project <10% funded by grant or external organisation	2
		Project completely Council funded	0
<b>Lifecycle cost impact</b>	10	RI equal to or greater than 20%	10
Investment is prioritised for buildings where significant renewal works are planned in the near future. If project impacts multiple buildings, take weighted average. Assets team has this information.		RI equal to or greater than 10%	5
<b>Renewal Indicator (RI) =</b> Value of Planned Renewals over Next 5 Years / Building Replacement Cost		RI less than 10%	0
<b>Asset Service Delivery Improvement</b>			
<b>Asset Performance</b>	25	Project will resolve one or more major asset performance deficiencies, resulting in greatly improved service delivery	25
How asset performance, and consequently service delivery (including community use), will be improved by the project. Measurements of performance include: - Levels of service (could include multipurpose facilities) - Fitness for Purpose - Utilisation - Demand		Project will resolve one or more minor asset performance deficiencies, resulting in improved service delivery	15
		Project will improve asset performance, but current service delivery is acceptable	5
		Project does not improve asset performance	0
<b>Maximum Possible Score</b>			<b>100</b>

## Article IV. 4000A

## Article V. STRUCTURED SPORTING FACILITIES (carparks)

The assessment process incorporates a quadruple bottom line evaluation, which considers an assessment of the social, environmental, economic and governance categories.

<b>Assessment Criteria for Structured Sporting Facilities (Carparks)</b>	<b>Rating</b>	<b>Score</b>
Is the project consistent with Council's Sporting Reserve & Facility Development Guidelines Policy?	Yes	10
	No	0
Do the Community Plan, Leisure Plan, or other relevant planning documents support the project?	Yes	10
	No	0
What is the level of risk exposure to Council and the community should the project not be undertaken?	High	20
	Medium	15
	Low	5
	None	0
To what extent has planning been undertaken for this project?	Significant	20
	Moderate	15
	Minimal	10
	None	0
Is there any external funding tied to this project? (i.e. election commitment)	Yes > 50%	10
	Yes < 50%	5
	No	0
Does the project improve accessibility for all users? (in particular people with a disability, seniors, etc.)	Yes	10
	No	0
To what extent are tenant community groups/users of the site contributing financially towards the project? (refer to Sporting Club Financial Contributions Towards Reserve Developments Policy)	Exceeds Policy	10
	Meets Policy / Nil	0
Number of club members and regular casual users per week that will benefit from the project?	500+	10
	250 to 499	7.5
	100 to 249	5
	< 100	0
<b>Maximum Possible Score</b>		<b>100</b>

#### 4001 CULTURAL FACILITIES (Buildings)

The assessment process for Cultural and Library Facilities uses Council's consolidated building facilities ranking criteria. The criteria ranks projects against Council strategic plans, risk, finance, and asset service delivery improvements.

<b>Assessment Criteria for Buildings in Cultural Facilities</b>			
	<b>Maximum Score</b>	<b>Description</b>	<b>Score</b>
<b>Alignment with Strategic Plans</b>			
<b>Community and Council Plan or other adopted Plan or Strategy</b>	15	Project Aligns with a Council Plan Initiative	15
Initiatives, strategies and goals of the Community and Council Plan.  Or Council adopted Masterplans, Strategies or Implementation Plans		Project Aligns with a Council Plan Strategy	12
		Project Aligns with two or more Council Goals or aligns with a Council adopted Masterplan, Strategy or Implementation Plan	10
		Project Aligns with 1 Council Goal	5
		Project does not align with the Community and Council Plan and is not related to an adopted Masterplan, Strategy or Implementation Plan	0
<b>Climate Change Response</b>	15	The Project Addresses both Mitigation AND Adaptation	15
The project contributes towards Climate Change Adaptation and/or Mitigation		The Project Addresses either Mitigation or Adaptation	10
		The Project Addresses neither Mitigation nor Adaptation	0
<b>Risk</b>			
<b>Regulatory compliance</b>	10	Project is required to resolve one or more regulatory issues	10
DDA, NCC, Australian standards, etc.		Project will enable the facility to meet specific industry guidelines	5
		Project does not resolve regulatory issues or respond to specific industry guidelines	0
<b>Risk if project does not proceed</b>	15	High	15
Based on assessment from Corporate Risk Framework		Medium	10
		Low	5
		Negligible	0



<b>Financial</b>			
<b>External funding</b>	10	Project to be 50% or more funded by a grant, or external organisation	10
		Project to be 10-50% funded by a grant, or external organisation	5
		Project <10% funded by grant or external organisation	2
		Project completely Council funded	0
<b>Lifecycle cost impact</b>	10	RI equal to or greater than 20%	10
Investment is prioritised for buildings where significant renewal works are planned in the near future. If project impacts multiple buildings, take weighted average. Assets team has this information.		RI equal to or greater than 10%	5
<b>Renewal Indicator (RI) =</b> Value of Planned Renewals over Next 5 Years / Building Replacement Cost		RI less than 10%	0
<b>Asset Service Delivery Improvement</b>			
<b>Asset Performance</b>	25	Project will resolve one or more major asset performance deficiencies, resulting in greatly improved service delivery	25
How asset performance, and consequently service delivery (including community use), will be improved by the project. Measurements of performance include: - Levels of service (could include multipurpose facilities) - Fitness for Purpose - Utilisation - Demand		Project will resolve one or more minor asset performance deficiencies, resulting in improved service delivery	15
		Project will improve asset performance, but current service delivery is acceptable	5
		Project does not improve asset performance	0
<b>Maximum Possible Score</b>			<b>100</b>

Article VI.

<b>Assessment Criteria for Cultural Facilities, not including Buildings</b>	<b>Rating</b>	<b>Score</b>
<b>Governance</b>		
Is the project supported by Council's Community and Council Plan, current Arts Plan, Council's review of its library infrastructure delivery or other relevant Council plans or relevant State and Federal standards?	Significant Moderate Slightly Not at all	20 10 7 0
What risk would the community/Council be exposed to should the project not be undertaken? (rated against Council's Integrated Risk Management Process).	Medium Low None	12 5 0
<b>Social / Community Engagement / Community Benefit</b>		
To what extent has planning for this project been completed?	Significantly (Detailed design/Costing and relevant permits/Stakeholder sign-off) Moderately (Concept design/QS Costing/Extensive Consultation) Slightly (Initial scoping/initial discussion) Not at all	7 3 1 0
Will the project increase the visitation capacity at a local, municipal or regional level?	Regional Municipal Local	6 3 1
Does the project encourage greater arts participation/engagement from any of the following: women, people with disabilities, youth, seniors and socially isolated individuals and communities?	All 5 4 3 1-2 0	7 5 3 1 0
Does the project assist in the support, development and advocacy of artists and/or the creative industries in Knox?	Significant Moderate Slightly Not at all	10 7 2 0
<b>Environmental</b>		
How does this project contribute to the natural and built environment of Knox, considering energy efficiencies, sustainable design principles and integrated transport options?	Significant Moderate Slightly Not at all	7 5 2 0
Can the project be completed through the use of sustainable materials?	Significant Moderate Slightly Not at all	6 3 1 0
<b>Economic / Financial Impact</b>		
Will the project have a positive impact on the economic development of Knox?	Significant Moderate Slightly Not at all	7 3 1 0
Will the impact on recurrent costs change?	Decrease Same Increase	6 3 0
Does the project have the potential of attracting external funding from grants, partners, investors, sponsors, developers, philanthropic givers, etc?	>50% <50% None	12 6 0
<b>Maximum Possible Score</b>		<b>100</b>

## Article VII. 4002 INDOOR LEISURE FACILITIES (Non - Buildings)

The assessment process incorporates a quadruple bottom line evaluation which considers an assessment of the social, environmental, economic and governance categories.

Assessment Criteria for Indoor Leisure Facilities	Rating	Score
<b>Governance</b>		
Is the project supported by Council Plan, Strategy or Planning documents or other relevant leisure plans or relevant State and Federal standards?	Yes No	12 0
Risk exposure to the Community/Council should the project not be undertaken (rated against Council's Integrated Risk Management Process).	Medium Low None	15 5 0
<b>Social / Community Engagement / Community Benefit</b>		
To what extent has planning for this project been undertaken?	Significantly (Detailed design/costing and Stakeholder sign-off) Moderately (Concept design/Quantity Survey Costing/Extensive Consultation) Slightly (Initial scoping/initial discussion) Not at all	10 5 2 0
Catchment visitation	Regional Municipal	10 2
Number of groups/individuals benefiting from the project?	4 or more 2 or more 1 or more 0	10 4 2 0
Does the project encourage greater leisure participation/engagement from any of the following: women, people with disabilities (support Council's Access and Inclusion Plan), youth, seniors and socially isolated individuals and communities?	All 5 4 3 1-2 0	12 8 4 2 0
<b>Environmental</b>		
Does this project contribute to the natural and built environment of Knox, considering energy efficiencies, sustainable design principles and integrated transport options?	Extensively Moderately No	6 3 0

<b>Economic / Financial Impact</b>		
Impact of economic contribution to the Community.	Significantly	7
	Moderately	3
	Slightly	1
	Not at all	0
Impact on recurrent costs.	Decrease	6
	Same	3
	Increase	0
Extent of external funding partnership.	> 50%	12
	< 50%	6
	None	0
<b>Maximum Possible Score</b>		<b>100</b>

### Article VIII. 4002 INDOOR LEISURE FACILITIES (Buildings)

The assessment process for Indoor Leisure Facilities uses Council's consolidated building facilities ranking criteria. The criteria ranks projects against Council strategic plans, risk, finance, and asset service delivery improvements.

<b>Assessment Criteria for Buildings in Indoor Leisure Facilities</b>			
	<b>Maximum Score</b>	<b>Description</b>	<b>Score</b>
<b>Alignment with Strategic Plans</b>			
<b>Community and Council Plan or other adopted Plan or Strategy</b>	15	Project Aligns with a Council Plan Initiative	15
Initiatives, strategies and goals of the Community and Council Plan.  Or Council adopted Masterplans, Strategies or Implementation Plans		Project Aligns with a Council Plan Strategy	12
		Project Aligns with two or more Council Goals or aligns with a Council adopted Masterplan, Strategy or Implementation Plan	10
		Project Aligns with 1 Council Goal	5
		Project does not align with the Community and Council Plan and is not related to an adopted Masterplan, Strategy or Implementation Plan	0
<b>Climate Change Response</b>	15	The Project Addresses both Mitigation and Adaptation	15
The project contributes towards Climate Change Adaptation and/or Mitigation		The Project Addresses either Mitigation or Adaptation	10
		The Project Addresses neither Mitigation nor Adaptation	0
<b>Risk</b>			
<b>Regulatory compliance</b>	10	Project is required to resolve one or more regulatory issues	10
DDA, NCC, Australian standards, etc.		Project will enable the facility to meet specific industry guidelines	5
		Project does not resolve regulatory issues or respond to specific industry guidelines	0
<b>Risk if project does not proceed</b>	15	High	15
Based on assessment from Corporate Risk Framework		Medium	10
		Low	5
		Negligible	0

<b>Financial</b>			
<b>External funding</b>	10	Project to be 50% or more funded by a grant, or external organisation	10
		Project to be 10-50% funded by a grant, or external organisation	5
		Project <10% funded by grant or external organisation	2
		Project completely Council funded	0
<b>Lifecycle cost impact</b>	10	RI equal to or greater than 20%	10
Investment is prioritised for buildings where significant renewal works are planned in the near future. If project impacts multiple buildings, take weighted average. Assets team has this information.		RI equal to or greater than 10%	5
<b>Renewal Indicator (RI) =</b> Value of Planned Renewals over Next 5 Years / Building Replacement Cost		RI less than 10%	0
<b>Asset Service Delivery Improvement</b>			
<b>Asset Performance</b>	25	Project will resolve one or more major asset performance deficiencies, resulting in greatly improved service delivery	25
How asset performance, and consequently service delivery (including community use), will be improved by the project. Measurements of performance include: - Levels of service (could include multipurpose facilities) - Fitness for Purpose - Utilisation - Demand		Project will resolve one or more minor asset performance deficiencies, resulting in improved service delivery	15
		Project will improve asset performance, but current service delivery is acceptable	5
		Project does not improve asset performance	0
<b>Maximum Possible Score</b>			<b>100</b>

Article IX.

## Article X. 4003 FAMILY & CHILDREN SERVICES BUILDINGS AND FACILITIES

### (Non buildings)

All business cases are to demonstrate the methodology used to prioritise the program of works. The assessment process incorporates a triple bottom line evaluation which considers an assessment of the social, environmental and economic impacts of the project.

Assessment Criteria for Buildings in Indoor Leisure Facilities		
	Description	Score
<b>Alignment with Strategic Plans</b>		
<b>Governance</b>		
<p><b>1. Is the project required to ensure that the infrastructure meets the following requirements:</b></p> <p><b>Considerations:</b></p> <ul style="list-style-type: none"> <li>Legislative requirements</li> <li>Regulatory requirements</li> <li>Australia's National Quality Framework for Early Childhood Education &amp; Care Services</li> <li>Department of Education and Training (DET) compliance notice</li> <li>Council endorsed response to a State or Federal reform or initiative</li> </ul>	If yes, refer to Program Area 2000 –Legal Requirements	N/A
<p><b>2. Is the project supported by:</b></p> <p><b>Considerations:</b></p> <ul style="list-style-type: none"> <li>Community and Council Plan</li> <li>Council Policies</li> <li>Council Resolutions</li> <li>Approved Service Plans</li> <li>Service Level Agreements</li> <li>Masterplans</li> <li>Kindergarten Infrastructure Services Plan</li> </ul>	Not at all Slightly Fully Significantly	0 3 6 8
<p><b>3. What is the risk exposure to the Community/Council should the project not be undertaken:</b></p> <p><b>Considerations:</b></p> <ul style="list-style-type: none"> <li>Use Council's Risk Management Framework to help identify and classify risks (Appendix A)</li> </ul>	Not at all Slightly Fully Significantly	0 5 10 15
<b>Rationale</b>		
<p><b>4. Is there evidence to support the current &amp; future demand for an early years service at the facility?</b></p> <p><b>Considerations:</b></p> <ul style="list-style-type: none"> <li>Based on the most recent demand/supply/ population data for the relevant service type in the municipality</li> </ul> <p>The capacity of non-Council services to address the need</p>	Not at all Slightly Fully Significantly	0 5 10 15
<p><b>5. Does the project strengthen and/or enhance the capacity for the facility to support early</b></p>	Not at all	0

<p><b>years integrated service delivery? To what extent does the project contribute to current and future requirements of the facility?</b>  <b>Considerations:</b></p> <ul style="list-style-type: none"> <li>• Accommodate integrated multi use purposes;</li> <li>• Community Facilities Planning Policy;</li> <li>• Increased capacity for multipurpose, co-location or integration of services and programs</li> <li>• Previous submissions regarding facility requirements</li> <li>• Improves range, quality, delivery and access to services.</li> <li>• Council endorsed response to a State or Federal reform or initiative</li> </ul>	<p>Slightly Fully Significantly</p>	<p>5 10 15</p>
<b>Social / Community Engagement / Community Benefit</b>		
<p><b>6. Extent of consultation that has occurred?</b>  <b>Considerations:</b></p> <ul style="list-style-type: none"> <li>• Community</li> <li>• Families that access the service</li> <li>• Council Staff</li> <li>• Non-Council staff and/or service providers</li> <li>• Council departments</li> <li>• Councillors</li> </ul>	<p>Not at all Slightly Fully Significantly</p>	<p>0 3 5 8</p>
<p><b>7. Does this outdoor space fit with the recommended early years outdoor natural environment?</b>  <b>Considerations:</b></p> <ul style="list-style-type: none"> <li>• Is this non-conforming with children's services regulations</li> <li>• Potential hazards within the play environment</li> <li>• Australian Playground Standards</li> <li>• Features that enable children to explore and experience the natural environment</li> <li>• Children's learning and development in natural environments</li> </ul>	<p>Not at all Slightly Fully Significantly</p>	<p>0 3 5 9</p>
<b>Environmental/Economic</b>		
<p><b>8. To what extent does the project impact Economic, Financial and Environmental Values?</b>  <b>Considerations:</b></p> <ul style="list-style-type: none"> <li>• Does the project address the Economic Development Strategy?  <b>Environmental</b></li> <li>• Impact on existing environmental values (e.g. Net loss of canopy trees, increase in stormwater runoff, increase in noise or light pollution) [Lower or no change is better]</li> <li>• Impact on Resource use (e.g. will the project increase electricity, gas or water use) [Lower or no change is better]</li> <li>• Sustainable Procurement and sustainable use of materials (e.g. reduction in waste to landfill, purchasing recycled material or reusing existing materials on the project) [Higher is better]</li> <li>• <b>Economic / Financial Impact</b></li> <li>• Impact on operations budget/maintenance cost (including ongoing cost of energy or water bills for the site). [Lower or no change is better]</li> </ul>	<p>Not at all Slightly Fully Significantly</p>	<p>0 3 5 9</p>



<ul style="list-style-type: none"> <li>• Compliments existing investment/assets/capital works.</li> <li>• Components have achieved optimum replacement life.</li> <li>• Potential external funding contribution available or Project has a return on investment of under 10 years. [Higher is better]</li> <li>• Integrated transport options</li> <li>• Location of project in relation to activity centre</li> </ul>		
<b>Financial Impact</b>		
<p><b>9. To what extent has planning for this project been completed in line with Council's capital works program processes?</b>  <b>Considerations:</b></p> <ul style="list-style-type: none"> <li>• None</li> <li>• Scoping</li> <li>• Concept</li> <li>• Final</li> </ul>	None Scoping Concept Final	0 3 6 10
<p><b>10. Has partnership funding already been identified?</b>  <b>Considerations:</b></p> <ul style="list-style-type: none"> <li>• Other levels of government</li> <li>• Committee contributions</li> <li>• Philanthropic</li> </ul>	Not at all Slightly Fully Significantly	0 3 6 10
<i>Total Score</i>		
<i>Maximum Possible Score</i>		<b>100</b>

## Article XI. 4003 FAMILY & CHILDREN SERVICES BUILDINGS AND FACILITIES (Buildings)

The assessment process for Family & Children Services Buildings and Facilities uses Council's consolidated building facilities ranking criteria. The criteria ranks projects against Council strategic plans, risk, finance, and asset service delivery improvements.

<b>Assessment Criteria for Buildings in Family &amp; Children's Services</b>			
	<b>Maximum Score</b>	<b>Description</b>	<b>Score</b>
<b>Alignment with Strategic Plans</b>			
<b>Community and Council Plan or other adopted Plan or Strategy</b>  Initiatives, strategies and goals of the Community and Council Plan.  Or Council adopted Masterplans, Strategies or Implementation Plans	15	Project Aligns with a Council Plan Initiative	15
		Project Aligns with a Council Plan Strategy	12
		Project Aligns with two or more Council Goals or aligns with a Council adopted Masterplan, Strategy or Implementation Plan	10
		Project Aligns with 1 Council Goal	5
		Project does not align with the Community and Council Plan and is not related to an adopted Masterplan, Strategy or Implementation Plan	0
<b>Climate Change Response</b>  The project contributes towards Climate Change Adaptation and/or Mitigation	15	The Project Addresses both Mitigation AND Adaptation	15
		The Project Addresses either Mitigation or Adaptation	10
		The Project Addresses neither Mitigation nor Adaptation	0
<b>Risk</b>			
<b>Regulatory compliance</b>  DDA, NCC, Australian standards, etc	10	Project is required to resolve one or more regulatory issues	10
		Project will enable the facility to meet specific industry guidelines	5
		Project does not resolve regulatory issues or respond to specific industry guidelines	0
<b>Risk if project does not proceed</b>  Based on assessment from Corporate Risk Framework	15	High	15
		Medium	10
		Low	5
		Negligible	0

<b>Financial</b>			
<b>External funding</b>	10	Project to be 50% or more funded by a grant, or external organisation	10
		Project to be 10-50% funded by a grant, or external organisation	5
		Project <10% funded by grant or external organisation	2
		Project completely Council funded	0
<b>Lifecycle cost impact</b>	10	RI equal to or greater than 20%	10
Investment is prioritised for buildings where significant renewal works are planned in the near future. If project impacts multiple buildings, take weighted average. Assets team has this information.		RI equal to or greater than 10%	5
<b>Renewal Indicator (RI) =</b> Value of Planned Renewals over Next 5 Years / Building Replacement Cost		RI less than 10%	0
<b>Asset Service Delivery Improvement</b>			
<b>Asset Performance</b>	25	Project will resolve one or more major asset performance deficiencies, resulting in greatly improved service delivery	25
How asset performance, and consequently service delivery (including community use), will be improved by the project. Measurements of performance include: - Levels of service (could include multipurpose facilities) - Fitness for Purpose - Utilisation - Demand		Project will resolve one or more minor asset performance deficiencies, resulting in improved service delivery	15
		Project will improve asset performance, but current service delivery is acceptable	5
		Project does not improve asset performance	0
<b>Maximum Possible Score</b>			<b>100</b>

## Article XII.

### Article XIII. 4004 AGED CARE BUILDINGS

The assessment process for Aged Care Buildings uses Council's consolidated building facilities ranking criteria. The criteria ranks projects against Council strategic plans, risk, finance, and asset service delivery improvements.

<b>Assessment Criteria for Buildings in Aged Care</b>			
	<b>Maximum Score</b>	<b>Description</b>	<b>Score</b>
<b>Alignment with Strategic Plans</b>			
<b>Community and Council Plan or other adopted Plan or Strategy</b>	15	Project Aligns with a Council Plan Initiative	15
Initiatives, strategies and goals of the Community and Council Plan.  Or Council adopted Masterplans, Strategies or Implementation Plans		Project Aligns with a Council Plan Strategy	12
		Project Aligns with two or more Council Goals or aligns with a Council adopted Masterplan, Strategy or Implementation Plan	10
		Project Aligns with 1 Council Goal	5
		Project does not align with the Community and Council Plan and is not related to an adopted Masterplan, Strategy or Implementation Plan	0
<b>Climate Change Response</b>	15	The Project Addresses both Mitigation AND Adaptation	15
The project contributes towards Climate Change Adaptation and/or Mitigation		The Project Addresses either Mitigation or Adaptation	10
		The Project Addresses neither Mitigation nor Adaptation	0
<b>Risk</b>			
<b>Regulatory compliance</b>	10	Project is required to resolve one or more regulatory issues	10
DDA, NCC, Australian standards, etc		Project will enable the facility to meet specific industry guidelines	5
		Project does not resolve regulatory issues or respond to specific industry guidelines	0
<b>Risk if project does not proceed</b>	15	High	15
Based on assessment from Corporate Risk Framework		Medium	10
		Low	5
		Negligible	0

<b>Financial</b>			
<b>External funding</b>	10	Project to be 50% or more funded by a grant, or external organisation	10
		Project to be 10-50% funded by a grant, or external organisation	5
		Project <10% funded by grant or external organisation	2
		Project completely Council funded	0
<b>Lifecycle cost impact</b>	10	RI equal to or greater than 20%	10
Investment is prioritised for buildings where significant renewal works are planned in the near future. If project impacts multiple buildings, take weighted average. Assets team has this information.		RI equal to or greater than 10%	5
<b>Renewal Indicator (RI) =</b> Value of Planned Renewals over Next 5 Years / Building Replacement Cost		RI less than 10%	0
<b>Asset Service Delivery Improvement</b>			
<b>Asset Performance</b>	25	Project will resolve one or more major asset performance deficiencies, resulting in greatly improved service delivery	25
How asset performance, and consequently service delivery (including community use), will be improved by the project. Measurements of performance include: - Levels of service (could include multipurpose facilities) - Fitness for Purpose - Utilisation - Demand		Project will resolve one or more minor asset performance deficiencies, resulting in improved service delivery	15
		Project will improve asset performance, but current service delivery is acceptable	5
		Project does not improve asset performance	0
<b>Maximum Possible Score</b>			<b>100</b>

## Article XIV.4005 COMMUNITY BUILDINGS, LIBRARIES & FACILITIES FOR OTHERS

The assessment process for Community Buildings & Facilities for Others uses Council's consolidated building facilities ranking criteria. The criteria ranks projects against Council strategic plans, risk, finance, and asset service delivery improvements.

<b>Assessment Criteria for Buildings in Community Buildings, Libraries &amp; Facilities for others</b>			
	<b>Maximum Score</b>	<b>Description</b>	<b>Score</b>
<b>Alignment with Strategic Plans</b>			
<b>Community and Council Plan or other adopted Plan or Strategy</b>	15	Project Aligns with a Council Plan Initiative	15
Initiatives, strategies and goals of the Community and Council Plan.  Or Council adopted Masterplans, Strategies or Implementation Plans		Project Aligns with a Council Plan Strategy	12
		Project Aligns with two or more Council Goals or aligns with a Council adopted Masterplan, Strategy or Implementation Plan	10
		Project Aligns with 1 Council Goal	5
		Project does not align with the Community and Council Plan and is not related to an adopted Masterplan, Strategy or Implementation Plan	0
<b>Climate Change Response</b>	15	The Project Addresses both Mitigation AND Adaptation	15
The project contributes towards Climate Change Adaptation and/or Mitigation		The Project Addresses either Mitigation or Adaptation	10
		The Project Addresses neither Mitigation nor Adaptation	0
<b>Risk</b>			
<b>Regulatory compliance</b>	10	Project is required to resolve one or more regulatory issues	10
DDA, NCC, Australian standards, etc		Project will enable the facility to meet specific industry guidelines	5
		Project does not resolve regulatory issues or respond to specific industry guidelines	0
<b>Risk if project does not proceed</b>	15	High	15
Based on assessment from Corporate Risk Framework		Medium	10
		Low	5
		Negligible	0

<b>Financial</b>			
<b>External funding</b>	10	Project to be 50% or more funded by a grant, or external organisation	10
		Project to be 10-50% funded by a grant, or external organisation	5
		Project <10% funded by grant or external organisation	2
		Project completely Council funded	0
<b>Lifecycle cost impact</b>	10	RI equal to or greater than 20%	10
Investment is prioritised for buildings where significant renewal works are planned in the near future. If project impacts multiple buildings, take weighted average. Assets team has this information.		RI equal to or greater than 10%	5
<b>Renewal Indicator (RI) =</b> Value of Planned Renewals over Next 5 Years / Building Replacement Cost		RI less than 10%	0
<b>Asset Service Delivery Improvement</b>			
<b>Asset Performance</b>	25	Project will resolve one or more major asset performance deficiencies, resulting in greatly improved service delivery	25
How asset performance, and consequently service delivery (including community use), will be improved by the project. Measurements of performance include: - Levels of service (could include multipurpose facilities) - Fitness for Purpose - Utilisation - Demand		Project will resolve one or more minor asset performance deficiencies, resulting in improved service delivery	15
		Project will improve asset performance, but current service delivery is acceptable	5
		Project does not improve asset performance	0
<b>Maximum Possible Score</b>			<b>100</b>

#### 4006 NEW FOOTPATH CONSTRUCTION PROGRAM & PEDESTRIAN FACILITIES

Assessment Criteria for New Footpath Construction Program and Pedestrian Facilities	Rating	Score
<b>Governance</b>		
Is it part of the Principal Pedestrian Network?	Yes No	10 0
What is the Road Hierarchy?	Arterial Service Road Arterial Link Commercial Industrial Service Road Local Small Linear Reserve Access Unsealed	15 15 10 10 10 10 10 5 0
<b>Social / Community Engagement / Community/Health Benefit</b>		
Is there a pedestrian generator within 800m walk?	Education Activity Centre-Major Hospital Activity Centre-Minor Retirement Village Reserve Industrial None	20 20 15 10 10 5 5 0
Is there public transport connectivity? (i.e. a train station within 800m walk and a bus stop within 400m walk)	Train Principal Public Transport Network Bus Route Other Bus Route No Connectivity	20 10  5 0
Is there evidence of use?	Yes No	5 0
Is it a court or no through road? (Note: a court which has a reserve that can allow pedestrian access through to another street is not considered a no through road or court)	No Yes	10 0
Number of customer requests	3+ 1-2 0	5 2 0
Has there been a request from a mobility aid user?	Yes No	5 0
Does it link to an existing path?	Yes No	10 0
<b>Environmental</b>		
*Is it a site with biological significance?	Yes No	 *
<b>Maximum Possible Score</b>		<b>100</b>

\*The criteria 'is it a site with biological significance?' has no points attached. The criteria aims to flag the need for the project to be referred to other departments and a more detailed quote to be obtained. This is because these projects will have significant site constraints that need to be taken into account when proposing a project budget.

#### Major Activity Centre

The following Major Activity Centres can be found at either Train Stations or Shopping Centres and must be zoned Commercial 1/2 zoning (C1Z/C2Z) or Mixed Use Zone (MUZ) and have an existing commercial use.

- Train Station: Bayswater, Boronia, Ferntree Gully and Upper Ferntree Gully.



- Shopping Centre: Mountain Gate, Knox City and Stud Park.

**Minor Activity Centre**

Often local shopping strip i.e. butcher, post office and café, or any land use that is MUZ, C1Z or C2Z that has not been identified in the above major activity centres. The site must have an existing commercial use.

## Article XV. 4007 ROAD AND BRIDGE CONSTRUCTION

The assessment process incorporates a quadruple bottom line evaluation, which considers an assessment of the social, environmental, economic and governance categories.

Assessment Criteria for New Roads & Upgrades	Rating	Score
<b>Governance</b>		
Is proposal a result of:		
Road Safety Audit.	Yes No	5 0
Response to customer complaints regarding a public safety issue.	Yes No	5 0
Project listed in Council's Integrated Transport Plan, Rowville-Lysterfield Integrated Local Plan or other strategic document.	Yes No	5 0
<b>Social / Community Engagement / Community Benefit</b>		
Does feasibility analysis suggest significant benefits?		
Improved linkage to existing road network & accessibility.	Yes No	2 0
Improved public transport or bicycle accessibility.	Yes No	4 0
Improved streetscape & environmental impacts minimised.	Yes No	2 0
Improved functionality of drainage network.	Yes No	2 0
Level of public support (for separate charge scheme)	>80% >60%<80% <60%	10 5 0
<b>OR</b>		
Level of community Interest (for Council funded roads)	High Medium Low	10 5 0
<b>Environmental</b>		
The project contributes towards Climate Change Adaptation and/or Mitigation	Addresses Both Addresses Either Addresses Neither	20 10 0

<b>Economic / Financial Impact</b>		
Has the road segment been identified as non compliant with the desirable features of its hierarchy classification?		
Surface Material & Pavement Composition.	Yes No	3 0
Pavement Width.	Yes No	3 0
Kerb Type.	Yes No	3 0
Traffic (% Commercial Vehicles or Volume).	Yes No	3 0
Is there a demonstrable lifecycle cost benefit of sealing the unsealed road or constructing a new road?	Yes No	9 0
Proportion of external funding (Special Charge Scheme or Grant) available for proposed works?	50 – 100 % 25 – 49 % < 25 %	9 5 0
Can proposed works be integrated with other Capital Works programs?	Yes No	6 0
Density Benefit Factor - Number of benefiting people/cost of asset.	High Benefit Low Benefit	9 0
<b>Maximum Possible Score</b>		<b>100</b>

#### 4008 LOCAL AREA TRAFFIC MANAGEMENT SCHEMES (LATM's)

The assessment process incorporates a quadruple bottom line evaluation, which considers an assessment of the social, environmental, economic and governance categories.

Assessment Criteria for Local Area Traffic Management Schemes	Rating	Score	
<b>Social / Community Engagement / Community Benefit</b>			
Accidents per kilometre of road. - Accident statistics as recorded in VicRoads crash stats database (Latest available over a full 5 Year period)	5+	20	
	4- 4.9	10	
	3 – 3.9	8	
	2 – 2.9	5	
	1 – 1.9	2	
	Less than 1	0	
Traffic Volume - The 12 hour two-way traffic volume (7am-7pm) For a collector road	6001 or more	20	
	4001-6000	10	
	3001-4000	8	
	2001-3000	5	
	1001-2000	2	
	0 – 1000	0	
	For a local access road	2501 or more	20
		2001-2500	10
		1501-2000	8
		1001-1500	5
501-1000		2	
Less than 500	0		
Traffic Speed - The recorded 85 <sup>th</sup> %ile speed (within a 24 hour period) over 50km/hr.	+15.1 km/h or more	20	
	+10.1-15km/h	10	
	+5.1-10 km/h	5	
	+0.1-5km/h	2	
	Under 50km/hr	0	
Adjacent Land Use (if more than one, use the higher score)	Activity Centre	10	
	Hospital	8	
	Education -Primary	8	
	Education -Secondary	5	
	Education-Children centre	5	
	Local shops	4	
	Retirement village	4	
	Community hall/church	4	
	Reserve (Active/play equipment, Passive)	2	
	On-Road use (School crossing, bike path)	2	
	Industrial	1	
None	0		
How long has the site been on the list?	5 years or more	5	
	4 years	4	
	3 years	3	
	Less than 2 years	0	
Road Geometry of the road being considered for installation of traffic devices.	Curvilinear	5	
	Straight	0	
<b>Maximum Possible Score</b>		<b>80</b>	

### Isolated Traffic Treatments

Assessment Criteria for Isolated Traffic Treatments (Hot Spot) Program	Rating	Score
<b>Social / Community Engagement / Community Benefit</b>		
For isolated intersection (2 or more treatable accidents at an intersection) OR For mid block site (2 or more treatable accidents between intersections)		
Accident Statistics as recorded in VicRoads Crash stats database (Latest available over a full 5 Year period)	For each Fatality. For each Serious Injury. For each Minor Injury.	10 8 6
Type of user injured	Pedestrian Cyclist Motorcyclist Car driver Other	15 10 8 5 0
Accident is related to the road environment	Yes No	10 0
Customer Request	More than 3 1 to 3 0	5 2 0
Adjacent Land Use within 200m of site (if more than one, use the higher score)	Activity Centre Hospital Education -Primary Education -Secondary Education-Children centre Local shops Retirement village Community hall/church Reserve (Active/play equipment, Passive) On-Road use (School crossing, bike path) Industrial None	10 8 8 5 5 4 4 4 2 2 1 0
Road geometry of the road being considered for installation of isolated traffic devices.	Curvilinear Straight	5 0
How long has the site been on the list?	5 years or more 4 years 3 years Less than 2 years	5 4 3 0
<b>Maximum Possible Score (Dependent on number of accidents)</b>		

#### 4009 NEW BICYCLE/SHARED PATHS

The assessment process incorporates a quadruple bottom line evaluation, which considers an assessment of the social, environmental, economic and governance categories.

#### SHARED PATHS:

Assessment Criteria for New Bicycle/Shared Paths Projects	Rating	Score
<b>Governance</b>		
Principal Bike Network	Yes No	10 0
Road Hierarchy	Arterial Service Road Arterial Link Industrial Collector Service Road-Local Reserve Access Unsealed	20 20 15 15 10 10 10 5 0
<b>Social / Community Engagement / Community Benefit</b>		
Is there a pedestrian generator within 1000m walk? (Note: 1000m walk = 4minutes on bike)	Education Activity Centre-Major Industrial Hospital Activity Centre-Minor Reserve None	20 20 15 10 10 5 0
Is there public transport connectivity? (i.e. a train station within 800m walk and a bus stop within 400m walk)	Train No Connectivity Other Bus Route Principal Public Transport Network Bus Route	20 15 10 5 0
Number of customer requests	3+ 1-2 0	5 2 0
Does it link to an existing on-road/off-road facility?	Shared Path On-Road Facility None	10 8 0
<b>Environmental</b>		
*Is it a site with biological significance?	Yes No	 *
<b>Economic / Financial Impact</b>		
Available funding from an external body?	Yes No	15 0
<b>Maximum Possible Score</b>		<b>100</b>

\*The criteria 'is it a site with biological significance?' has no points attached. The criteria aims to flag the need for the project to be referred to other departments and a more detailed quote to be obtained. This is because these projects will have significant site constraints that need to be taken into account when proposing a project budget.

**Major Activity Centre**

The following Major Activity Centres can be found at either Train Stations or Shopping Centres and must be zoned Commercial 1/2 zoning (C1Z/C2Z) or Mixed Use Zone (MUZ) and have an existing commercial use.

- Train Station: Bayswater, Boronia, Ferntree Gully and Upper Ferntree Gully.
- Shopping Centre: Mountain Gate, Knox City and Stud Park.

**Minor Activity Centre**

Often local shopping strip i.e. butcher, post office and café, or any land use that is MUZ, C1Z or C2Z that has not been identified in the above major activity centres. The site must have an existing commercial use.

**ON-ROAD LANES:**

<b>Assessment Criteria for New Bicycle/Shared Paths Projects</b>	<b>Rating</b>	<b>Score</b>
<b>Governance</b>		
Path identified on the Principal Bicycle Network	Yes No	10 0
<b>Social / Community Engagement / Community Benefit</b>		
Crashes involving bicycles over a 5 year period	More than 5 3 to 4 1 to 2 0	20 10 5 0
Is there public transport connectivity? (i.e. a train station within 800m and a bus stop within 400m)	Train No Connectivity Other Bus Route Principal Public Transport Network Bus Route	20 15 10 5
Width of the road (Note: If less than 9m wide, a shared path is recommended unless a very quiet street with low volume)	13m+ wide 9-13m wide Less than 9m wide	10 5 0
Speed Zone along the street	40km/hr and less 50km/hr 60km/hr >60km/hr	15 10 5 0
Customer requests for bike lane	More than 3 1 to 3 0	10 5 0
Links to existing bike lane/shared path	Yes No	15 0
<b>Maximum Possible Score</b>		<b>100</b>



**BICYCLE FACILITIES:**

Assessment Criteria for New Bicycle/Shared Paths Projects	Rating	Score
<b>Governance</b>		
Is the facility on an existing bike route	Shared Path	25
	On-road Bike Lane	15
	Gravel/Granitic	5
	No	0
Is the facility along the Principal Bike Network/identified route on the bike plan	Principal Bike Network	20
	Bike Plan	10
	None	0
<b>Social / Community Engagement / Community Benefit</b>		
Is there a pedestrian generator within 1000m walk? (Note: 1000m walk = 4minutes on bike)	Activity Centre-Major	25
	Education	20
	Industrial	15
	Activity Centre-Minor	10
	Hospital	10
	Reserve	5
	None	0
Does it improve safety?	Yes	10
	No	0
Does it improve accessibility/connectivity?	Yes	10
	No	0
Customer request for facility	3+	10
	1-2	5
	0	0
<b>Maximum Possible Score</b>		<b>100</b>

**Major Activity Centre**

The following Major Activity Centres can be found at either Train Stations or Shopping Centres and must be zoned Commercial 1/2 zoning (C1Z/C2Z) or Mixed Use Zone (MUZ) and have an existing commercial use.

- Train Station: Bayswater, Boronia, Ferntree Gully and Upper Ferntree Gully.
- Shopping Centre: Mountain Gate, Knox City and Stud Park.

**Minor Activity Centre**

Often local shopping strip i.e. butcher, post office and café, or any land use that is MUZ, C1Z or C2Z that has not been identified in the above major activity centres. The site must have an existing commercial use.

#### 4010 LOCAL ROAD SAFETY INITIATIVES

The assessment process incorporates a quadruple bottom line evaluation, which considers an assessment of the social, environmental, economic and governance categories.

Assessment Criteria for Local Road Safety Initiatives	Rating	Score
<b>Social / Community Engagement / Community Benefit</b>		
Regulatory Requirement (eg. street light required over a traffic device or pedestrian numbers warrant school crossing)	Yes No	10 0
Treatment addresses property damage accidents (eg. Kerb installed to reduce run off road accidents)	Yes No	10 0
Accident reduction/prevention potential	Reduce conflict points Improve Sight distance Improve pedestrian visibility Improve driver awareness None	15 10 5 2 0
Customer requests	3 or more 1-3 None	5 2 0
Identified within the Integrated Transport Plan, Pedestrian Plan, Bike Plan or Community and Council Plan	Yes No	10 0
Adjacent Land Use within 100m of site (if more than one, use the higher score)	Activity Centre Hospital Education –Primary Education –Secondary Education – Children centre Local shops Retirement village Community hall/church Reserve (Active/play equipment, Passive) On-Road use (School crossing, bike path) Industrial None	10 8 8 5 5 4 4 4 2 2 1 0
Bus Route	Yes No	5 0
Road Hierarchy	Link Collector Local/access	10 5 0
<b>Environmental</b>		
Impacts on the environment e.g. excavation required, tree removal	No Yes	5 0
<b>Economic / Financial Impact</b>		
Possible external funding contribution from other source	Yes No	20 0
<b>Maximum Possible Score</b>		<b>100</b>

#### 4011 PUBLIC TRANSPORT INFRASTRUCTURE

The assessment process incorporates a quadruple bottom line evaluation, which considers an assessment of the social, environmental, economic and governance categories.

Assessment Criteria for Local Road Safety Initiatives	Rating	Score
<b>Social / Community Engagement / Community Benefit</b>		
Problem identified by bus company	Yes No	10 0
Works will improve reliability	Yes No	10 0
Works will improve road safety	Yes No	10 0
DDA need to improve access	Yes No	10 0
Customer requests	3 or more 1-3 None	10 5 0
Bus route/stop location (footpath hierarchy)	Commercial access Key access Local access	10 5 0
<b>Environmental</b>		
Negative impacts on environment	No Yes	10 0
<b>Economic / Financial Impact</b>		
Possible external funding contribution from other source	Yes No	15 0
Works can be done in partnership with other authorities	Yes No	15 0
<b>Maximum Possible Score</b>		<b>100</b>

Priority is based on:

- problem being experienced by bus company;
- frequency and type of bus service; and
- benefits the works will have on the operation of the bus service.

Prioritisation of bus stop works will also be based on:

- identified locations where people with disabilities are using the bus service;
- works that can be done in conjunction with other authorities (e.g. Dept of Infrastructure may undertake works to make a bus stop DDA compliant and Council may need to construct a short length of footpath; and
- the number of patrons using a bus stop.

#### 4012 NEW PLANT & MACHINERY

The assessment process incorporates a quadruple bottom line evaluation, which considers an assessment of the social, environmental, economic and governance categories.

Assessment Criteria for New Plant & Machinery	Rating	Score
<b>Governance</b>		
Fit with Council Plan	Significant	25
To what extent does the project reflect the current direction and vision of Council as outlined in the Knox Community and Council Plan?	Moderate	20
	Slightly	10
	Not at all	0
<b>Social / Community Engagement/ Community Benefit</b>		
To what extent is the need and urgency for the delivery of this project to the community, taking into account:	Significant	20
- support from the community	Moderate	18
- benefit to the community	Slightly	10
- risk to the community	Not at all	0
- alignment with existing Strategic Plans		
- how long the need has been apparent to Council?		
To what extent does the project address access and inclusion, amenity, public health and safety, cultural and heritage values and support the delivery of community services?	Significant	10
	Moderate	7
	Slightly	3
	Not at all	0
<b>Environmental</b>		
To what extent does the project benefit the environment considering energy reduction/efficiency, reduction of greenhouse gas emissions, water consumption, the use of recycled materials and minimising the use of resources? Are there positive environmental initiatives in the project?	Significant	15
	Moderate	7
	Slightly	3
	Not at all	0
<b>Economical / Financial Impact</b>		
What is the extent of economic benefits, to the organisation and/or the community, potential cost savings, availability of grants/ contributions or any return for investment?	Significant	15
	Moderate	7
	Slightly	3
	Not at all	0
Has the project been adequately scoped and documented for the efficient and economic delivery in the coming year, staged over one or more years or should it be deferred for further investigation?	Significant	15
	Moderate	10
	Slightly	5
	Not at all	0
<b>Maximum Possible Score</b>		<b>100</b>

#### 4014 UNSTRUCTURED RECREATION

The assessment process incorporates a quadruple bottom line evaluation, which considers an assessment of the social, environmental, economic and governance categories.

		<b>Current Score (C) (10 max)</b>	<b>Potential Score (P) (10 max)</b>
<b>Type of Open Space – either:</b>	<b>Municipal</b> <ul style="list-style-type: none"> <li>Physical relationships to an activity centre is essential</li> <li>Excellent connectivity, being visually accessible, accessible to pedestrian and bike and have near proximity to community facilities is necessary</li> <li>Cater for multiple groups of people</li> <li>Diverse user groups is desirable</li> <li>Unique qualities, character or special features is essential</li> <li>Is the space also located on a creek corridor?</li> <li>Is the space also a community hub?</li> <li>Accommodation of changing use</li> </ul>	1-10	1-10
<b>Or:</b>	<b>Neighbourhood</b> <ul style="list-style-type: none"> <li>Located in a prominent location within the neighbourhood</li> <li>Excellent connectivity, being visually accessible, accessible to pedestrian and bike and have near proximity to community facilities is necessary</li> <li>Cater for multiple groups of people</li> <li>Enable diverse activities</li> <li>Unique qualities, character or special features is essential</li> <li>Is the space also located on a creek corridor?</li> <li>Is the space also a community hub?</li> <li>Accommodation of changing use</li> </ul>	1-10	1-10
<b>Or:</b>	<b>Local</b> <ul style="list-style-type: none"> <li>Develop community engagement with the space in the immediate surroundings</li> <li>Spaces must be visually and physically accessible</li> <li>Develop place based character sympathetic to the neighbourhood and site</li> <li>Accommodation of changing use</li> </ul>	1-10	1-10
<b>Biodiversity appreciation</b>	<ul style="list-style-type: none"> <li>Priority/significant location</li> <li>Create new links</li> <li>Strong character and branding</li> </ul>	1-10	1-10
<b>Connections connectivity</b>	<ul style="list-style-type: none"> <li>Access to public transport, pedestrian and bike infrastructure</li> <li>Have excellent amenity and community infrastructure</li> <li>Comply with DDA and other standards</li> </ul>	1-10	1-10
<b>Cultural interpretation</b>	<ul style="list-style-type: none"> <li>Landmark</li> <li>Event opportunities</li> <li>Special character/significance</li> </ul>	1-10	1-10
<b>Economy local</b>	<ul style="list-style-type: none"> <li>Engaged interface with business and industry</li> <li>Connect with community infrastructure</li> <li>Opportunities for temporary business</li> <li>High level of amenity</li> </ul>	1-10	1-10
<b>Leisure healthy</b>	<ul style="list-style-type: none"> <li>Dynamic interface design</li> <li>Integrated design between active/passive spaces</li> <li>Ability to activate spaces through structured activities</li> </ul>	1-10	1-10

<b>People wellbeing</b>	<ul style="list-style-type: none"> <li>• Develop strong community links to the space</li> <li>• Develop a sense of community custodianship of site</li> <li>• Good provision of community infrastructure</li> </ul>	1-10	1-10
<b>Play exploration</b>	<ul style="list-style-type: none"> <li>• Provide diverse opportunities for play use of the site</li> <li>• Comply with equal access and compliance standards</li> <li>• Multi-generational use of spaces</li> <li>• Appropriate infrastructure for the type of space</li> <li>• Excellent visual amenity</li> </ul>	1-10	1-10
<b>Sustainable equilibrium</b>	<ul style="list-style-type: none"> <li>• Integrate opportunities for sustainable infrastructure</li> <li>• Design with sustainable materials and vegetation</li> </ul>	1-10	1-10
<b>Water - quality</b>	<ul style="list-style-type: none"> <li>• Increase water quality</li> <li>• Link and extend creek corridors by integrating drainage corridors</li> <li>• Improve community access to water</li> <li>• Integrate water systems between open spaces, streets and homes</li> </ul>	1-10	1-10
		<b>100 max (C)</b>	<b>100 max (P)</b>

<b>Strategic Priority- Level of Change</b>		<b>Change Score (CS)</b>	
<b>Limited Change or;</b>	A limited level of change for residential land located within the Dandenong Foothills or designated as a Site of Biological Significance.	<b>1 or;</b>	
<b>Incremental Change or;</b>	An incremental level of change for residential land which generally has limited access to public transport, services and facilities, low pedestrian permeability and a green and leafy character.	<b>2 or;</b>	
<b>Moderate Change or;</b>	A moderate level of change for mixed use and residential areas within and surrounding selected Activity Centres	<b>3 or;</b>	
<b>Substantial Change</b>	The highest rate of change for mixed use and residential land within selected Activity Centres and other strategic sites.	<b>4</b>	
<b>Total Score</b>			<b>(P-C) X (CS)</b>

**4015 PLACE MANAGEMENT PROGRAM**

The assessment process incorporates a quadruple bottom line evaluation, which considers an assessment of the social, environmental, economic and governance categories.

<p><b>Criteria</b>                      Please select either column A, B or C.                      Then only highlight / score appropriate responses in that column.</p>	<p><b>A (40)</b>                      Is this initiative consistent with actions outlined in an existing/ endorsed structure plan or other strategic planning instrument?</p>	<p><b>B (20)</b>                      Will this initiative precede any planned or proposed structure planning or other strategic planning exercise in the future?</p>	<p><b>C (0)</b>                      Is this initiative a stand-alone project with no identified strategic basis?</p>
<p>How many Community and Council Plan Goals and Strategies does this initiative align with?                      List them:                      1)                      2)                      3)                      4)                      5)</p>	<p>5 (15)                      4 (12)                      3 (9)                      2 (6)                      1 (3)</p>	<p>5 (15)                      4 (12)                      3 (9)                      2 (6)                      1 (3)</p>	<p>5 (15)                      4 (12)                      3 (9)                      2 (6)                      1 (3)</p>
<p>Will the initiative raise the profile of Knox?                       How?</p>	<p>International (15)                      Metro (10)                      Local (5)</p>	<p>International (15)                      Metro (10)                      Local (5)</p>	<p>International (15)                      Metro (10)                      Local (5)</p>
<p>Does this initiative help implement other priorities, as articulated in the Knox Community and Council Plan and other Strategies/Plans?                      (eg flood management/ mitigation, healthy together, violence prevention)                      List them:                      1)                      2)</p>	<p>More than 2 (10)                      Less than 2 (5)</p>	<p>More than 2 (10)                      Less than 2 (5)</p>	<p>More than 2 (10)                      Less than 2 (5)</p>

3)			
4)			
Will this initiative respond to a significant community issue?	Yes (5) No (0)	Yes (5) No (0)	Yes (5) No (0)
Will the initiative address known safety hazards/ manage known risk?	Yes (5) No (0)	Yes (5) No (0)	Yes (5) No (0)
Will the initiative provide an opportunity for community capacity building?	Yes (5) No (0)	Yes (5) No (0)	Yes (5) No (0)
Will the initiative have a positive impact on access and inclusion?	Yes (5) No (0)	Yes (5) No (0)	Yes (5) No (0)
<b>Maximum Possible Score</b>	<b>(100)</b>	<b>(80)</b>	<b>(60)</b>



#### 4016 STREETScape UPGRADES: ROAD RESERVE & NATURE STRIP PLANTING

The assessment process incorporates a quadruple bottom line evaluation, which considers an assessment of the social, environmental, economic and governance categories.

Assessment Criteria for Streetscape Upgrades	Rating	Score
<b>Governance</b>		
Identified in Council's strategic documents or adopted Masterplan	Priority item	10
	Yes	5
	No	0
Risk exposure to the Community/Council should the project not be undertaken (rated against Council's Integrated Risk Management Process).	High	5
	Medium	3
	None	0
Project adds to the body of knowledge or guides future works on the site / program. E.g. Biolinks Study, Masterplan, Energy Audit, assessments etc	Yes	10
	No	0
<b>Social / Community Engagement / Community Benefit</b>		
Extent of participation or consultation with the community/Council/external stakeholders	Significant participation or consultation	10
	Some awareness, but more consultation required	5
	No consultation	0
Encourages greater leisure participation/engagement from any of the following: youth, women, people with disabilities, ageing and socially isolated individuals and communities?	Significant impact	5
	Some benefit	2
	None	0
Catchment visitation	Municipal	10
	Neighbourhood catchment	5
<b>Environmental</b>		
Risk to environmental values reduced	None	10
	Moderate	5
	High risk	0
Values Improved	Major improvement	10
	Moderate	5
	None	0
Potential use of sustainable materials.	Major opportunity	5
	Moderate	3
	None	0
<b>Economic / Financial Impact</b>		
Impact on operations budget /maintenance cost.	Decrease	10
	Same	5
	Increase	0
Complements existing investment/ assets / capital works.	Major	5
	Moderate	2
	None	0
Components have achieved optimum replacement life.	Optimum	5
	Moderate	2
	No	0
External funding contribution available.	Yes	5
	No	0
<b>Maximum Possible Score</b>		<b>100</b>

**4017 STORMWATER UPGRADES**

The assessment process incorporates a quadruple bottom line evaluation, which considers an assessment of the social, environmental, economic and governance categories.

Assessment Criteria for Stormwater Upgrades	Rating	PTS
<b>Governance, Risk Management &amp; Public Safety (25 points)</b>		
Is the proposed project in line with Knox's strategic direction under:  1) Knox Community and Council Plan 2) WSUD & Stormwater Management Strategy 2010 3) Sustainable Water Use Plan 4) Drainage Asset Management Plan 2010 5) Revegetation Plan 6) Stormwater Catchment # Master Plan (SC#MP) 7) Open Space & Landscape Master Plan	Project listed as priority action (in one or more strategies) = 8 pts Project listed as action in a flood mapped SC#MP (20yr CWP) = 6 pts Project supports strategic objectives = 3 pts No connection with strategic direction of council = 0 pts	8
If project is not delivered, will the issue result in residential displacement; inability to live at property; compromised living standards; or risk to public health?	Yes = 13 pts No = 0 pts	13
What is the primary land use within the flood affected area?	Residential = 4 pts Commercial/Industrial = 3 pts Non Developed = 1 pt	4
<b>Economic and Financial Benefits (25 points)</b>		
Will this project support (complement) and/or assist resolution for other CWP initiatives identified/planned for in the forward CWP (i.e. synergies, added value, combined resources, shared effort)?	Yes = 5 pts No = 0 pts	5
Is external funding available to cost share / deliver this project?	50% or more external funds = 5 pts 30-50% external funds = 3 pts No external funds = 0 pts	5
Number of Properties suffering internal Above Floor level damage  Number of Properties with Below Floor level damage	Multiple properties = 15 pts Single property = 7 pts Multiple Properties = 5 pts Single Property = 2 pts	15
<b>Environmental Benefits (25 points)</b>		
Is the project within a high value catchment (HVC)?  [ * = section of Dandenong Creek north of Boronia Rd] [# = section of Dandenong Creek south of Boronia Rd to confluence]	Dobsons /Upper Dandenong* = 7 pts Monbulk/Ferry = 6 pts Corhanwarrabul/Eumemmering = 5 pts Middle Dandenong Creek# = 4 pts Blind Creek = 3 pts Old Joes Creek = 2 pts Rowville Main Drain = 1 pt	7

<p>Will this project scope provide urban pollutant reductions and meet industry best practice for waterway/bay protection in terms of water quality?</p> <p>(i.e. State Targets: TSS = 80%, TP = 45%, TN= 45%, litter/gross pollutants = 70% &amp; Flow reductions)</p>	<p>Yes = 6 pts No = 0 pts</p>	<p><b>6</b></p>
<p>Will this project seek to capture and reuse alternate water sources for 'fit for purpose' application (e.g. open space irrigation) to reduce Council's reliance/usage of potable (drinking) water supplies?</p> <p>[Note: Industry best practice is 80% substitution reliability or more]</p>	<p>Yes = 6 pts No = 0 pts</p>	<p><b>6</b></p>
<p>Will this project scope provide a % reduction in urban DCI connections to the receiving (local) waterway through upstream treatment systems? DCI = Directly Connected Impervious Area</p> <p>Apply: (Catchment total DCI area – System's total disconnected DCI area) Catchment's total DCI area</p>	<p>Yes = 6 pts No = 0 pts</p>	<p><b>6</b></p>
<p><b>Social and Community Benefits (25 points)</b></p>		
<p>Does this project provide opportunity to improve urban cooling of the local (immediate) area, reducing Urban Heat Island effects and community vulnerability, through provision of shade/canopy trees?</p> <p>Note: Street Tree Policy target is 25% canopy cover across municipality.</p>	<p>Yes = 6 pts No = 0 pts</p>	<p><b>5</b></p>
<p>Will the project create a desirable destination (passive or active space) for community use/visitation that: (a) builds community inclusion &amp; connectedness to places across the municipality; and (b) will be accessible for all abilities?</p>	<p>'(a) + (b) = 5 pts '(a) only = 4 pts No = 0 pts</p>	<p><b>5</b></p>
<p>If project is not delivered, to what Degree will social / community benefits be disrupted - that is, access to essential services OR disruption to road networks OR other community facility or asset is compromised?</p>	<p>Major disruption or loss of access = 8 pts Moderate = 6 pts Minor = 4 pts No = 0 pts</p>	<p><b>8</b></p>
<p>Is the project in an area considered to be a sensitive land use or an area of a known vulnerable population?</p> <p>Sensitive Land Use = schools, hospitals, aged/disability services etc</p> <p>Vulnerable population = retirement villages, aged care facilities, medical precincts, early childhood, primary/secondary schools, specialist schools for special needs individuals.</p>	<p>Yes = 5 pts No = 0 pts</p>	<p><b>5</b></p>
<p>Will this project provide habitat?</p>	<p>Yes = 2 pts No = 0 pts</p>	<p><b>2</b></p>
<p><b>Ranking Score (Total)</b></p>		<p><b>? / 100</b></p>

#### 4018 SUSTAINABILITY INITIATIVES

The assessment process incorporates a quadruple bottom line evaluation, which considers an assessment of the social, environmental, economic and governance categories.

Assessment Criteria for Sustainability Initiatives	Rating	Score
<b>Governance</b>		
Identified in Council's Strategic Documents or adopted Master Plan	Priority item	10
	Yes	5
	No	0
The project contributes towards Climate Change Adaptation and/or Mitigation	Addresses Both	15
	Addresses Either	10
	Addresses Neither	0
<b>Social / Community Engagement / Community Benefit</b>		
Extent of consultation with the community/Council/external stakeholders.	Significant consultation	10
	Some awareness, but more consultation required	5
	No consultation	0
Encourages greater leisure participation/engagement from any of the following: youth, women, people with disabilities, ageing and socially isolated individuals and communities?	Significant impact	5
	Some benefit	2
	None	0
Catchment visitation (e.g. the demographic that the project location or site typically caters for)	Municipal or wider	10
	Neighbourhood catchment	5
	Restricted Access	0
<b>Environmental</b>		
Impact on existing environmental values (e.g. Net loss of canopy trees, increase in stormwater runoff, increase in noise or light pollution)	Net improvement	10
	Neutral impact	5
	Net loss of value	0
Impact on Resource use (e.g. will the project increase electricity, gas or water use)	Significant Reduction	10
	Neutral impact	5
	Significant Increase	0
Sustainable Procurement and sustainable use of materials (e.g. reduction in waste to landfill, purchasing recycled material or reusing existing materials on the project)	Major opportunity	5
	Moderate	3
	None	0
<b>Economic / Financial Impact</b>		
Impact on operations budget/maintenance cost (including ongoing cost of energy or water bills for the site).	Decrease	10
	Same	5
	Increase	0
Compliments existing investment/assets/capital works.	Major	5
	Moderate	2
	None	0
Components have achieved optimum replacement life.	Optimum	5
	Moderate	2
	No	0
Potential external funding contribution available or Project has a return on investment of under 10 years.	Yes	5
	No	0
<b>Maximum Possible Score</b>		<b>100</b>

### 4019 CIVIC & CORPORATE BUILDINGS AND FACILITY UPGRADES (Buildings)

The assessment process for Community Buildings & Facilities for Others uses Council's consolidated building facilities ranking criteria. The criteria ranks projects against Council strategic plans, risk, finance, and asset service delivery improvements.

<b>Assessment Criteria for Civic Corporate Buildings &amp; Facility Upgrades</b>			
	<b>Maximum Score</b>	<b>Description</b>	<b>Score</b>
<b>Alignment with Strategic Plans</b>			
<b>Community and Council Plan or other adopted Plan or Strategy</b>	15	Project Aligns with a Council Plan Initiative	15
Initiatives, strategies and goals of the Community and Council Plan.  Or Council adopted Masterplans, Strategies or Implementation Plans		Project Aligns with a Council Plan Strategy	12
		Project Aligns with two or more Council Goals or aligns with a Council adopted Masterplan, Strategy or Implementation Plan	10
		Project Aligns with 1 Council Goal	5
		Project does not align with the Community and Council Plan and is not related to an adopted Masterplan, Strategy or Implementation Plan	0
<b>Climate Change Response</b>	15	The Project Addresses both Mitigation AND Adaptation	15
The project contributes towards Climate Change Adaptation and/or Mitigation		The Project Addresses either Mitigation or Adaptation	10
		The Project Addresses neither Mitigation nor Adaptation	0
<b>Risk</b>			
<b>Regulatory compliance</b>	10	Project is required to resolve one or more regulatory issues	10
DDA, NCC, Australian standards, etc		Project will enable the facility to meet specific industry guidelines	5
		Project does not resolve regulatory issues or respond to specific industry guidelines	0
<b>Risk if project does not proceed</b>	15	High	15
Based on assessment from Corporate Risk Framework		Medium	10
		Low	5
		Negligible	0

<b>Financial</b>			
<b>External funding</b>	10	Project to be 50% or more funded by a grant, or external organisation	10
		Project to be 10-50% funded by a grant, or external organisation	5
		Project <10% funded by grant or external organisation	2
		Project completely Council funded	0
<b>Lifecycle cost impact</b>	10	RI equal to or greater than 20%	10
Investment is prioritised for buildings where significant renewal works are planned in the near future. If project impacts multiple buildings, take weighted average. Assets team has this information.		RI equal to or greater than 10%	5
<b>Renewal Indicator (RI) =</b> Value of Planned Renewals over Next 5 Years / Building Replacement Cost		RI less than 10%	0
<b>Asset Service Delivery Improvement</b>			
<b>Asset Performance</b>	25	Project will resolve one or more major asset performance deficiencies, resulting in greatly improved service delivery	25
How asset performance, and consequently service delivery (including community use), will be improved by the project. Measurements of performance include: - Levels of service (could include multipurpose facilities) - Fitness for Purpose - Utilisation - Demand		Project will resolve one or more minor asset performance deficiencies, resulting in improved service delivery	15
		Project will improve asset performance, but current service delivery is acceptable	5
		Project does not improve asset performance	0
<b>Maximum Possible Score</b>			<b>100</b>

**4021 SUSTAINABLE INITIATIVES FOR OUTDOOR STRUCTURED FACILITIES**

The assessment process incorporates a quadruple bottom line evaluation, which considers an assessment of the social, environmental, economic and governance categories.

Assessment Criteria for Stormwater Upgrades	Rating	PTS
<b>Governance, Risk Management &amp; Public Safety (25 points)</b>		
Is the proposed project in line with Knox's strategic direction under:  1) Knox Community and Council Plan 2) WSUD & Stormwater Management Strategy 2010 3) Sustainable Water Use Plan 4) Drainage Asset Management Plan 2010 5) Revegetation Plan 6) Stormwater Catchment # Master Plan (SC#MP) 7) Open Space & Landscape Master Plan	Project listed as priority action (in one or more strategies) = 8 pts Project listed as action in a flood mapped SC#MP (20yr CWP) = 6 pts Project supports strategic objectives = 3 pts No connection with strategic direction of council = 0 pts	<b>8</b>
If project is not delivered, will the issue result in residential displacement; inability to live at property; compromised living standards; or risk to public health?	Yes = 13 pts No = 0 pts	<b>13</b>
What is the primary land use within the flood affected area?	Residential = 4 pts Commercial/Industrial = 3 pts Non Developed = 1 pt	<b>4</b>
<b>Economic and Financial Benefits (25 points)</b>		
Will this project support (complement) and/or assist resolution for other CWP initiatives identified/planned for in the forward CWP (i.e. synergies, added value, combined resources, shared effort)?	Yes = 5 pts No = 0 pts	<b>5</b>
Is external funding available to cost share / deliver this project?	50% or more external funds = 5 pts 30-50% external funds = 3 pts No external funds = 0 pts	<b>5</b>
Number of Properties suffering internal Above Floor level damage  Number of Properties with Below Floor level damage	Multiple properties = 15 pts Single property = 7 pts  Multiple Properties = 5 pts Single Property = 2 pts	<b>15</b>
<b>Environmental Benefits (25 points)</b>		
Is the project within a high value catchment (HVC)?  [ * = section of Dandenong Creek north of Boronia Rd] [# = section of Dandenong Creek south of Boronia Rd to confluence]	Dobsons /Upper Dandenong* = 7 pts Monbulk/Ferny = 6 pts Corhanwarrabul/Eumemmering = 5 pts Middle Dandenong Creek# = 4 pts Blind Creek = 3 pts Old Joes Creek = 2 pts Rowville Main Drain = 1 pt.	<b>7</b>

<p>Will this project scope provide urban pollutant reductions and meet industry best practice for waterway/bay protection in terms of water quality?</p> <p>(i.e. State Targets: TSS = 80%, TP = 45%, TN= 45%, litter/gross pollutants = 70% &amp; Flow reductions)</p>	<p>Yes = 6 pts No = 0 pts</p>	<p><b>6</b></p>
<p>Will this project seek to capture and reuse alternate water sources for 'fit for purpose' application (e.g. open space irrigation) to reduce Council's reliance/usage of potable (drinking) water supplies?</p> <p>[Note: Industry best practice is 80% substitution reliability or more]</p>	<p>Yes = 6 pts No = 0 pts</p>	<p><b>6</b></p>
<p>Will this project scope provide a % reduction in urban DCI connections to the receiving (local) waterway through upstream treatment systems? DCI = Directly Connected Impervious Area</p> <p>Apply: (Catchment total DCI area – System's total disconnected DCI area) Catchment's total DCI area</p>	<p>Yes = 6 pts No = 0 pts</p>	<p><b>6</b></p>
<b>Social and Community Benefits (25 points)</b>		
<p>Does this project provide opportunity to improve urban cooling of the local (immediate) area, reducing Urban Heat Island effects and community vulnerability, through provision of shade/canopy trees?</p> <p>Note: Street Tree Policy target is 25% canopy cover across municipality.</p>	<p>Yes = 6 pts No = 0 pts</p>	<p><b>5</b></p>
<p>Will the project create a desirable destination (passive or active space) for community use/visitation that: (a) builds community inclusion &amp; connectedness to places across the municipality; and (b) will be accessible for all abilities?</p>	<p>'(a) + (b) = 5 pts '(a) only = 4 pts No = 0 pts</p>	<p><b>5</b></p>
<p>If project is not delivered, to what Degree will social / community benefits be disrupted - that is, access to essential services OR disruption to road networks OR other community facility or asset is compromised?</p>	<p>Major disruption or loss of access = 8 pts Moderate = 6 pts Minor = 4 pts No = 0 pts</p>	<p><b>8</b></p>
<p>Is the project in an area considered to be a sensitive land use or an area of a known vulnerable population?</p> <p>Sensitive Land Use = schools, hospitals, aged/disability services etc</p> <p>Vulnerable population = retirement villages, aged care facilities, medical precincts, early childhood, primary/secondary schools, specialist schools for special needs individuals.</p>	<p>Yes = 5 pts No = 0 pts</p>	<p><b>5</b></p>
<p>Will this project provide habitat?</p>	<p>Yes = 2 pts No = 0 pts</p>	<p><b>2</b></p>
<b>Ranking Score (Total)</b>		<p><b>? / 100</b></p>



#### 4022 INTEGRATED STORMWATER SOLUTIONS

The assessment process incorporates a quadruple bottom line evaluation, which considers an assessment of the social, environmental, economic and governance categories.

Assessment Criteria for Stormwater Upgrades	Rating	PTS
<b>Governance, Risk Management &amp; Public Safety (25 points)</b>		
Is the proposed project in line with Knox's strategic direction under:  8) Knox Community and Council Plan 9) WSUD & Stormwater Management Strategy 2010 10) Sustainable Water Use Plan 11) Drainage Asset Management Plan 2010 12) Revegetation Plan 13) Stormwater Catchment # Master Plan (SC#MP) 14) Open Space & Landscape Master Plan	Project listed as priority action (in one or more strategies) = 8 pts Project listed as action in a flood mapped SC#MP (20yr CWP) = 6 pts Project supports strategic objectives = 3 pts No connection with strategic direction of council = 0 pts	<b>8</b>
If project is not delivered, will the issue result in residential displacement; inability to live at property; compromised living standards; or risk to public health?	Yes = 13 pts No = 0 pts	<b>13</b>
What is the primary land use within the flood affected area?	Residential = 4 pts Commercial/Industrial = 3 pts Non Developed = 1 pt	<b>4</b>
<b>Economic and Financial Benefits (25 points)</b>		
Will this project support (complement) and/or assist resolution for other CWP initiatives identified/planned for in the forward CWP (i.e. synergies, added value, combined resources, shared effort)?	Yes = 5 pts No = 0 pts	<b>5</b>
Is external funding available to cost share / deliver this project?	50% or more external funds = 5 pts 30-50% external funds = 3 pts No external funds = 0 pts	<b>5</b>
Number of Properties suffering internal Above Floor level damage  Number of Properties with Below Floor level damage	Multiple properties = 15 pts Single property = 7 pts  Multiple Properties = 5 pts Single Property = 2 pts	<b>15</b>
<b>Environmental Benefits (25 points)</b>		
Is the project within a high value catchment (HVC)?  [ * = section of Dandenong Creek north of Boronia Rd] [# = section of Dandenong Creek south of Boronia Rd to confluence]	Dobsons /Upper Dandenong* = 7 pts Monbulk/Ferny = 6 pts Corhanwarrabul/Eumemmering = 5 pts Middle Dandenong Creek# = 4 pts Blind Creek = 3 pts Old Joes Creek = 2 pts Rowville Main Drain = 1 pt.	<b>7</b>

<p>Will this project scope provide urban pollutant reductions and meet industry best practice for waterway/bay protection in terms of water quality?</p> <p>(i.e. State Targets: TSS = 80%, TP = 45%, TN= 45%, litter/gross pollutants = 70% &amp; Flow reductions)</p>	<p>Yes = 6 pts No = 0 pts</p>	<b>6</b>
<p>Will this project seek to capture and reuse alternate water sources for 'fit for purpose' application (e.g. open space irrigation) to reduce Council's reliance/usage of potable (drinking) water supplies?</p> <p>[Note: Industry best practice is 80% substitution reliability or more]</p>	<p>Yes = 6 pts No = 0 pts</p>	<b>6</b>
<p>Will this project scope provide a % reduction in urban DCI connections to the receiving (local) waterway through upstream treatment systems? DCI = Directly Connected Impervious Area</p> <p>Apply: (Catchment total DCI area – System's total disconnected DCI area) Catchment's total DCI area</p>	<p>Yes = 6 pts No = 0 pts</p>	<b>6</b>
<b>Social and Community Benefits (25 points)</b>		
<p>Does this project provide opportunity to improve urban cooling of the local (immediate) area, reducing Urban Heat Island effects and community vulnerability, through provision of shade/canopy trees?</p> <p>Note: Street Tree Policy target is 25% canopy cover across municipality.</p>	<p>Yes = 6 pts No = 0 pts</p>	<b>5</b>
<p>Will the project create a desirable destination (passive or active space) for community use/visitation that: (a) builds community inclusion &amp; connectedness to places across the municipality; and (b) will be accessible for all abilities?</p>	<p>'(a) + (b) = 5 pts '(a) only = 4 pts No = 0 pts</p>	<b>5</b>
<p>If project is not delivered, to what Degree will social / community benefits be disrupted - that is, access to essential services OR disruption to road networks OR other community facility or asset is compromised?</p>	<p>Major disruption or loss of access = 8 pts Moderate = 6 pts Minor = 4 pts No = 0 pts</p>	<b>8</b>
<p>Is the project in an area considered to be a sensitive land use or an area of a known vulnerable population?</p> <p>Sensitive Land Use = schools, hospitals, aged/disability services etc. Vulnerable population = retirement villages, aged care facilities, medical precincts, early childhood, primary/secondary schools, specialist schools for special needs individuals.</p>	<p>Yes = 5 pts No = 0 pts</p>	<b>5</b>
<p>Will this project provide habitat?</p>	<p>Yes = 2 pts No = 0 pts</p>	<b>2</b>
<b>Ranking Score (Total)</b>		<b>? / 100</b>

#### 4023 COMMUNITY SAFETY INITIATIVES

The assessment process incorporates a quadruple bottom line evaluation, which considers an assessment of the social, environmental, economic and governance categories.

The table below can be used to score and rank each proposed initiative within the Plan. Initiatives with the highest scores will be assigned the highest priority.

Assessment Criteria for Community Safety Initiatives	Rating	Score
<b>Governance</b>		
<b>To what extent does the project create risk exposure to the community/Council should the project not be undertaken (rated against Council's integrated risk management process)</b>	Significantly Moderately Not at all	<b>15</b> 10 0
<b>Social / Community Engagement / Community Benefit</b>		
<b>To what extent does the project work towards delivering priorities from the Knox Community and Council Plan for a safe community?</b> <u>Considerations:</u> <ul style="list-style-type: none"> <li>The project supports an integrated planning approach to place management.</li> <li>The project supports greater community participation in public places/spaces.</li> <li>The project works towards reducing inequities for particular groups including people with disabilities, young people, women, CALD communities, Aboriginal community to access public places/spaces.</li> </ul>	Significantly Moderately Not at all	<b>15</b> 10 0
<b>To what extent does the project work towards delivering community safety outcomes?</b> <u>Considerations:</u> <ul style="list-style-type: none"> <li>The project increases the communities perceptions of safety – particularly at night</li> <li>The project incorporates crime prevention through environmental design principles</li> <li>The project incorporates other community safety programs to support sustainable community outcomes.</li> </ul>	Significantly Moderately Not at all	<b>25</b> 15 0
<b>Does the project provide the sufficient justification?</b> <u>Considerations:</u> <ul style="list-style-type: none"> <li>Project has been identified by the Community Safety Health and Wellbeing Advisory Committee as a priority</li> <li>Project has been identified by community as a high priority community safety initiative</li> <li>Consultation has occurred with relevant Council staff and community user groups</li> </ul>	Significantly Moderately Not at all	<b>20</b> 10 5

<b>Sustainability</b>		
<p><b>Does the project benefit the environment:</b></p> <p><u>Considerations:</u></p> <ul style="list-style-type: none"> <li>• Energy efficiencies – reducing greenhouse gas emissions (water, gas, electricity)</li> <li>• Sustainable design principles –</li> <li>• Eco buy use of sustainable materials.</li> </ul>	<p>Significantly</p> <p>Moderately</p> <p>Not at all</p>	<p><b>10</b></p> <p>5</p> <p>0</p>
<b>Financial Impact</b>		
<p><b>Does the project address <u>economic</u> sustainability principles?</b></p> <p><u>Considerations:</u></p> <ul style="list-style-type: none"> <li>• Project has secured part funding from other sources</li> <li>• Capacity to improve financial return from building</li> <li>• Capacity to reduce maintenance costs</li> <li>• Potential to attract other funding sources</li> <li>• Extent of financial contribution from user group</li> <li>• Extent of in-kind contributions</li> </ul>	<p>Significantly</p> <p>Moderately</p> <p>Not at all</p>	<p><b>15</b></p> <p>10</p> <p>0</p>
<b>Maximum Possible Score Total</b>		<b>100</b>

**ATTACHMENT 2**

**RANKING CRITERIA – 2021-2025**

(Previous iteration of ranking criteria for program 4003 (with track changes shown)  
which incorporated minor amendments for 2022-2026)

### 4003 FAMILY & CHILDREN SERVICES BUILDINGS AND FACILITIES (NON BUILDINGS)

All business cases are to demonstrate the methodology used to prioritise the program of works. The assessment process incorporates a triple bottom line evaluation which considers an assessment of the social, environmental and economic impacts of the project.

Assessment Criteria for Buildings in Indoor Leisure Facilities		
	Description	Score
<b>Alignment with Strategic Plans</b>		
<b>Governance</b>		
<p><b>1. Is the project required to ensure that the infrastructure meets the following requirements:</b> <b>Considerations:</b></p> <ul style="list-style-type: none"> <li>Legislative requirements</li> <li>Regulatory requirements</li> <li>Australia's National Quality Framework for Early Childhood Education &amp; Care Services</li> <li>Department of Education and Training (DET) compliance notice</li> <li>Council endorsed response to a State or Federal reform or initiative</li> </ul>	If yes, refer to Program Area 2000 –Legal Requirements	N/A
<p><b>2. Is the project supported by:</b> <b>Considerations:</b></p> <ul style="list-style-type: none"> <li>Community and Council Plan</li> <li>Council Policies</li> <li>Council Resolutions</li> <li>Approved Service Plans</li> <li>Service Level Agreements</li> <li><a href="#">Masterplans</a></li> <li><a href="#">Kindergarten Infrastructure Services Plan</a></li> </ul>	Not at all Slightly Fully Significantly	0 3 6 8
<p><b>3. What is the risk exposure to the Community/Council should the project not be undertaken:</b> <b>Considerations:</b></p> <ul style="list-style-type: none"> <li>Use Council's Risk Management Framework to help identify and classify risks (Appendix A)</li> </ul>	Not at all Slightly Fully Significantly	0 5 10 15
<b>Rationale</b>		
<p><b>4. Is there evidence to support the current &amp; future demand for an early years service at the facility?</b> <b>Considerations:</b></p> <ul style="list-style-type: none"> <li>Based on the most recent demand/supply/<a href="#">population</a> data for the relevant service type in the municipality</li> </ul> <p>The capacity of non-Council services to address the need</p>	Not at all Slightly Fully Significantly	0 5 10 15
<p><b>5. Does the project strengthen and/or enhance the capacity for the facility to support early years integrated service delivery? To what extent does the project contribute to current and future requirements of the facility?</b></p>	Not at all Slightly Fully Significantly	0 5 10 15

<p><b>Considerations:</b></p> <ul style="list-style-type: none"> <li>• Accommodate integrated multi use purposes;</li> <li>• Community Facilities Planning Policy;</li> <li>• Increased capacity for multipurpose, co-location or integration of services and programs</li> <li>• Previous submissions regarding facility requirements</li> <li>• Improves range, quality, delivery and access to services.</li> <li>• Council endorsed response to a State or Federal reform or initiative</li> </ul>		
<b>Social / Community Engagement / Community Benefit</b>		
<p><b>6. Extent of consultation that has occurred?</b></p> <p><b>Considerations:</b></p> <ul style="list-style-type: none"> <li>• Community</li> <li>• Families that access the service</li> <li>• Council Staff</li> <li>• Non-Council staff and/or service providers</li> <li>• Council departments</li> <li>• Councillors</li> </ul>	<p>Not at all Slightly Fully Significantly</p>	<p>0 3 5 8</p>
<p><b>7. Does this outdoor space fit with the recommended early years outdoor natural environment?</b></p> <p><b>Considerations:</b></p> <ul style="list-style-type: none"> <li>• Is this non-conforming with children's services regulations</li> <li>• Potential hazards within the play environment</li> <li>• Australian Playground Standards</li> <li>• Features that enable children to explore and experience the natural environment</li> <li>• Children's learning and development in natural environments</li> </ul>	<p>Not at all Slightly Fully Significantly</p>	<p>0 3 5 9</p>
<b>Environmental/Economic</b>		
<p><b>8. To what extent does the project impact Economic, Financial and Environmental Values?</b></p> <p><b>Considerations:</b></p> <ul style="list-style-type: none"> <li>• Does the project address the Economic Development Strategy?</li> </ul> <p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>• Impact on existing environmental values (e.g. Net loss of canopy trees, increase in stormwater runoff, increase in noise or light pollution) [Lower or no change is better]</li> <li>• Impact on Resource use (e.g. will the project increase electricity, gas or water use) [Lower or no change is better]</li> <li>• Sustainable Procurement and sustainable use of materials (e.g. reduction in waste to landfill, purchasing recycled material or reusing existing materials on the project) [Higher is better]</li> </ul> <p><b>Economic / Financial Impact</b></p> <ul style="list-style-type: none"> <li>• Impact on operations budget/maintenance cost (including ongoing cost of energy or water bills for the site). [Lower or no change is better]</li> <li>• Compliments existing investment/assets/capital works.</li> </ul>	<p>Not at all Slightly Fully Significantly</p>	<p>0 3 5 9</p>

<ul style="list-style-type: none"> <li>• Components have achieved optimum replacement life.</li> <li>• Potential external funding contribution available or Project has a return on investment of under 10 years. [Higher is better]</li> <li>• Integrated transport options</li> <li>• Location of project in relation to activity centre</li> </ul>		
<b>Financial Impact</b>		
<b>9. To what extent has planning for this project been completed in line with Council's capital works program processes?</b> <u>Considerations:</u> <ul style="list-style-type: none"> <li>• None</li> <li>• Scoping</li> <li>• Concept</li> <li>• Final</li> </ul>	None Scoping Concept Final	0 3 6 10
<b>10. Has partnership funding already been identified?</b> <u>Considerations:</u> <ul style="list-style-type: none"> <li>• Other levels of government</li> <li>• Committee contributions</li> <li>• Philanthropic</li> </ul>	Not at all Slightly Fully Significantly	0 3 6 10
<i>Total Score</i>		
<i>Maximum Possible Score</i>		<b>100</b>



## 9 Connected Communities Officers' Reports for consideration

### 9.1 Minor Grants Program 2021-22 Monthly Report

**SUMMARY: Community Partnerships Officer, Deb Robert**

**This report summarises the grant applications recommended for approval in September 2021 for the 2021-22 Minor Grants Program. All applications have been assessed against the criteria set out in the Minor Grants Program Policy.**

**Applications under the Minor Grants Policy are limited to a maximum of \$3,000 within the current financial year.**

#### RECOMMENDATION

**That Council:**

- Approve five applications for a total of \$9,739.85 as detailed below:**

Applicant Name	Project Title	Amount Requested	Amount Recommended
Eildon Park Cricket Club	Honour Boards	\$2055.00	\$2055.00
Knox Community Gardens Society	Fruit Netting Compliance	\$2164.80	\$2,000.00
Footscape Inc.	Foot Care Kits	\$1000.00	\$1000.00
Knoxfield Kindergarten	Inspiring Creative Play and Healthy Lifestyles in Outdoor Play	\$1684.85	\$1684.85
Wantirna South Football Club	Gym Equipment	\$3000.00	\$3,000.00
<b>TOTAL</b>		<b>\$9,904.65</b>	<b>\$9,739.85</b>

- Note that inclusive of the above recommended grants, totalling \$9,739.85, a total of \$53,146.74 has been awarded to date under the 2021-22 Minor Grants Program supporting 25 different community-based organisations and their programs.**

#### 1. INTRODUCTION

The Minor Grants Program provides a pool of grant funding that can respond on a monthly basis to requests for small amounts of funding to assist with short term, one-off projects or initiatives that are relatively minor in nature.

The objective of the Minor Grants Program is to be an accessible and responsive funding source to assist a wide range of community led activities across the municipality and support volunteer effort and civic participation.

It operates under the principles of other Knox Council grants programs to ensure:

- Funded projects will provide benefit to the Knox community and help meet Council objectives;

- Co-operation and collaboration between groups will be encouraged;
- The grant process will be consistent, equitable and transparent; and
- The grant process will support and strengthen community groups in developing local solutions to local needs.

Applications are assessed against criteria specified in the Minor Grants Program Policy (updated and approved in April 2020) to determine the eligibility of the applicant organisation and the eligibility of the grant application.

The Policy sets out an open and transparent grant program that meets the principles of good governance and is compliant with the requirements of the Local Government Act 2020.

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

## **2. DISCUSSION**

This report presents to Council the recommendations for recent Minor Grant applications in accordance with the Policy.

Five complete grant applications were received since the Council meeting on 23 August 2021, requesting grants totalling \$9,904.65. All applicant groups are eligible to apply.

One of the applicants, Knox Community Gardens Society, has requested \$164.80 more than they are eligible to receive under Cl 6.21 of the Minor Grants Program Policy. The group is seeking a grant to purchase new fruit tree netting that is compliant with recent Animal Welfare regulations. To remain within the \$5,000 grant limit over three years they are eligible to receive \$2,000.

The other applications are summarised as follows:

- Eildon Park Cricket Club seeks assistance to purchase an electronic honour board to replace several old-style boards and reduce the cost and time involved in annual updates;
- Footscape Inc. seeks a grant to purchase supplies for 50 foot care packs to distribute to homeless people, Aboriginal people and Asylum seekers and others in need in Knox to help them manage painful foot problems;
- Knoxfield Kindergarten are seeking a contribution toward purchase of equipment to complement or replace existing sand pit tools, water play tools, construction and building resources for the KG Barnes and Parkfield Wings at Knoxfield Kindergarten; and
- Wantirna South Football Club are seeking a contribution to the cost of upgrading gym equipment with the purchase of a cable crossover exercise machine for use by all men and women players and the cricket club.

Application details are provided in Attachment 1.

## **3. CONSULTATION**

Consultation is undertaken with organisations in relation to their grant applications whenever possible and if necessary, to clarify details regarding their applications prior to Council's consideration.

Advice or information may be sought from officers across Council in relation to either the applying organisation or the proposed project, or both, if considered necessary.

The Policy specifies assessment can occur by the Chief Executive Officer, or delegate, and make recommendation for Council's determination.

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

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

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

The approval of Minor Grants is managed within Council's adopted budget. The 2021-22 budget provides \$193,729 for the Minor Grants Program (comprising the annual allocation of \$150,582 plus an additional \$43,147 carried forward from the 2020-21 Minor Grants Program, as per the Minor Grants Policy).

Recommended applications for the September period total \$9,739.85.

If approved as recommended, the remaining Minor Grants budget for 2021-22 will total \$142,560.29 before GST adjustments.

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

The Minor Grants Program allows Council to respond promptly to requests from Knox- based community groups for small amounts of funding to assist a variety of community-based programs, projects or activities. Council's Minor Grants are a simple and streamlined source of funding that can make a significant difference for local community organisations in need of short-term, specific purpose assistance.

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

##### **Goal 1 - We value our natural and built environment**

Strategy 1.1 - Protect and enhance our natural environment

Strategy 1.2 - Create a greener city with more large trees, indigenous flora and fauna

Strategy 1.3 - Ensure the Knox local character is protected and enhanced through the design and location of urban development and infrastructure

##### **Goal 4 - We are safe and secure**

Strategy 4.1 - Encourage and support the community to take responsibility for their own safety, and the safety of others

Strategy 4.2 - Enhance community connectedness opportunities to improve perceptions of safety

Strategy 4.3 - Maintain and manage the safety of the natural and built environment

Strategy 4.4 - Protect and promote public health, safety and amenity

Strategy 4.5 - Support the provision of emergency services

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

Strategy 6.1 - Mitigate lifestyle risks such as smoking, risky alcohol consumption and drug use, obesity, lack of physical activity and poor nutrition

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

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

Strategy 7.1 - Protect and preserve our local cultural heritage

Strategy 7.2 - Celebrate our diverse community

Strategy 7.3 - Strengthen community connections

Strategy 7.4 - Promote and celebrate the contribution of our volunteers

**8. CONFLICT OF INTEREST**

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

**9. CONCLUSION**

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

**10. CONFIDENTIALITY**

There is no content in this report that meets the definition of confidential information from the Local Government Act 2020.

**Report Prepared By: Community Partnerships Officer, Deb Robert**

**Report Authorised By: Director Connected Communities, Tanya Scicluna**

**Attachments**

1. ATTACHMENT 1 - Minor Grant Applications - September - 2021-09-27 [9.1.1 - 30 pages]

## Attachment 1

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022 (Version 2 of 2)**  
**Application 32- MGP - 2021-22 From Eildon Park Cricket Club**  
 Form Submitted 12 Sep 2021, 2:16pm AEST

## MINOR GRANTS PROGRAM APPLICATION FORM

### Minor Grants Information

**To meet the policy requirements for funding applications under the Minor Grants Program, requests must meet the following criteria:**

1. Applications must be from individuals who reside in Knox or community groups that provide services to the Knox community.
2. Applications for funding cannot be made retrospectively and must be received before the event or activity to which the funding relates is undertaken.

Application Amount	Incorporated or Auspiced?	Assessment & Determination	Acquittal
< \$500	No	Assessed and determined by the CEO or delegate.	Proof of expenditure / purchase (i.e. receipt).
\$501 to \$1,000	Yes	Assessed by the CEO or delegate. Determined by Council at the monthly ordinary meeting of Council.	Proof of expenditure / purchase (i.e. receipt).
\$1,001 to \$3,000	Yes	Assessed by the CEO or delegate. Determined by Council at the monthly ordinary meeting of Council.	Funding Agreement & Acquittal required.

### Application Category

#### Application Amount

< \$500  \$501 to \$1,000  \$1,001 to \$3,000

## APPLICANT DETAILS

**\* indicates a required field**

### Applicant Details

#### Organisation Name \*

Eildon Park Cricket Club

#### Organisation Address \*

[REDACTED]

ate/Province, Postcode, and Country are required.

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022 (Version 2 of 2)**  
**Application 32- MGP - 2021-22 From Eildon Park Cricket Club**  
 Form Submitted 12 Sep 2021, 2:16pm AEST

**Contact Name**

[REDACTED]

**Project Contact Address \***

[REDACTED]

ate/Province, Postcode, and Country are required.

**Phone Number**

[REDACTED]

tralian phone number.

**Mobile Phone Number \***

[REDACTED]

tralian phone number.

**Email \***

[REDACTED]

ress.

**Please provide your ABN**

51 467 138 993

Information from the Australian Business Register	
<b>ABN</b>	51 467 138 993
<b>Entity name</b>	Eildon Park Cricket Club Inc.
<b>ABN status</b>	Active
<b>Entity type</b>	Other Incorporated Entity
<b>Goods &amp; Services Tax (GST)</b>	Yes
<b>DGR Endorsed</b>	No
<b>ATO Charity Type</b>	Not endorsed <a href="#">More information</a>
<b>ACNC Registration</b>	No
<b>Tax Concessions</b>	No tax concessions
<b>Main business location</b>	3156 VIC
<i>Information retrieved at 2:14pm today</i>	

Must be an ABN.

provide ABN of auspice organisation if relevant. If no ABN please complete a Statement by Supplier declaration.

**Is your organisation Incorporated? \*** Yes  No

If No please provide details of Auspice below

**Incorporation Details****Please provide your Incorporated number**

A0019850R

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022 (Version 2 of 2)**  
**Application 32- MGP - 2021-22 From Eildon Park Cricket Club**  
 Form Submitted 12 Sep 2021, 2:16pm AEST

## PROJECT DETAILS

**\* indicates a required field**

### Request Details

**Project Title \***

Honour Boards

**Project Start Date \***

30/09/2021

Must be a date.

**Project End Date \***

01/12/2021

Must be a date.

**(a) Briefly describe details of the request: \***

The Eildon Park Cricket Club is looking to migrate from old fashioned honour boards to a single, dedicated digital honour board. This will replace a number of old boards and reduce both the requirement and the cost of annually updating them.

By using a modern 75 inch LED TV screen and software from scoreboard suppliers SOLID, the club will maintain a csv file and be able to provide a rolling history of players with higher honours, premierships, life members, executives etc

**(b) What community benefit is gained from this project / activity? \***

There is an immediate saving in volunteer time and expenditure in arranging contractors to update boards, it leaves a less complicated and long term scalable solution for displaying club history, removes the ongoing requirement to find more and more wall space to put up boards but continues to provide new an visiting participants and users of the facility with a background on the club. The board can then be utilised for other presentations for community groups utilising the premises

**How many people will directly benefit from or participate in your project / activity? \***

243

Must be a number

**How many of the above are Knox residents? \***

219

Must be a number

## BUDGET

**\* indicates a required field**

**(d) What is the total cost of the project / activity? \***

\$2,305.00

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022 (Version 2 of 2)**  
**Application 32- MGP - 2021-22 From Eildon Park Cricket Club**  
 Form Submitted 12 Sep 2021, 2:16pm AEST

Must be a dollar amount.  
 What is the total budgeted cost (dollars) of your project?

**(c) What amount is being requested? \***

\$2,055.00

Must be a dollar amount.  
 What is the total financial support you are requesting in this application?

## Minor Grant Expenses

Please detail the items you would like the Minor Grants Program to fund.

Expenditure	\$
75cm LED	\$1,175.00
Software & Mini PC	\$880.00
	Must be a dollar amount.

## Minor Grant Budget Total

**Total Expenditure Amount**

\$2,055.00

This number/amount is calculated.

## Quotes For Planned Expenses

**Attach quotes for expenses here. \***

Filename: Kogan 75 LED.jpg

File size: 170.3 kB

Filename: Solid Honour Boards 2020.pdf

File size: 1.2 MB

## Other Grant Funding

**(e) Have funds been sought / provided from other Council grants? \***

Yes  No

## ADDITIONAL SUPPORTING INFORMATION

**\* indicates a required field**

## Evidence of Public Liability



**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022 (Version 2 of 2)**  
**Application 32- MGP - 2021-22 From Eildon Park Cricket Club**  
Form Submitted 12 Sep 2021, 2:16pm AEST

**Evidence of current Public Liability Insurance must be supplied \***

---

Filename: Batch Payment Summary\_Eildon Park Cricket Club\_06Sep2021.pdf  
File size: 34.1 kB

---

Filename: Eildon Park Cricket Club CofC.pdf  
File size: 108.6 kB

---

Filename: Marsh roll over 21-22 EPCC.png  
File size: 101.7 kB

**Public Liability Expiry Date \***

30/06/2022  
Must be a date.

**Please attach relevant supporting documentation, including:**

- **A project plan**
- **Evidence of Incorporation**

**Attach relevant documentation:**

---

Filename: CERT-A0019850R.pdf  
File size: 115.8 kB

## DECLARATION

**\* indicates a required field**

**I declare that all information within this application is true and correct.**

**If successful the organisation commits to provide an acquittal of all grant funds to Council as outlined in the Minor Grants Program Policy.**

**Name \***

[REDACTED]

**Position (if organisation) \***

Vice President

**Declaration Date \***

03/09/2021  
Must be a date.

## Privacy Statement

The personal information requested in this application form is for the purposes of administering the Minor Grants Program and will only be used by Council for that primary purpose or directly related purposes. Whilst information relating to groups and the specific request/project details will be published, personal information in regards to individuals will not be disclosed except as required by law.

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022 (Version 2 of 2)**  
**Application 32- MGP - 2021-22 From Eildon Park Cricket Club**  
Form Submitted 12 Sep 2021, 2:16pm AEST

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022**  
**Application 43- MGP - 2021-22 From Knox Community Gardens Society Inc**  
 Form Submitted 19 Aug 2021, 5:47pm AEST

## MINOR GRANTS PROGRAM APPLICATION FORM

### Minor Grants Information

**To meet the policy requirements for funding applications under the Minor Grants Program, requests must meet the following criteria:**

1. Applications must be from individuals who reside in Knox or community groups that provide services to the Knox community.
2. Applications for funding cannot be made retrospectively and must be received before the event or activity to which the funding relates is undertaken.

Application Amount	Incorporated or Auspiced?	Assessment & Determination	Acquittal
< \$500	No	Assessed and determined by the CEO or delegate.	Proof of expenditure / purchase (i.e. receipt).
\$501 to \$1,000	Yes	Assessed by the CEO or delegate. Determined by Council at the monthly ordinary meeting of Council.	Proof of expenditure / purchase (i.e. receipt).
\$1,001 to \$3,000	Yes	Assessed by the CEO or delegate. Determined by Council at the monthly ordinary meeting of Council.	Funding Agreement & Acquittal required.

### Application Category

#### Application Amount

< \$500  \$501 to \$1,000  \$1,001 to \$3,000

## APPLICANT DETAILS

**\* indicates a required field**

### Applicant Details

#### Organisation Name \*

Knox Community Gardens Society Inc

#### Organisation Address \*

[REDACTED]

State/Province, Postcode, and Country are required.

**Minor Grants Program - 2021 - 2022**  
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**Contact Name**

[REDACTED]

**Project Contact Address \***

[REDACTED]

State/Province, Postcode, and Country are required.

**Phone Number**

Must be an Australian phone number.

**Mobile Phone Number \***

[REDACTED]

Australian phone number.

**Email \***

[REDACTED]

**Please provide your ABN**

64 738 810 115

Information from the Australian Business Register	
<b>ABN</b>	64 738 810 115
<b>Entity name</b>	Knox Community Gardens Society Inc
<b>ABN status</b>	Active
<b>Entity type</b>	Other Incorporated Entity
<b>Goods &amp; Services Tax (GST)</b>	No
<b>DGR Endorsed</b>	No
<b>ATO Charity Type</b>	Not endorsed <a href="#">More information</a>
<b>ACNC Registration</b>	No
<b>Tax Concessions</b>	No tax concessions
<b>Main business location</b>	3155 VIC

*Information retrieved at 10:30pm yesterday*

Must be an ABN.

provide ABN of auspice organisation if relevant. If no ABN please complete a Statement by Supplier declaration.

**Is your organisation Incorporated? \*** Yes  No

If No please provide details of Auspice below

**Incorporation Details****Please provide your Incorporated number**

A0024404K

**Minor Grants Program - 2021 - 2022**  
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 Form Submitted 19 Aug 2021, 5:47pm AEST

## PROJECT DETAILS

**\* indicates a required field**

### Request Details

**Project Title \***

Fruit Netting Compliance

**Project Start Date \***

01/09/2021

Must be a date.

**Project End Date \***

31/12/2021

Must be a date.

**(a) Briefly describe details of the request: \***

Within the Knox Community Gardens site is an extensive orchard, apple grove and other miscellaneous fruit trees. Each spring, netting is spread over these trees to protect them from marauding birds and possums.

New bird netting regulations come into force in Victoria on 01/09/2021. Animal Welfare Victoria have advised that these new netting regulations will apply to community gardens because the produce is for personal use, not part of a commercial harvest. As a result, Knox Community Gardens will no longer be able to use existing netting on our fruit trees because it will be non-compliant.

Our request therefore is for funds to purchase compliant bird netting to cover the extensive number of fruit trees located at the community gardens.

**(b) What community benefit is gained from this project / activity? \***

Each spring, the fruit trees are draped with bird netting to protect them from birds and possums. Without compliant netting, fruit crops will potentially be lost. Community gardens members, and to a lesser extent members of the public, will lose the opportunity to enjoy the many varieties of fruit that are grown at the gardens. Quite a number of members spend time all year round looking after the fruit trees so it would be a shame to lose produce because we are unable to protect them.

**How many people will directly benefit from or participate in your project / activity? \***

150

Must be a number

**How many of the above are Knox residents? \***

140

Must be a number

## BUDGET

**\* indicates a required field**

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**Minor Grants Program Application Form 2021 - 2022**  
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**(d) What is the total cost of the project / activity? \***

\$2,164.80

Must be a dollar amount.

What is the total budgeted cost (dollars) of your project?

**(c) What amount is being requested? \***

\$2,164.80

Must be a dollar amount.

What is the total financial support you are requesting in this application?

**Minor Grant Expenses**

Please detail the items you would like the Minor Grants Program to fund.

<b>Expenditure</b>	<b>\$</b>
100m by 10m of 5mm * 5mm bird netting @ 3	\$1,218.00
100m by 5m of 5mm * 5mm bird netting @ 3	\$630.00
Delivery	\$120.00
GST	\$196.80
	Must be a dollar amount.

**Minor Grant Budget Total****Total Expenditure Amount**

\$2,164.80

This number/amount is calculated.

**Quotes For Planned Expenses****Attach quotes for expenses here. \***

Filename: HORTITECH Bird Netting Quote 20210819.pdf

File size: 35.9 kB

**Other Grant Funding****(e) Have funds been sought / provided from other Council grants? \*** Yes  No**ADDITIONAL SUPPORTING INFORMATION****\* indicates a required field**

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022**  
**Application 43- MGP - 2021-22 From Knox Community Gardens Society Inc**  
Form Submitted 19 Aug 2021, 5:47pm AEST

## Evidence of Public Liability

### **Evidence of current Public Liability Insurance must be supplied \***

---

Filename: KCGS Certificate of Currency 2021-2022.pdf  
File size: 187.0 kB

### **Public Liability Expiry Date \***

30/06/2022  
Must be a date.

### **Please attach relevant supporting documentation, including:**

- **A project plan**
- **Evidence of Incorporation**

### **Attach relevant documentation:**

---

Filename: Certificate of Incorporation 1992.pdf  
File size: 380.9 kB

---

Filename: New Bird Netting - MGP Project Plan.pdf  
File size: 407.7 kB

## DECLARATION

**\* indicates a required field**

**I declare that all information within this application is true and correct.**  
**If successful the organisation commits to provide an acquittal of all grant funds to Council as outlined in the Minor Grants Program Policy.**

**Name \***

[REDACTED]

**Position (if organisation) \***

Treasurer

**Declaration Date \***

19/08/2021  
Must be a date.

## Privacy Statement

The personal information requested in this application form is for the purposes of administering the Minor Grants Program and will only be used by Council for that primary purpose or directly related purposes. Whilst information relating to groups and the specific request/project details will be published, personal information in regards to individuals will not be disclosed except as required by law.

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022**  
**Application 43- MGP - 2021-22 From Knox Community Gardens Society Inc**  
Form Submitted 19 Aug 2021, 5:47pm AEST



**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022**  
**Application 44- MGP - 2021-22 From Footscape Inc.**  
 Form Submitted 18 Aug 2021, 1:05pm AEST

## MINOR GRANTS PROGRAM APPLICATION FORM

### Minor Grants Information

**To meet the policy requirements for funding applications under the Minor Grants Program, requests must meet the following criteria:**

1. Applications must be from individuals who reside in Knox or community groups that provide services to the Knox community.
2. Applications for funding cannot be made retrospectively and must be received before the event or activity to which the funding relates is undertaken.

Application Amount	Incorporated or Auspiced?	Assessment & Determination	Acquittal
< \$500	No	Assessed and determined by the CEO or delegate.	Proof of expenditure / purchase (i.e. receipt).
\$501 to \$1,000	Yes	Assessed by the CEO or delegate. Determined by Council at the monthly ordinary meeting of Council.	Proof of expenditure / purchase (i.e. receipt).
\$1,001 to \$3,000	Yes	Assessed by the CEO or delegate. Determined by Council at the monthly ordinary meeting of Council.	Funding Agreement & Acquittal required.

### Application Category

**Application Amount**

< \$500  \$501 to \$1,000  \$1,001 to \$3,000

## APPLICANT DETAILS

**\* indicates a required field**

### Applicant Details

**Organisation Name \***

Footscape Inc.

**Organisation Address \***

[REDACTED]

ate/Province, Postcode, and Country are required.

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022**  
**Application 44- MGP - 2021-22 From Footscape Inc.**  
 Form Submitted 18 Aug 2021, 1:05pm AEST

**Contact Name**

[REDACTED]

**Project Contact Address \***

[REDACTED]

ate/Province, Postcode, and Country are required.

**Phone Number**

[REDACTED]

tralian phone number.

**Mobile Phone Number \***

[REDACTED]

tralian phone number.

**Email \***

[REDACTED]

**Please provide your ABN**

26 687 474 315

Information from the Australian Business Register	
<b>ABN</b>	26 687 474 315
<b>Entity name</b>	Footscape Inc
<b>ABN status</b>	Active
<b>Entity type</b>	Other Incorporated Entity
<b>Goods &amp; Services Tax (GST)</b>	No
<b>DGR Endorsed</b>	Yes (Item 1)
<b>ATO Charity Type</b>	Charity <a href="#">More information</a>
<b>ACNC Registration</b>	Registered
<b>Tax Concessions</b>	FBT Rebate, GST Concession, Income Tax Exemption
<b>Main business location</b>	3085 VIC
<i>Information retrieved at 3:41am today</i>	

Must be an ABN.

provide ABN of auspice organisation if relevant. If no ABN please complete a Statement by Supplier declaration.

**Is your organisation Incorporated? \*** Yes  No

If No please provide details of Auspice below

**Incorporation Details****Please provide your Incorporated number**

A0053320F

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**Minor Grants Program Application Form 2021 - 2022**  
**Application 44- MGP - 2021-22 From Footscape Inc.**  
 Form Submitted 18 Aug 2021, 1:05pm AEST

## PROJECT DETAILS

\* indicates a required field

### Request Details

**Project Title \***

Foot Care Kits

**Project Start Date \***

01/10/2021

Must be a date.

**Project End Date \***

31/10/2021

Must be a date.

**(a) Briefly describe details of the request: \***

Since 2016 Footscape has been assembling and distributing Foot Care Kits (see attached image) through project affiliate organisations to empower Homeless Persons, Aboriginal persons and Asylum Seekers through daily self-care practices and improved foot health. Footscape intends to continue maintaining this project work within the Knox community and therefore kindly requests Knox City Council financial support to acquire a further 50 kits for distribution.

The short term objectives and relevant measures of success for this project pertain to:

- Objective One: To enhance foot health for Homeless Persons, Aboriginal Persons and Asylum Seekers by improving access to necessary resources. Measure of Success: Number of Foot Care Kits distributed throughout the project period.
- Objective Two: To empower Homeless Persons, Aboriginal persons and Asylum Seekers by facilitating daily self-care practices. Measure of Success: Feedback received from recipient clients at the conclusion of the project period.

**(b) What community benefit is gained from this project / activity? \***

Footscape's provision of high quality new/second hand footwear, new socks and foot care kits greatly improves the ability of project affiliate organisations to support clients as they work to achieve their goals. Footscape has distributed an extraordinary 7,000 pairs of new/second hand footwear, 34,000 pairs of new socks and 1,400 foot care kits to recipients of care at over forty affiliate organisations in Melbourne. These affiliates include the EACH and Bolton Clarke. Affiliates recognise that Footscape is addressing health inequity by providing essential resources, delivering social justice and empowering affected individuals. Homeless Persons, Aboriginal Persons and Asylum Seekers confronting complex health needs have difficulty prioritising their foot health despite the risk of problems, including diabetes complications. Nonetheless painful foot problems affecting such persons are accentuated as individuals may be forced to walk long distances upon poor footwear and socks. In regards to homeless persons, who receive the majority of Footscape material aid, individuals progressively use their feet as their primary mode of transport to get food,

**Minor Grants Program - 2021 - 2022**  
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 Form Submitted 18 Aug 2021, 1:05pm AEST

attend appointments or even to keep warm. It's not uncommon for individuals to report walking 10-15km every day which can put stress on their bodies.

**How many people will directly benefit from or participate in your project / activity? \***

50  
 Must be a number

**How many of the above are Knox residents? \***

50  
 Must be a number

**BUDGET**

**\* indicates a required field**

**(d) What is the total cost of the project / activity? \***

\$1,000.00  
 Must be a dollar amount.  
 What is the total budgeted cost (dollars) of your project?

**(c) What amount is being requested? \***

\$1,000.00  
 Must be a dollar amount.  
 What is the total financial support you are requesting in this application?

**Minor Grant Expenses**

Please detail the items you would like the Minor Grants Program to fund.

Expenditure	\$
Foot Care Kits (x50 kits at \$20 each. Please note: As per a recent order through Briggate Medical Company/DBS Medical - see attached invoices - the average kit price is \$20)	\$1,000.00
	Must be a dollar amount.

**Minor Grant Budget Total**

**Total Expenditure Amount**

\$1,000.00  
 This number/amount is calculated.

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022**  
**Application 44- MGP - 2021-22 From Footscape Inc.**  
Form Submitted 18 Aug 2021, 1:05pm AEST

## Quotes For Planned Expenses

**Attach quotes for expenses here. \***

---

Filename: Footscape Inv 138534.pdf  
File size: 65.3 kB

---

Filename: LEWIS1\_Invoice\_618334 (1).pdf  
File size: 93.5 kB

## Other Grant Funding

**(e) Have funds been sought / provided from other Council grants? \***

Yes  No

## ADDITIONAL SUPPORTING INFORMATION

**\* indicates a required field**

### Evidence of Public Liability

**Evidence of current Public Liability Insurance must be supplied \***

---

Filename: Certificate of Currency 2021-07-01.pdf  
File size: 30.9 kB

**Public Liability Expiry Date \***

30/06/2022  
Must be a date.

**Please attach relevant supporting documentation, including:**

- A project plan
- Evidence of Incorporation

**Attach relevant documentation:**

---

Filename: Certificate of Incorporation.jpeg  
File size: 232.8 kB

---

Filename: Image 1.png  
File size: 4.8 MB

## DECLARATION

**\* indicates a required field**

**I declare that all information within this application is true and correct.**

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022**  
**Application 44- MGP - 2021-22 From Footscape Inc.**  
Form Submitted 18 Aug 2021, 1:05pm AEST

**If successful the organisation commits to provide an acquittal of all grant funds to Council as outlined in the Minor Grants Program Policy.**

**Name \***

[REDACTED]

**Position (if organisation) \***

Chief Executive Officer

**Declaration Date \***

18/08/2021

Must be a date.

## Privacy Statement

The personal information requested in this application form is for the purposes of administering the Minor Grants Program and will only be used by Council for that primary purpose or directly related purposes. Whilst information relating to groups and the specific request/project details will be published, personal information in regards to individuals will not be disclosed except as required by law.

## EFT PAYMENT CONSENT

**\* indicates a required field**

### Payment of Grant

Payments will be made by electronic funds transfer into the Organisation's bank account. Please provide details of the Organisation's bank account below.

**Bank Account \***

[REDACTED]

Must be a valid Australian bank account format.

**Contact Name \***

[REDACTED]

**Position \***

Chief Executive Officer

**Organisation \***

Footscape Inc.

**Email Address \***

[REDACTED]

**Contact Phone Number \***

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022**  
**Application 44- MGP - 2021-22 From Footscape Inc.**  
Form Submitted 18 Aug 2021, 1:05pm AEST



tralian phone number.

**Date \***  
18/08/2021  
Must be a date.

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022**  
**Application 46- MGP - 2021-22 From Knoxfield Kindergarten**  
 Form Submitted 8 Sep 2021, 11:20am AEST

## MINOR GRANTS PROGRAM APPLICATION FORM

### Minor Grants Information

**To meet the policy requirements for funding applications under the Minor Grants Program, requests must meet the following criteria:**

1. Applications must be from individuals who reside in Knox or community groups that provide services to the Knox community.
2. Applications for funding cannot be made retrospectively and must be received before the event or activity to which the funding relates is undertaken.

Application Amount	Incorporated or Auspiced?	Assessment & Determination	Acquittal
< \$500	No	Assessed and determined by the CEO or delegate.	Proof of expenditure / purchase (i.e. receipt).
\$501 to \$1,000	Yes	Assessed by the CEO or delegate. Determined by Council at the monthly ordinary meeting of Council.	Proof of expenditure / purchase (i.e. receipt).
\$1,001 to \$3,000	Yes	Assessed by the CEO or delegate. Determined by Council at the monthly ordinary meeting of Council.	Funding Agreement & Acquittal required.

### Application Category

#### Application Amount

< \$500  \$501 to \$1,000  \$1,001 to \$3,000

## APPLICANT DETAILS

**\* indicates a required field**

### Applicant Details

#### Organisation Name \*

Knoxfield Kindergarten

#### Organisation Address \*

[REDACTED]

te/Province, Postcode, and Country are required.



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**Contact Name**

[REDACTED]

**Project Contact Address \***

[REDACTED]

te/Province, Postcode, and Country are required.

**Phone Number**

[REDACTED]

alain phone number.

**Mobile Phone Number \***

[REDACTED]

tralian phone number.

**Email \***

[REDACTED]

**Please provide your ABN**

88 221 440 844

Information from the Australian Business Register	
<b>ABN</b>	88 221 440 844
<b>Entity name</b>	Knoxfield Pre-school Inc
<b>ABN status</b>	Active
<b>Entity type</b>	Other Incorporated Entity
<b>Goods &amp; Services Tax (GST)</b>	Yes
<b>DGR Endorsed</b>	Yes
<b>ATO Charity Type</b>	Charity <a href="#">More information</a>
<b>ACNC Registration</b>	Registered
<b>Tax Concessions</b>	FBT Rebate, GST Concession, Income Tax Exemption
<b>Main business location</b>	3180 VIC
<i>Information retrieved at 1:44am yesterday</i>	

Must be an ABN.

provide ABN of auspice organisation if relevant. If no ABN please complete a Statement by Supplier declaration.

**Is your organisation Incorporated? \*** Yes  No

If No please provide details of Auspice below

**Incorporation Details****Please provide your Incorporated number**

AOO32251F

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022**  
**Application 46- MGP - 2021-22 From Knoxfield Kindergarten**  
 Form Submitted 8 Sep 2021, 11:20am AEST

## PROJECT DETAILS

**\* indicates a required field**

### Request Details

**Project Title \***

Inspiring Creative Play and Healthy Lifestyles in Outdoor Play

**Project Start Date \***

04/10/2021

Must be a date.

**Project End Date \***

31/12/2021

Must be a date.

**(a) Briefly describe details of the request: \***

In a collaborative partnership, between the educators, children, parent support group and families at Knoxfield Kindergarten, it has been identified that we would like to extend the children's creativity, communication and language skills and expand on children's fine motor skill development and hand-eye coordination. "Play is important to healthy brain development. It is through play that children at a very early age engage and interact in the world around them." We want to therefore purchase equipment to complement and replace equipment some of our sand pit tools, water play tools, construction and building resources across both the KG Barnes and Parkfield Wings at Knoxfield Kindergarten.

We feel that the importance of outdoor equipment has also been further supported again in 2021 by the current situation with the COVID-19 pandemic, and the reduction in children being able to access parks and playgrounds and even with them reopening, the need for social distancing, impeding on the time that they can spend there.

**(b) What community benefit is gained from this project / activity? \***

Promoting children's development, creativity and mental wellbeing for all children and families within our service increases their engagement and motivation for participation. It promotes a happy and healthy community. It also affords us the opportunity to use the equipment with many more children and families from the community in the future as well.

**How many people will directly benefit from or participate in your project / activity? \***

120

Must be a number

**How many of the above are Knox residents? \***

120

Must be a number

## BUDGET

**\* indicates a required field**

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 Form Submitted 8 Sep 2021, 11:20am AEST

**(d) What is the total cost of the project / activity? \***

\$2,000.00

Must be a dollar amount.

What is the total budgeted cost (dollars) of your project?

**(c) What amount is being requested? \***

\$1,684.85

Must be a dollar amount.

What is the total financial support you are requesting in this application?

**Minor Grant Expenses**

Please detail the items you would like the Minor Grants Program to fund.

Expenditure	\$
Bellbird	\$317.00
Modern Teaching Aid	\$1,367.85
	Must be a dollar amount.

**Minor Grant Budget Total**

**Total Expenditure Amount**

\$1,684.85

This number/amount is calculated.

**Quotes For Planned Expenses**

**Attach quotes for expenses here. \***

---

Filename: Modern Teaching Aids Quote.pdf  
 File size: 42.5 kB

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Filename: QUOTE\_S0688544.PDF  
 File size: 113.4 kB

**Other Grant Funding**

**(e) Have funds been sought / provided from other Council grants? \***

Yes  No

**ADDITIONAL SUPPORTING INFORMATION**

**\* indicates a required field**

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022**  
**Application 46- MGP - 2021-22 From Knoxfield Kindergarten**  
Form Submitted 8 Sep 2021, 11:20am AEST

## Evidence of Public Liability

### Evidence of current Public Liability Insurance must be supplied \*

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Filename: Certificate of Currency - Knoxfield Preschool Inc - 2021-2022 - 2021-06-17 (D21-146672).pdf  
File size: 275.3 kB

### Public Liability Expiry Date \*

30/06/2022  
Must be a date.

### Please attach relevant supporting documentation, including:

- A project plan
- Evidence of Incorporation

### Attach relevant documentation:

---

Filename: Incorporation Status.pdf  
File size: 331.9 kB

---

Filename: Knoxfield Kindergarten Project Plan - 2021.docx  
File size: 20.4 kB

## DECLARATION

\* indicates a required field

**I declare that all information within this application is true and correct.**

**If successful the organisation commits to provide an acquittal of all grant funds to Council as outlined in the Minor Grants Program Policy.**

**Name \***

[REDACTED]

**Position (if organisation) \***

Chairperson - Parent Support Group

**Declaration Date \***

08/09/2021  
Must be a date.

## Privacy Statement

The personal information requested in this application form is for the purposes of administering the Minor Grants Program and will only be used by Council for that primary purpose or directly related purposes. Whilst information relating to groups and the specific

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022**  
**Application 46- MGP - 2021-22 From Knoxfield Kindergarten**  
Form Submitted 8 Sep 2021, 11:20am AEST

request/project details will be published, personal information in regards to individuals will not be disclosed except as required by law.

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022**  
**Application 48- MGP - 2021-22 From Wantirna South Football Club**  
 Form Submitted 5 Sep 2021, 12:59pm AEST

## MINOR GRANTS PROGRAM APPLICATION FORM

### Minor Grants Information

**To meet the policy requirements for funding applications under the Minor Grants Program, requests must meet the following criteria:**

1. Applications must be from individuals who reside in Knox or community groups that provide services to the Knox community.
2. Applications for funding cannot be made retrospectively and must be received before the event or activity to which the funding relates is undertaken.

Application Amount	Incorporated or Auspiced?	Assessment & Determination	Acquittal
< \$500	No	Assessed and determined by the CEO or delegate.	Proof of expenditure / purchase (i.e. receipt).
\$501 to \$1,000	Yes	Assessed by the CEO or delegate. Determined by Council at the monthly ordinary meeting of Council.	Proof of expenditure / purchase (i.e. receipt).
\$1,001 to \$3,000	Yes	Assessed by the CEO or delegate. Determined by Council at the monthly ordinary meeting of Council.	Funding Agreement & Acquittal required.

### Application Category

#### Application Amount

< \$500  \$501 to \$1,000  \$1,001 to \$3,000

## APPLICANT DETAILS

**\* indicates a required field**

### Applicant Details

#### Organisation Name \*

Wantirna South Football Club

#### Organisation Address \*

[REDACTED]

Address, Telephone, Email, Website, Postcode, and Country are required.

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022**  
**Application 48- MGP - 2021-22 From Wantirna South Football Club**  
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**Contact Name**

[REDACTED]

**Project Contact Address \***

[REDACTED]

Address, Postcode, and Country are required.

**Phone Number**

Must be an Australian phone number.

**Mobile Phone Number \***

[REDACTED]

Must be an Australian phone number.

**Email \***

[REDACTED]

**Please provide your ABN**

23 519 026 744

Information from the Australian Business Register	
<b>ABN</b>	23 519 026 744
<b>Entity name</b>	Wantirna South Football Club Inc.
<b>ABN status</b>	Active
<b>Entity type</b>	Other Incorporated Entity
<b>Goods &amp; Services Tax (GST)</b>	Yes
<b>DGR Endorsed</b>	No
<b>ATO Charity Type</b>	Not endorsed <a href="#">More information</a>
<b>ACNC Registration</b>	No
<b>Tax Concessions</b>	No tax concessions
<b>Main business location</b>	3152 VIC
<i>Information retrieved at 1:43am yesterday</i>	

Must be an ABN.

Provide ABN of auspice organisation if relevant. If no ABN please complete a Statement by Supplier declaration.

**Is your organisation Incorporated? \*** Yes  No

If No please provide details of Auspice below

**Incorporation Details****Please provide your Incorporated number**

A0004875H

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022**  
**Application 48- MGP - 2021-22 From Wantirna South Football Club**  
 Form Submitted 5 Sep 2021, 12:59pm AEST

## PROJECT DETAILS

**\* indicates a required field**

### Request Details

**Project Title \***  
Gym Equipment

**Project Start Date \***  
11/10/2021  
Must be a date.

**Project End Date \***  
29/10/2021  
Must be a date.

**(a) Briefly describe details of the request: \***  
Our club has grown in player numbers with the introduction of a second U19s team this year, together with the growth at the junior club in particular in the U17 boys and U18 girls group. We offer the use of the gym to the junior club as well as to our playing group. Due to this growth in numbers using the gym, we need to upgrade the equipment we have on offer. This grant funding will help us secure this additional equipment.

**(b) What community benefit is gained from this project / activity? \***  
We offer the gym as a free service to the players (and also players from the WSCC) which is important for their health and physical development to be able to compete but also to save them financial costs of a corporate fitness centre.  
To increase the benefits to them and achieving the best possible outcomes, we are looking to upgrade the equipment available to them.

**How many people will directly benefit from or participate in your project / activity? \***  
30-100  
Must be a number

**How many of the above are Knox residents? \***  
30-90  
Must be a number

## BUDGET

**\* indicates a required field**

**(d) What is the total cost of the project / activity? \***  
\$5,345.00  
Must be a dollar amount.  
What is the total budgeted cost (dollars) of your project?



**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022**  
**Application 48- MGP - 2021-22 From Wantirna South Football Club**  
 Form Submitted 5 Sep 2021, 12:59pm AEST

**(c) What amount is being requested? \***

\$3,000.00

Must be a dollar amount.

What is the total financial support you are requesting in this application?

**Minor Grant Expenses**

Please detail the items you would like the Minor Grants Program to fund.

<b>Expenditure</b>	<b>\$</b>
Cable Crossover Exercise Machine	\$3,000.00
	Must be a dollar amount.

**Minor Grant Budget Total**

**Total Expenditure Amount**

\$3,000.00

This number/amount is calculated.

**Quotes For Planned Expenses**

**Attach quotes for expenses here. \***

Filename: QUO00030634.pdf

File size: 299.3 kB

**Other Grant Funding**

**(e) Have funds been sought / provided from other Council grants? \***

Yes  No

**ADDITIONAL SUPPORTING INFORMATION**

**\* indicates a required field**

**Evidence of Public Liability**

**Evidence of current Public Liability Insurance must be supplied \***

Filename: 2021 - EFL certificate of currency.pdf

File size: 98.1 kB

**Minor Grants Program - 2021 - 2022**  
**Minor Grants Program Application Form 2021 - 2022**  
**Application 48- MGP - 2021-22 From Wantirna South Football Club**  
Form Submitted 5 Sep 2021, 12:59pm AEST

**Public Liability Expiry Date \***

31/03/2022

Must be a date.

**Please attach relevant supporting documentation, including:**

- **A project plan**
- **Evidence of Incorporation**

**Attach relevant documentation:**

---

Filename: WSFC Incorporation Certificate 2021.jpg

File size: 64.1 kB

## DECLARATION

**\* indicates a required field**

**I declare that all information within this application is true and correct.**

**If successful the organisation commits to provide an acquittal of all grant funds to Council as outlined in the Minor Grants Program Policy.**

**Name \***

[REDACTED]

**Position (if organisation) \***

Football Operations Manager

**Declaration Date \***

05/09/2021

Must be a date.

## Privacy Statement

The personal information requested in this application form is for the purposes of administering the Minor Grants Program and will only be used by Council for that primary purpose or directly related purposes. Whilst information relating to groups and the specific request/project details will be published, personal information in regards to individuals will not be disclosed except as required by law.

## 9.2 Contract 2866 Windermere Reserve Oval Upgrade

### **SUMMARY: Project Manager Recreation, Shell Wilkes**

**This report considers and recommends the appointment of SJM Turf and Civil Pty Ltd as the successful tenderer for the Windermere Reserve Oval Upgrade project at Windermere Reserve, Ferntree Gully.**

### **RECOMMENDATION**

#### **That Council:**

- 1. Accepts the tender submitted by SJM Turf and Civil Pty Ltd for Contract No. 2866 – Windermere Reserve Oval Upgrade at Windermere Reserve, Ferntree Gully; for the lump sum price of \$1,210,323.99 (excluding GST);**
- 2. Authorises the Chief Executive Officer (or such person as the Chief Executive Officer selects) to negotiate and formalise the execution of all documents associated with Contract No. 2866 – Windermere Reserve Oval Upgrade at Windermere Reserve, Ferntree Gully under delegated authority; and**
- 3. Advises all tenderers accordingly.**

### **1. INTRODUCTION**

This contract is for the upgrade of the field of play at Windermere Reserve, 262-272 Windermere Drive, Ferntree Gully, 3156.

In line with Council's Procurement Policy a tender process was undertaken to engage a suitably experienced contractor to deliver the services.

The key objectives for the upgrade of the field of play at Windermere Reserve include:

- Providing a safe venue with an evenly contoured and improved playing surface with drainage, irrigation and consistent grass coverage for cricket and football players;
- Bringing the venue up to standard according to the AFL's and Cricket Australia's best-practice facility guidelines; and
- Providing improved facilities for schools and clubs to foster participation growth and further skill development.

This report considers and recommends the appointment of a tenderer to provide the Windermere Reserve Oval Upgrade at Windermere Reserve, Ferntree Gully.

### **2. DISCUSSION**

#### **2.1 Background**

Windermere Reserve has been identified as the highest priority venue for renewal in 2021/22 in the 1008 Capital Works Program. The ground is considered a priority as it is heavily utilised by Lysterfield Junior Football Club (the Bulls), the largest junior football club in Knox, and Mountain Gate Cricket Club both of whom have raised concerns in the past in relation to the suitability of the playing surface. The playing surface is uneven due to mixed swards of grass and the absence of a functional irrigation system results in excessive ground hardness during the summer months.

Benefits of the works include an evenly contoured and improved playing surface with drainage, irrigation and consistent grass coverage, providing improved facilities that will foster participation growth and further skill development. Once complete, the new facility will meet Council's, the AFL's and Cricket Australia's best-practice guidelines.

The tenant clubs have been consulted and the scope and timelines confirmed. The Club understands Council's procurement timeframes, with Federal Government funding requiring completion of the new surface by December 2021.

## 2.2 Tenders Received

The tender process commenced on 7 August 2021 and closed on 25 August 2021. Following the close of tenders, five (5) tender submissions (as per the Procurement Report, Confidential Attachment 1) were received from:

- SJM Turf and Civil Pty Ltd.
- Evergreen Turf Group Pty Ltd.
- Hume Turf & Machinery Pty Ltd.
- Hendriksen Contractors Pty Ltd.
- Sportsgrass Pty Ltd.

## 2.3 Tender Evaluation Panel

As required under Council's contract administration procedures, a Tender Evaluation Panel (TEP) was formed to assess the tenders.

All members of the Panel signed the Tender Evaluation Panel Declaration Form indicating that they had no conflict of interest or association with any tenderers.

## 2.4 Evaluation Criteria and Weighting

The tender was evaluated against the criteria outlined in Table 1 as advertised in the tender conditions, with weightings established prior to the assessment of the tender process.

**Table 1: Evaluation Criteria and Weighting**

Criteria	Weighting
Price	30%
Capability (equipment, resources, skills, availability)	30%
Relevant experience and past performance	20%
Customer Service	10%
Local, social, environmental considerations	10%

## 2.5 Tender Evaluation Results

After evaluating all the tender submissions, the evaluation panel recommends SJM Turf and Civil Pty Ltd as the successful tenderer having met all the criteria and demonstrating capability of providing quality services to meet project aims and that align with Council's Plans.

Whilst the submission received from SJM Turf and Civil Pty Ltd was not the lowest price, they scored higher in the comparative evaluation criteria, their submission was conforming, is within Council's budget and represents the best value for money.

The outcomes from the panel assessment have been presented in the confidential summary attached to this report as part of Confidential Attachment 1.

## **2.6 Preferred Tenderer**

The TEP recommends that Council accept the guaranteed lump sum for \$1,210,323.99 (excluding GST) from the conforming tender received from SJM Turf and Civil Pty Ltd.

The rates submitted for this tender are competitive and reflect the current market for this type of project.

## **3. CONSULTATION**

No further consultation was necessary in the evaluation of this contract.

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

The evaluation methodology and criteria ensured that local, social and environmental considerations were assessed by the TEP.

There are no environmental or amenity concerns with the tender submission received.

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

The project will be funded by the Federal Government through the Local Roads and Community Infrastructure Program Phase 2 with a grant of \$1,227,272 excluding GST (\$1,350,000 including GST).

Additional funding is also available through the CWP Active Open Space Renewal Program (Program Number 1008).

## **6. SOCIAL IMPLICATIONS**

Council's key objectives for the upgrade of the field of play at Windermere Reserve have been addressed by the tenderer in their submission.

The tenderer's vision is to:

- Provide a safe venue with an evenly contoured and improved playing surface with drainage, irrigation and consistent grass coverage for cricket and football players;
- Bring the venue up to standard according to the AFL's and Cricket Australia's best-practice facility guidelines; and
- Provide improved facilities for schools and clubs to foster participation growth and further skill development.

This project will have social implications during the construction in terms of temporary inconvenience and access restrictions. However, disruptions will be kept to a minimum and prior notification will be given of any restrictions.

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

### **Goal 1 - We value our natural and built environment**

Strategy 1.3 - Ensure the Knox local character is protected and enhanced through the design and location of urban development and infrastructure

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

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

## **8. CONFLICT OF INTEREST**

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

## **9. CONCLUSION**

The tender submitted by SJM Turf and Civil Pty Ltd was one of five (5) submissions received.

Whilst the submission received from SJM Turf and Civil Pty Ltd was not the lowest price, they scored higher in the comparative evaluation criteria, their submission was conforming, is within Council's budget and represents the best value for money.

The submission provided evidence for pricing value, capability, relevant experience and past performance and customer service to deliver the contract specifications for Contract No. 2866 - Windermere Reserve Oval Upgrade at Windermere Reserve, Ferntree Gully.

## **10. CONFIDENTIALITY**

**Attachment 1 is included in the confidential agenda, as it contains confidential information pursuant to Council's Governance Rules and Section 66 of the Local Government Act 2020, as it relates to:**

- private commercial information, that if released, would unreasonably expose the SJM Turf and Civil Pty Ltd to disadvantage because it would release financial information about the business that is not generally available to their competitors.

**Report Prepared By: Project Manager Recreation, Shell Wilkes**

**Report Authorised By: Director Connected Communities, Tanya Scicluna**

### **Attachments**

Confidential Attachment 1 has been circulated under separate cover

## 10 Office of the CEO Reports for consideration

### 10.1 Quarter 4 2020-21 Annual Plan Progress Report

**SUMMARY:** Corporate Reporting Officer, Elisa De Iuliis

**This report provides the fourth quarter progress report on initiatives identified in the 2020-21 Annual Plan, adopted by Council on 22 June 2020 as part of the 2020-21 Annual Budget. The Annual Plan satisfies the requirements of the *Local Government Act 1989* by outlining the services provided by Council and the initiatives that Council completed in the 2020-21 year.**

#### **RECOMMENDATION**

**That Council receive and note the 2020-21 Annual Plan progress report for the period ending 30 June 2021.**

#### **1. INTRODUCTION**

An Annual Plan was established for the 2020-21 financial year to assist in the achievement of the goals of the Community and Council Plan 2017-21. The 2020-21 Annual Plan progress report to 30 June 2021 (see Attachment 1) reports on the initiatives that support those goals.

The Annual Plan progress report only reports on those initiatives identified in the Annual Plan and Annual Budget process - it is not a comprehensive report on all of Council's activities.

#### **2. DISCUSSION**

Attachment 1 provides the Annual Plan progress report for the fourth quarter of 2020-21.

##### **Q4 2020-21 Results:**

Of the 37 initiatives included in the 2020-21 Annual Plan:

- 26 initiatives are complete
- 3 initiatives have fallen less than 15 per cent behind schedule
- 7 initiatives have fallen more than 15 per cent behind schedule
- 1 initiative was unable to progress.

COVID-19 and the associated restrictions have affected the delivery of several initiatives within the 2020-21 Annual Plan.

The following initiatives had not been completed at the end of the fourth quarter of financial year 2020-21. Work on these initiatives will continue to progress in the 2021-22 financial year.

1. Continue to implement initiatives to achieve resource efficiency, water, and energy reduction. **(96%)**
2. Strategic acquisition of sites of biological significance when they arise. **(34%)**
3. Implement Council's Housing Strategy including facilitation of strategic redevelopment sites. **(96%)**
4. Continue to progress implementation of the Mobility Implementation Plan. **(82%)**

5. Continue to implement the Knox Central program to progress the development of a new Civic and Arts precinct for Knox. **(63%)**
6. Develop and implement a Strategic Asset and Investment Strategy to best achieve community and Council outcomes through the implementation of targeted investment strategies. **(85%)**
7. Participate and collaborate regionally to plan for improved infrastructure in and between key priority employment precincts, activity centres and residential areas. **(72%)**
8. Advance the next stage of the collaborative Strategic Investment and Development Program in partnership with Maroondah and Yarra Ranges Council and the State Government for the Bayswater Industrial/Employment Precinct with a focus on business networks, precinct amenity, streamlining assessment and new investment. **(75%)**
9. Design, develop and implement an integrated facility and service advocacy and management approach across the organisation to ensure a consistent approach and improve efficiencies with the management of Council's buildings. **(80%)**
10. Finalise and implement Council's Advocacy Framework through delivering targeted advocacy campaigns in line with Council's objectives. **(59%)**

Progress comments on all initiatives can be found in Attachment 1.

### **3. CONSULTATION**

The 2020-21 Annual Plan actions are linked to, and support the delivery of, the Community and Council Plan 2017-21. Significant community engagement was incorporated into the development of the Community and Council Plan 2017-21.

The Annual Plan 2020-21, including the initiatives, was approved as part of the Annual Budget after public consultation on 22 June 2020.

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

There are no direct environmental/amenity issues arising from this report. A number of initiatives within the 2020-21 Annual Plan seek to have a positive impact on environmental issues within the Knox municipality.

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

There are no direct financial and economic implications arising from this report. Changes in specific projects are reported through Capital Works and Budget processes.

### **6. SOCIAL IMPLICATIONS**

There are no direct social implications arising from this report. A number of initiatives within the 2020-21 Annual Plan seek to have a positive social impact within the Knox municipality.



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

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

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

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

## **8. CONFLICT OF INTEREST**

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council

## **9. CONCLUSION**

There has been sound progress on most of the Annual Plan initiatives for 2020-21 with the majority of initiatives complete or near completion by 30 June 2021. COVID-19 and the associated restrictions have affected the delivery of several initiatives. Officers will continue to progress outstanding initiatives into 2021-22.

## **10. CONFIDENTIALITY**

There is no content in this report that meets the definition of confidential information under the *Local Government Act 2020*.

**Report Prepared By:** Corporate Reporting Officer, Elisa De Iuliis

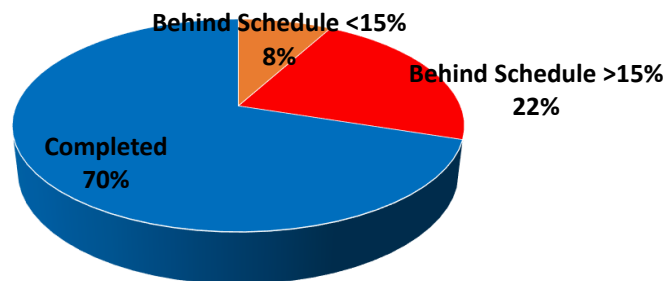
**Report Authorised By:** Chief Executive Officer, Bruce Dobson

### **Attachments**

1. Attachment 1: Q4 2020-21 Annual Plan Progress Report [**10.1.1** - 25 pages]



### 2020-21 Annual Plan Progress Report - Quarter Four (April – June 2021)



Goal	Complete	Behind Schedule (<15% behind schedule)	Behind Schedule (>15% behind schedule)
1. We value our natural and built environment	11	1	1
2. We have housing to meet our changing needs	1	1	-
3. We can move around easily	3	-	1
4. We are safe and secure	4	-	-
5. We have a strong regional economy, local employment and learning opportunities	1	1	3
6. We are healthy, happy and well	3	-	-
7. We are inclusive, feel a sense of belonging and value identity	-	-	2
8. We have confidence in decision making	3	-	1
<b>Total</b>	<b>26</b>	<b>3</b>	<b>8</b>

The overall progress completion percentage of each initiative is calculated by the combined progress of the associated milestones. Where appropriate, milestones are weighted based on the importance and quantity of work involved.



## 2020-21 Annual Plan Progress Report

## Goal 1: We value our natural and built environment

Initiative Description		Department	Q4 Target	Progress
Develop and implement a strategic pest animal plan.		Community Infrastructure		✓ Complete
<b>Progress Comment:</b>				
Council endorsed the Strategic Pest Animal Plan in August 2020. A local action plan for Knox that aligns with this strategy was developed and delivery of the action plan commenced and will continue into the next financial year.				
Initiative Milestones	Description	Start date	End date	Progress
	Council endorsement of Strategic Pest Animal Plan	1/07/2020	30/06/2021	100%
	Develop local action plan for Knox that aligns with strategy	1/07/2020	30/06/2021	100%
	Commence delivery of Strategic Pest Animal Plan	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget	Initiative Budget	
\$ 52,270		\$ 30,005	\$30,005	

Initiative Description		Department	Q4 Target	Progress
Continue to implement initiatives to achieve resource efficiency, water and energy reduction.		City Futures	100%	96%
<b>Progress Comment:</b>				
<p>In 2020-21, significant work was undertaken to implement initiatives to achieve resource efficiency, water and energy reduction. This work included:</p> <ul style="list-style-type: none"> <li>- Two Gardens for Harvest webinars and a number of sessions at the Stringybark Festival attracting nearly 600 registrations.</li> <li>- The Draft Climate Response Plan was presented to Council and community engagement on the plan was undertaken. The Plan will be adopted by Council in the first half of 2021-22.</li> </ul> <p>Energy efficiency upgrades through the Energy Performance Contract were completed including boiler upgrades to the Civic Centre, air conditioning works at Rowville Community Centre and lighting upgrades at a number of Council facilities.</p> <p>While the original budget for this initiative was \$1.11M, the revised budget (after carrying forward unspent funds from 2019-20), was \$2.26M.</p>				
Initiative Milestones	Description	Start date	End date	Progress
	Draft the Climate Response Plan	1/07/2020	30/12/2020	100%
	Council endorsement of Climate Response Plan	30/12/2020	30/06/2021	80%
	Deliver at least five sustainable living community events/activities	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget	Initiative Budget	
\$ 1,474,126		\$ 1,110,000	\$1,110,000	



## 2020-21 Annual Plan Progress Report

Initiative Description		Department	Q4 Target	Progress
Continue Council's waste and recycling education program.		Sustainable Infrastructure		✓ Complete
<b>Progress Comment:</b>				
Work toward this initiative in 2020-21 has focused on collaboration with the Website Development team on Council's 'Waste and Recycling' web pages. The pages will set the framework for utilisation of the website as an education tool, with more focus on waste reduction and future initiative advice. Council has also engaged two Waste Education officers to undertake more work in this space.				
Initiative Milestones	Description	Start date	End date	Progress
	Participate in an education campaign incorporating Sustainability Victoria's communications around '5 things not to put into your recycling bin'	1/09/2020	31/03/2021	100%
	Conduct a recycling education program including visual bin inspections and the provision of educational materials and feedback to residents and businesses	2/09/2020	31/03/2021	100%
	Provide communications and educational materials to addresses where high levels of contamination are consistently being identified by waste collection contractors	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget	Initiative Budget	
\$57,160		\$76,465	\$76,465	

Initiative Description		Department	Q4 Target	Progress
Increase the volume of hard waste recycled.		Sustainable Infrastructure		✓ Complete
<b>Progress Comment:</b>				
Council is participating in a grant approval process to assess opportunities to better utilise recycled content and environmentally preferred products in building projects.				
Council's Recycled Goods Shop continues to be promoted, although closures of Council's Recycled Goods Shop due to COVID-19 restrictions have impacted the capacity to divert from landfill through this service option.				
In 2020-21, the Waste Management team worked with the Website team on updating a large number of pages ahead of the new website launch.				
E-waste recycling opportunities continued to be promoted throughout 2020-21.				
Initiative Milestones	Description	Start date	End date	Progress
	Continue to update Council's website regarding opportunities for reusing and recycling	1/07/2020	30/06/2021	100%
	Increase the demand for salvaged hard waste through promotion of Council's Recycled Goods Shop	1/07/2020	30/06/2021	100%
	Continue to promote e-waste recycling opportunities	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget	Initiative Budget	
Delivered within existing operational budget.				



2020-21 Annual Plan Progress Report

Initiative Description		Department	Progress
Phase in hybrid and electric vehicles into the Council vehicle fleet.		Community Infrastructure	✓ Complete
<b>Progress Comment:</b>			
Council has commenced phasing in hybrid and electric vehicles into its fleets. Council has installed electric charging stations at the Civic Centre for fleet and community use. A charging station has also been included at the new Operations Centre. As new fleet vehicles reach replacement, priority will be given to ordering hybrid or electric vehicles.			
YTD Actual	YTD Budget	Initiative Budget	
Delivered within existing operational budget.			

Initiative Description		Department	Q4 Target	Progress
Revegetate priority sites as per the recommendations from the Knox Revegetation Plan 2012.		Community Infrastructure		✓ Complete
<b>Progress Comment:</b>				
In 2020-21, planting was completed at priority sites including the Mountain Highway Roadside Habitat Corridor, Colchester Reserve Wetland, Scoresby Linear Reserve, Dandenong Creek Corridor and Corhanwarrabul Creek Corridor.				
<b>Initiative Milestones</b>	Description	Start date	End date	Progress
	Scope and plan for the revegetation of priority sites	1/07/2020	30/06/2021	100%
	Order plants and prepare sites for revegetation	1/07/2020	30/06/2021	100%
	Plant species across the priority sites	1/07/2020	30/06/2021	100%
YTD Actual	YTD Budget	Initiative Budget		
Delivered within existing operational budget.				



## 2020-21 Annual Plan Progress Report

Initiative Description		Department	Q4 Target	Progress
Implement the Knox Locally Threatened Species Management Plan 2010.		Community Infrastructure		✓ Complete
<b>Progress Comment:</b>				
<p>By the end of 2020-21, 42 different sites received revegetation with threatened species. There were 30,000 plants planted across these sites from plant material collected within the Knox municipality. Across these sites, 54 different species were planted.</p> <p>All threatened species were mapped and recorded on the geographic information system (GIS).</p>				
Initiative Milestones	Description	Start date	End date	Progress
	Scope and identify key sites for planting threatened species	1/07/2020	30/06/2021	100%
	Order and propagate species	1/07/2020	30/06/2021	100%
	Plant and map threatened species across key sites identified	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget		Initiative Budget
\$8,170		\$8,200		\$8,200

Initiative Description		Department	Q4 Target	Progress
Conserve, protect and enhance sites of biological significance and increase connectivity between current sites.		Community Infrastructure		✓ Complete
<b>Progress Comment:</b>				
<p>Scoping and planning of the Biodiversity Resilience Plan, which supports this initiative, has commenced.</p> <p>On-ground works were challenging during 2020-21 due to COVID-19 restrictions, as well as a significant increase in the number of members of the community using bushland sites for recreation and exercise. This led to increased damage of vegetation due to circumstances including increased littering and bike jump creation. The biodiversity team continues to work to rectify this ongoing damage.</p>				
Initiative Milestones	Description	Start date	End date	Progress
	Identify key sites of biological significance	1/07/2020	30/06/2021	100%
	Plan and prepare key sites of biological significance	1/07/2020	30/06/2021	100%
	Deliver conservation, protection and enhancement works to key sites of biological significance	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget		Initiative Budget
\$179,378		\$142,800		\$142,800



## 2020-21 Annual Plan Progress Report

Initiative Description		Department	Q4 Target	Progress
Strategic acquisition of sites of biological significance when they arise.		Community Infrastructure	100%	34%
<b>Progress Comment:</b>				
<p>In 2020-21, Council made the decision to fund the development of the full Biodiversity Resilience Plan over a two year period (2020-2022).</p> <p>Initial scoping and planning of the Biodiversity Resilience Plan and detailed works around tree canopy data analysis were completed in 2020-21. This analysis will inform the habitat corridor plan and hierarchy of sites of biological significance for acquisition which will now be delivered in 2021-22.</p>				
Initiative Milestones	Description	Start date	End date	Progress
	Prepare brief and scope for consultants	1/07/2020	30/06/2021	100%
	Identify key habitat corridor and sites	1/07/2020	30/06/2021	5%
	Develop a hierarchy of priority of acquisition	1/07/2020	30/06/2021	5%
YTD Actual		YTD Budget	Initiative Budget	
Delivered within existing operational budget.				

Initiative Description		Department	Q3 Target	Progress
Continue to grow and support the Knox Gardens for Wildlife Program and Bushland Reserve Friends Groups and associated activities.		Community Infrastructure		✓ Complete
<b>Progress Comment:</b>				
<p>Growth of environmental volunteerism has been challenging during the past year due to COVID-19 restrictions. However, increased interest in the bushland reserves through innovative virtual tours has created interest in additional community members staying involved once restrictions lifted.</p> <p>Scoping is occurring for the development of two new friends groups due to interest from community members.</p> <p>A partnership group has been created to include Gardens for Wildlife (G4W) volunteers, Knox Environment Society representation and Council officers to support the growth and support of the G4W program.</p>				
Initiative Milestones	Description	Start date	End date	Progress
	Increase the number of volunteers working on the Knox Gardens for Wildlife Program	1/07/2020	30/06/2021	100%
	Extend the Gardens for Wildlife program delivery across metropolitan Melbourne regions	1/07/2020	30/06/2021	100%
	Continue promotion and network opportunities through social media and community events	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget	Initiative Budget	
\$ 108,887		\$13,000	\$13,000	



## 2020-21 Annual Plan Progress Report

Initiative Description		Department	Q4 Target	Progress
Plant a net gain of street trees annually.		Community Infrastructure		✓ Complete
<b>Progress Comment:</b>				
By the end of 2020-21, the bulk tree planting program was completed. Council planted 2,574 trees in 2020-21. Unfortunately, due to various reasons (dead/damaged/poor health), 1,325 trees were required to be removed. This resulted in a net gain of 1,249 trees being planted within the municipality.				
Initiative Milestones	Description	Start date	End date	Progress
	Data collection to identify required tree planting	1/07/2020	30/06/2021	100%
	Infill tree planting	1/07/2020	31/08/2020	100%
	Street tree renewal planting	1/03/2021	30/06/2021	100%
YTD Actual		YTD Budget	Initiative Budget	
\$541,548		\$627,750	\$627,750	

Initiative Description		Department	Q4 Target	Progress
Continue to address Council's Asset Renewal backlog.		Sustainable Infrastructure		✓ Complete
<b>Progress Comment:</b>				
Council continues to prioritise its investment in asset renewal expenditure. Delivery of the asset renewal program was impacted by COVID-19 work site restrictions during 2020-21, however revised delivery expectations were met.				
Renewal programs that have been fully expended include: Road Surface, Drainage, Footpaths, Bicycle/Shared Paths, Roadside Furniture and Car Parks.				
Programs that did not expend their full budget allocation, with funding either to be carried forward or identified as savings, include: Road Sub-Structure, Water Sensitive Systems, Buildings, Active Open Space, Plant and Machinery, and Street Tree Replacement.				
Development of asset class renewal programs with the objective of meeting long-term levels of service targets is dependent on the completion of asset condition audits and asset modelling. In 2020-21, a modified condition audit program was delivered, reflective of the external operating environment. Modelling of forward Asset Renewal investment programs were developed and prioritised to inform the Capital Works Program .				
Initiative Milestones	Description	Start date	End date	Progress
	Develop asset class renewal programs cyclically with the objective of meeting long term levels of service targets	1/07/2020	30/06/2021	100%
	Deliver the asset renewal program	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget	Initiative Budget	
\$25,128,587		\$32,376,446	\$32,376,446	

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2020-21 Annual Plan Progress Report

Initiative Description		Department	Q4 Target	Progress
Complete an At Risk Building Assessment and develop a program of works for inclusion in Council's capital works program.		Sustainable Infrastructure		✓ Complete
<b>Progress Comment:</b>				
In 2020-21, an assessment of all at risk-buildings was completed along with identified high priority works. The annual program of work was reviewed and progressed based on risk priorities. Four separate work packages for plumbing/drainage, civil works, structural rectifications and landscaping were determined from the collated recommendations from the structural reports received, and progressed to quotation/tender.				
Initiative Milestones	Description	Start date	End date	Progress
	Develop a draft capital works program which allocates funds to the program of identified works for Council approval	1/07/2020	30/06/2021	100%
	Deliver the program of works to address defects identified	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget	Initiative Budget	
Delivered within existing operational budget.				



## 2020-21 Annual Plan Progress Report

## Goal 2: We have housing to meet our changing needs

Initiative Description		Department	Q4 Target	Progress
Implement Council's Housing Strategy including facilitation of strategic redevelopment sites.		City Futures	100%	96%
<b>Progress Comment:</b>				
<p>The Housing Strategy was implemented into the Knox Planning Scheme via Amendment C131. The Strategy (and the Knox Planning Scheme) continues to guide residential development and strategic investigation sites.</p> <p>Two strategic sites are currently underway—the Norvel Road Quarry site and the Boral site in Wantirna South. Council officers are working with both developers to ensure appropriate development outcomes. Preparation of the Housing Monitoring Report has commenced, and is scheduled to be reported to Council in July 2021.</p> <p>Council continues to be informed by the Department of Environment, Land, Water &amp; Planning of updates and progress of the Eastern Region Land Use Framework Plan, and continues to seek clarification.</p>				
Initiative Milestones	Description	Start date	End date	Progress
	Prepare the Annual Housing Monitoring Report	1/07/2020	30/06/2021	95%
	Continue to ensure that the development of strategic investigation sites aligns with the direction of the Housing Strategy	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget	Initiative Budget	
\$263,857		\$346,927	\$346,927	



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Initiative Description		Department	Q4 Target	Progress
Implement the Affordable Housing Action Plan including advocacy for an increase for the supply of social and affordable housing at key strategic sites and across the municipality.		Community Wellbeing		✓ Complete
<b>Progress Comment:</b>				
<p>Council continues to work with members of the Eastern Affordable Housing Alliance (EAHA) and participate actively in the Regional Local Government Homelessness and Social Housing Charter as one of 13 councils across the East and South East. Council has commenced planning for the development of the <i>Knox Social and Affordable Housing Strategy and Action Plan 2021-2025</i> which will detail key priorities for Council and strategically plan to deliver further social housing for specific identified population cohorts most in need. This document will replace the Affordable Housing Action Plan that expired in 2020.</p> <p>Council have updated the minimum supply paper and this information is being used to inform key stakeholders of the social housing need in Knox.</p> <p>Negotiations are underway with representatives of the Boral and Norvel Estate sites. Communication with registered housing associations and providers to understand their interest in these sites is continuing to occur.</p>				
<b>Initiative Milestones</b>	Description	Start date	End date	Progress
	Participate in scheduled Eastern Affordable Housing Alliance meetings	1/07/2020	30/06/2021	100%
	Update the minimum supply number, as defined in the 'Defining affordable housing and a minimum supply of social housing for Knox' paper	1/07/2020	31/12/2020	100%
	Negotiate with developers of the Boral and Novel Estate sites for a voluntary 5 per cent contribution of social housing	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget	Initiative Budget	
Delivered within existing operational budget.				



## 2020-21 Annual Plan Progress Report

## Goal 3: We can move around easily

Initiative Description		Department	Q4 Target	Progress
Advocate to State and Federal Governments for improved sustainable transport infrastructure and services.		Sustainable Infrastructure	✓	Complete
<b>Progress Comment:</b>				
Council continued to advocate to the state and federal governments for improved sustainable transport infrastructure and services in Knox. In 2020-21 this work included a review of Council's current public transport position in light of the Suburban Rail Loop project and working with the Eastern Transport Coalition to prepare a Supplementary Bus Review by identifying key bus network improvements.				
Initiative Milestones	Description	Start date	End date	Progress
	Continue to advocate to state and federal members for public transport priorities	1/07/2020	30/06/2021	100%
	Work with the Eastern Transport Coalition (ETC) to prepare a Supplementary Bus Review by identifying key bus network improvements to be used in developing a tailored approach to advocacy	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget	Initiative Budget	
\$3,844		\$9,000	\$9,000	
This initiative shares a budget with initiative 'Continue to advocate for all priority transport projects, including the Knox Tram, Rowville Rail, improved bus services, and the Dorset Road extension.' Delivered within existing operational budget.				

Initiative Description		Department	Q4 Target	Progress
Continue to advocate for all priority transport projects, including the Knox Tram, Rowville Rail, improved bus services, and the Dorset Road extension.		Sustainable Infrastructure	✓	Complete
<b>Progress Comment:</b>				
Discussions in relation to the Dorset Road project led to election commitments from the Federal Liberal party representative for both the duplication of Napoleon Road and the delivery of the Dorset Road extension. Since the election, initial meetings have been held with The Hon. Alan Tudge MP to discuss the implementation of the projects, some of which will be delivered by the Victorian Government through VicRoads.				
Council has met with the project delivery team from the Major Roads Project Victoria in relation to the Dorset Road extension and Napoleon Road duplication. Detailed information is being provided to the project delivery team when requested.				
Initiative Milestones	Description	Start date	End date	Progress
	Continue to advocate to state and federal members for the public transport priorities of the Knox Tram, Rowville Rail, and improved Bus Services	1/07/2020	30/06/2021	100%
	Collaborate with stakeholders regarding the Victorian Governments Dorset Road extension and Napoleon Road duplication projects	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget	Initiative Budget	
This initiative shares a budget with initiative 'Advocate to State and Federal Governments for improved sustainable transport infrastructure and services.' Delivered within existing operational budget.				



## 2020-21 Annual Plan Progress Report

Initiative Description		Department	Q4 Target	Progress
Reduce the backlog of missing footpaths in Knox.		Sustainable Infrastructure		✓ Complete
<b>Progress Comment:</b>				
In 2020-21, new footpaths were constructed at Boronia Road, Bayswater; Wellington Road, Rowville; and Albert Street, Upper Ferntree Gully. New shared paths were constructed at Napoleon Road, Lysterfield; Kelletts Road, Rowville; Mountain Highway, Boronia; and Ferntree Gully Road, Knoxfield.				
Initiative Milestones	Description	Start date	End date	Progress
	Continue to deliver new footpaths where there are identified missing links	1/07/2020	30/06/2021	100%
	Develop a draft capital works program which allocates funds to the missing footpath program for Council approval	1/09/2020	30/06/2021	100%
	Continue to ensure new developments are designed to cater for pedestrian travel and minimise any future missing links	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget		Initiative Budget
\$430,313		\$731,040		\$731,040

Initiative Description		Department	Q4 Target	Progress
Continue to progress implementation of the Mobility Implementation Plan.		Sustainable Infrastructure	100%	82%
<b>Progress Comment:</b>				
A number of accessible parking bays were installed in 2020-21 to improve access to schools and Council services.				
Delivery of the Mobility Implementation Plan has been delayed due to COVID-19 restrictions impacting the availability of consultants and contractors. Works are planned to be undertaken in the first half of the next financial year to address known issues.				
Pedestrian upgrades are currently being considered as part of intersection treatment upgrades at the intersections of Henderson Road/Kelletts Road and Henderson Road/Ferntree Gully Road. Advocacy for a pedestrian crossings program across major arterial roads has been undertaken through the Eastern Transport Coalition with direct engagement with the Minister for Public Transport and Roads and Road Safety.				
Initiative Milestones	Description	Start date	End date	Progress
	Continue to deliver the Mobility Implementation Plan	1/07/2020	30/06/2021	80%
	Continue to advocate to the Department of Transport to prioritise pedestrian related upgrade works at major intersections	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget		Initiative Budget
\$ 71,748		\$130,000		\$130,000



## 2020-21 Annual Plan Progress Report

## Goal 4: We are safe and secure

Initiative Description		Department	Q4 Target	Progress
Ensure Council's Emergency Management Plans and Sub-Plans meet legislative requirements.		City, Safety and Health		✓ Complete
<b>Progress Comment:</b>				
<p>Council's Municipal Emergency Management Planning (MEMP) has been audited by the SES and meets current legislative compliance requirements. Work is underway in the Eastern Metropolitan region, with the Regional Emergency Management Planning Committee (REMPC) and Eastern Metropolitan Councils Emergency Management Partnership (EMCEMP) to develop a standard MEMP format that meets the Assurance Model. Community Emergency Risk Assessment (CERA) review process has been updated and this will be used into the future. The Storm &amp; Flood Sub-Plan is being scheduled for review in the 2021 calendar year.</p> <p>With the commencement of the municipal arrangements under the <i>Emergency Management Legislation Amendment Act 2018</i> (EMLA Act 2018), the MEMP and sub-plans now sit under the auspices of the Knox MEMP Committee and Eastern Metropolitan Region Emergency Management Planning Committee—rather than in Council's plans. Council continues to administer these as they were originally developed as Council plans.</p> <p>MEMP and sub-plans remain compliant to legislative requirements. CERA reviews are scheduled through the MEMP period of operation (April 2019-April 2022) with any resulting changes to sub-plans to be effected as required. It is important to note that changes to sub-plans require external agency input and in some cases, authorisations.</p>				
Initiative Milestones	Description	Start date	End date	Progress
	Review all risks identified through CERA process, as per audit requirements	1/07/2020	30/06/2021	100%
	Review all MEMP Sub Plans, as per audit requirements	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget		Initiative Budget
\$99,996		\$108,411		\$108,411
This initiative shares a budget with initiative 'Engage with emergency services through the Municipal Emergency Management Planning Committee to assist with the adequate provision of emergency services across the municipality.' Delivered within existing operational budget.				



## 2020-21 Annual Plan Progress Report

Initiative Description		Department	Q4 Target	Progress
Implement a community safety program and build community connections to improve perceptions of safety within key locations across the municipality (including Boronia Activity Centre).		Community Wellbeing		✓ Complete
<b>Progress Comment:</b>				
<p>The public art project that includes the installation of light boxes and murals at key sites across Knox has progressed, with sites selected based on reducing the impact of graffiti and enhancing the look and feel of local areas. This project will continue over 2021-22. The commissioning of this work supports local artists with a program of art and design themes.</p> <p>Development of the Crime Prevention Through Environmental Design training package, upskilling staff in safer urban design, will continue over 2021-22, with staff workshops to be held towards the end of 2021.</p> <p>During school Term 3 2020, an online version of the Knox Night Owls program was developed and piloted over six weeks. The second Knox Night Owl program will commence in person at the end of July 2021 due to COVID-19 restriction delays. At this stage recruitment of volunteers and participants is progressing; training for volunteers commences early July 2021.</p> <p>The Lupton Way public art and lighting project is on track to be completed over 2021-22 as scheduled.</p>				
Initiative Milestones	Description	Start date	End date	Progress
	Integrate community safety programs aligned with the Boronia Renewal Plan and Boronia Stakeholder Working Group	1/07/2020	30/06/2021	100%
	Deliver two Knox Night Owls Programs	1/07/2020	30/06/2021	100%
	Partner with the Arts and Culture Team to develop and deliver integrated projects to enhance amenity and increase perception of safety	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget	Initiative Budget	
\$2,692		\$18,698	\$18,698	



## 2020-21 Annual Plan Progress Report

Initiative Description		Department	Q4 Target	Progress
Inform residents and conduct inspections of all properties within the Bushfire Management Overlay areas to ensure compliance with relevant legislation.		City, Safety and Health		✓ Complete
<b>Progress Comment:</b>				
<p>All 2020-21 Fire Hazard Inspections (FHIs) have been finalised. The FHIs for 2020-21 consist of two rounds. The first round was completed with 57 FHIs issued and three compulsory clearances. Inspections were completed prior to the declaration of the fire season (8 February 2021).</p> <p>The second round (first inspection with 18 FHIs issued) occurred in February 2021 and follow-up occurred mid-late March 2021, with 16 notices issued and one compulsory clearance.</p> <p>By the end of 2020-21, the final compulsory clearance was completed by a contractor.</p>				
Initiative Milestones	Description	Start date	End date	Progress
	Advise 2,480 BMO properties and non-BMO vacant land properties to prepare for Fire Danger Period	1/10/2020	30/12/2020	100%
	Inspect 2,480 BMO properties and non-BMO vacant land properties at Fire Danger Period commencement and issue Fire Prevention Notices	1/12/2020	28/02/2021	100%
	Fire Prevention Notice compliance checked and if non-compliant issue infringement and compulsory clean-up	1/12/2020	28/02/2021	100%
YTD Actual		YTD Budget		Initiative Budget
\$99,996		\$108,411		\$108,411

Initiative Description		Department	Q4 Target	Progress
Engage with emergency services through the Municipal Emergency Management Planning Committee to assist with the adequate provision of emergency services across the municipality.		City, Safety and Health		✓ Complete
<b>Progress Comment:</b>				
<p>The Municipal Emergency Management Planning Committee (MEMPC) meets in accordance with the schedule and under the new requirements of the amended Emergency Management Act.</p>				
Initiative Milestones	Description	Start date	End date	Progress
	Align MEMPC membership to requirements of the Emergency Management Legislation Amendment Act 2018, particularly community membership	1/07/2020	30/06/2021	100%
	Adapt MEMPC governance to account for the creation of Fire Rescue Victoria	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget		Initiative Budget
<p>This initiative shares a budget with initiative 'Ensure Council's Emergency Management Plans and Sub-Plans meet legislative requirements.' Delivered within existing operational budget.</p>				





## 2020-21 Annual Plan Progress Report

## Goal 5: We have a strong regional economy, local employment and learning opportunities

Initiative Description		Department	Q4 Target	Progress
Continue to implement the Knox Central program to progress the development of a new Civic and Arts precinct for Knox.		Knox Central	100%	63%
<b>Progress Comment:</b>				
The relocation of Council's operations centre has now concluded and the new site is fully operational.				
Design of the Knox Central Library is awaiting confirmation of the Westfield shopping centre redevelopment timeline.				
The Contract of Sale has been executed for the land acquisition for Lewis Park frontage and Knox Central road links. The subdivision process required for road parcel is underway and expected to be completed within the first quarter of 2021-22. Settlement on both parcels will occur together once the road parcel title has been established.				
Land acquisition was a critical dependency for the development of a masterplan for the future civic precinct and Council's land holdings. Consequently, masterplanning was deferred by agreement until acquisition concluded.				
Initiative Milestones	Description	Start date	End date	Progress
	Design the Knox Central Library in its new location in the Westfield shopping centre (subject to confirmation of redevelopment timeline from Scentre Group/Westfield)	1/07/2020	30/06/2021	20%
	Conclude the relocation of Council's operations centre	1/07/2020	30/06/2021	100%
	Conclude land acquisition for Lewis Park frontage and Knox Central road links	1/07/2020	30/06/2021	85%
	Develop a masterplan for the future civic precinct and Council's land holdings	1/07/2020	30/06/2021	50%
YTD Actual		YTD Budget		Initiative Budget
Delivered within existing operational budget.				

Initiative Description		Department	Q4 Target	Progress
Develop and implement a Strategic Asset and Investment Strategy to best achieve community and Council outcomes through the implementation of targeted investment strategies.		City Futures	100%	85%
<b>Progress Comment:</b>				
The Senior Strategic Advisor Sustainable Investment commenced on 29 March 2021, and a Draft Asset Leveraging Program has now been completed. Work to update the Strategic Asset Investment Framework has commenced.				
Initiative Milestones	Description	Start date	End date	Progress
	Prepare a draft asset leveraging program, anticipated to include targeted investment strategies (or similar) for specific assets and impacts	1/07/2020	30/03/2021	85%
YTD Actual		YTD Budget		Initiative Budget
\$155,634		\$167,081		\$159,658



## 2020-21 Annual Plan Progress Report

Initiative Description		Department	Q4 Target	Progress
Participate and collaborate regionally to plan for improved infrastructure in and between key priority employment precincts, activity centres and residential areas.		City Futures	100%	72%
<b>Progress Comment:</b>				
The Eastern Region Land Use Framework Plan has been completed. Council officers continue to contribute to discussions, and the progress of, the Greater South East Melbourne City Deal.				
Initiative Milestones	Description	Start date	End date	Progress
	Continue to provide input into the Eastern Region Land Use Framework Plan as required	1/07/2020	30/06/2021	100%
	Provide input into the South East Melbourne Organisation's City Deal Coordination Committee as required	1/07/2020	30/06/2021	45%
YTD Actual		YTD Budget	Initiative Budget	
Delivered within existing operational budget.				

Initiative Description		Department	Q4 Target	Progress
Explore as part of the People Strategy opportunities for Knox City Council to provide employment opportunities for disadvantaged groups.		Strategy, People & Culture		✓ Complete
<b>Progress Comment:</b>				
Council was successful in obtaining a \$3.073M grant to recruit people experiencing disadvantage via the Working for Victoria (WfV) scheme. Council successfully filled all 70 approved WfV grant positions. Due to resignations, roles vacated early were reappointed, therefore 80 project employees commenced in total with Knox during the life of the Agreement (9 June 2020-30 June 2021).				
16 WfV employees were offered casual or temporary employment opportunities beyond the conclusion of their WfV contract and three were successful in securing permanent employment with Council.				
Sessions have been held with WfV participants—people managers and employees—to capture stories about people's experience through their employment with Knox and to acknowledge fantastic achievements.				
Initiative Milestones	Description	Start date	End date	Progress
	Administer the Working for Victoria grant to engage 70 roles to support Victorian's impacted by COVID-19	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget	Initiative Budget	
\$ 115,398		\$86,831	\$86,831	



## 2020-21 Annual Plan Progress Report

Initiative Description		Department	Q4 Target	Progress
Advance the next stage of the collaborative Strategic Investment and Development Program in partnership with Maroondah and Yarra Ranges Council and the State Government for the Bayswater Industrial/Employment Precinct with a focus on business networks, precinct amenity, streamlining assessment and new investment.		City Futures	100%	75%
<b>Progress Comment:</b>				
The Bayswater Business Precinct Transformation Strategy, being undertaken by SGS Economics and Planning, is progressing. The new Bayswater Business Precinct Project Coordinator started on 15 March 2021. Consultation commenced in April 2021, and Draft Strategy is under review by the three member Councils.				
Initiative Milestones	Description	Start date	End date	Progress
	Contribute to the finalisation of the Bayswater Business Precinct Transformation Strategy	1/07/2020	30/03/2021	75%
YTD Actual		YTD Budget		Initiative Budget
\$35,000		\$30,000		\$30,000



## 2020-21 Annual Plan Progress Report

## Goal 6: We are healthy, happy and well

Initiative Description		Department	Q4 Target	Progress
Finalise and implement the Key Life Stages Implementation Plan focusing on Early Years, Youth and Older People.		Community Wellbeing	✓	Complete
<b>Progress Comment:</b>				
<p>The Key Life Stages Plan is currently being discussed at Senior Leadership meetings to enable streamlining and improvement of current processes. It has been reviewed mid-year to ensure intergenerational and common actions are integrated into business planning across departments.</p> <p>Discussions with Council officers and the community occurred to identify emerging themes in light of COVID-19 and recovery efforts. Themes have been identified and included in the Key Directions, Strategies and Initiatives in the Draft Community and Council plans.</p>				
Initiative Milestones	Description	Start date	End date	Progress
	Discuss and monitor the implementation of the Key Life Stages Plan during regular Senior Leadership meetings	1/07/2020	30/06/2021	100%
	Explore, plan and implement measures to achieve the intergenerational and common actions in the Key Life Stage Plan	1/07/2020	30/06/2021	100%
	Identify emerging themes and possible responses to inform the development of the new Community Plan 2021-31 and Council Plan 2021-25	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget	Initiative Budget	
Delivered within existing operational budget.				




## 2020-21 Annual Plan Progress Report

Initiative Description		Department	Q4 Target	Progress
Continue to implement Council's Health Promoting Organisation initiative in partnership with community organisations to positively affect organisational and community health outcomes.		Strategy, People & Culture		✓ Complete
<b>Progress Comment:</b>				
<p>Internally, the priority focus is on supporting Council to remain COVIDSafe. Significant and ongoing strategy, risk, people and culture support is being provided to departments and groups to ensure they plan for and operate in COVIDSafe ways.</p> <p>Additional mental health training and supports have been put in place and continue to be prioritised as part of Council's response to its workforce. Pulse surveys were introduced at the outset of the pandemic to monitor staff sentiment and feedback and to enable responsive support to arising issues and opportunities.</p> <p>In excess of 65 risk assessments related to COVID-19 have also been completed and are updated as circumstances change. In addition, Council employed additional temporary OHS &amp; Wellbeing staff via the Working for Victoria grant program funded by the State Government, with these staff working on strategic and reactive aspects of Council's safety and wellbeing response.</p>				
Initiative Milestones	Description	Start date	End date	Progress
	Develop and regularly update a COVID Safe Plan	3/08/2020	30/06/2021	100%
	Continue to provide support to the organisation in the rapidly changing environment impacted by COVID-19	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget	Initiative Budget	
\$1,075,375		\$837,196	\$837,196	



2020-21 Annual Plan Progress Report

Initiative Description		Department	Q4 Target	Progress
<b>Deliver health promotion and harm minimisation programs including:</b> <ul style="list-style-type: none"> <li>· Education /capacity building programs with sporting clubs focused on cultural change</li> <li>· Advocacy to improve planning policy responses and regulatory framework that manage the density of alcohol outlets within places or locations.</li> </ul>		Community Wellbeing		 <b>Complete</b>
<b>Progress Comment:</b>				
<p>The Our Clubs project, looking at the impact on clubs accessing mental health support and healthy culture, is currently being evaluated, with a report due to be drafted in July 2021.</p> <p>The Men's Risky Drinking project has experienced delays due to COVID-19. Consultants have met and worked with clubs to discuss a co-design process to strengthen healthy club environments and family-friendly social events using a situational analysis club survey. The project will be completed in early 2023.</p>				
Initiative Milestones	Description	Start date	End date	Progress
	Complete the mapping project for alcohol outlet density in partnership with South Eastern Metro Councils	1/07/2020	30/06/2021	100%
	Deliver the Sports Club Culture Development Program	1/07/2020	30/06/2021	100%
	Develop the framework for the Men's Risky Drinking Project (Sporting Clubs) in partnership with VicHealth.	1/07/2020	30/12/2021	100%
YTD Actual		YTD Budget	Initiative Budget	
-		\$20,000	\$120,000	



## 2020-21 Annual Plan Progress Report

## Goal 7: We are inclusive, feel a sense of belonging and value identity

Initiative Description		Department	Q4 Target	Progress
Design, develop and implement an integrated facility and service advocacy and management approach across the organisation to ensure a consistent approach and improve efficiencies with the management of Council's buildings.		Sustainable Infrastructure	100%	80%
<b>Progress Comment:</b>				
A review of the Asset Renewal Gap was completed in February 2021. Asset condition audits and formal asset valuations inform the renewal backlog. Condition audits including the completion of drainage, shared paths and buildings will be completed in the next financial year. A review of the asset renewal gap will be completed when new condition audit data is received. Audits are currently on hold due to COVID-19.				
Initiative Milestones	Description	Start date	End date	Progress
	Implement action within the Building Asset Management Plan to develop a gap tool to identify and measure levels of service standards for buildings	1/07/2020	30/06/2021	60%
	Continue to address Council's asset renewal backlog	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget		Initiative Budget
Delivered within existing operational budget.				

Initiative Description		Department	Q4 Target	Progress
Develop a plan for the ongoing protection and management of Indigenous and post European settlement heritage resources related to Knox.		City Futures	N/A	Unable to progress
<b>Progress Comment:</b>				
This initiative was addressed in a report to Council on 25 June 2018. Business cases were prepared in December 2018 and December 2019. These were not supported as part of the respective budget deliberations/adoptions, and as such, a heritage study cannot progress.				
YTD Actual		YTD Budget		Initiative Budget
Business case was not supported.				



## 2020-21 Annual Plan Progress Report

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

Initiative Description		Department	Q3 Target	Progress
Conduct the 2020 General Election and implement a comprehensive induction program for the elected members.		Governance		✓ Complete
<b>Progress Comment:</b>				
The Councillor Induction Program, conducted in partnership with the Victorian Local Governance Association (VLGA), commenced in November 2020 and concluded in February 2021, in compliance with the <i>Local Government Act 2020</i> . The Councillor Induction Program comprised of seven modules.				
Initiative Milestones	Description	Start date	End date	Progress
	Commence the election period and candidate training sessions	24/07/2020	23/10/2020	100%
	Conduct the General Election	24/07/2020	24/10/2020	100%
	Election result declared and Councillor induction training completed	25/10/2020	30/11/2020	100%
YTD Actual		YTD Budget	Initiative Budget	
Delivered within existing operational budget.				

Initiative Description		Department	Q4 Target	Progress
Continue to implement the Community Group Training Program through community organisations and by Council.		Community Wellbeing		✓ Complete
<b>Progress Comment:</b>				
Twelve Community Group Training sessions were offered in 2020-21, with 177 people in attendance.				
Initiative Milestones	Description	Start date	End date	Progress
	Plan community training sessions that meet the needs of the Knox community	1/07/2020	30/12/2020	100%
	Offer at least 10 community training sessions in 2020-21	1/07/2020	30/06/2021	100%
	Successfully deliver each session with a minimum of 10 people in attendance at each session	1/07/2020	30/06/2021	100%
YTD Actual		YTD Budget	Initiative Budget	
\$11,621		\$15,538	\$15,538	





## 2020-21 Annual Plan Progress Report

Initiative Description		Department	Q4 Target	Progress
Review and implement Council's updated Community Engagement approach.		Strategy, People & Culture	✓	Complete
<b>Progress Comment:</b>				
<p>Knox's Community Engagement Policy was adopted at the ordinary Council meeting on 22 February 2021 after community consultation.</p> <p>Throughout the year, work progressed on the implementation of the policy and Council's fit-for-purpose approach to community engagement, including:</p> <ul style="list-style-type: none"> <li>- development of a Community Engagement Framework and Action Plan</li> <li>- implementation of an ongoing staff training program</li> <li>- launch of a new community engagement platform.</li> </ul> <p>The new Community Engagement Platform, <i>Knox: Have Your Say</i>, was launched in February 2021. At the end of the financial year, the platform had been viewed over 17,000 times and community members made 1,026 contributions on decisions that directly affected them.</p> <p>Work continues to build Council's approach to engagement to improve outcomes for our community.</p>				
<b>Initiative Milestones</b>	Description	Start date	End date	Progress
	Implement Council's new Community Engagement Platform	1/07/2020	1/02/2021	100%
	Community consultation to develop a revised Community Engagement Policy in line with the Local Government Act 2020	1/12/2020	28/02/2021	100%
	Council endorsement of the Community Engagement Policy	1/03/2021	31/03/2021	100%
	Implementation of the revised Community Engagement Policy	1/03/2021	30/06/2021	100%
YTD Actual	YTD Budget	Initiative Budget		
Delivered within existing operational budget.				



## 2020-21 Annual Plan Progress Report

Initiative Description		Department	Q4 Target	Progress
Finalise and implement Council's Advocacy Framework through delivering targeted advocacy campaigns in line with Council's objectives.		Communications	100%	59%
<b>Progress Comment:</b>				
Progression of this initiative has been delayed as Council is in the process of determining priorities for the next Community and Council plans. The advocacy priorities will be drawn from the new plans. Advocacy priorities have now been confirmed to revise the Community Investment Plan. Work has commenced through regional groupings of councils on the federal election campaign.				
Initiative Milestones	Description	Start date	End date	Progress
	Agree advocacy priorities	1/07/2020	30/09/2020	100%
	Revise Community Investment Plan	1/07/2020	31/12/2020	30%
	Develop federal election campaign	1/07/2020	30/06/2021	50%
YTD Actual		YTD Budget	Initiative Budget	
Delivered within existing operational budget.				

11 City Centre Reports for Consideration

Nil

## 12 Items for Information

### 12.1 ICT Capital Works Report

#### **SUMMARY: Chief Information Officer, Scott Coleman**

**The ICT Capital Works Report shows projects on Council's ICT Capital Works Program and indicates the monthly status of each project.**

#### **RECOMMENDATION**

**That Council receive and note the ICT Capital Works Report, as of 16 September 2021.**

#### **1. INTRODUCTION**

This report summarises Council's ICT Capital Works Program for the 2021/2022 financial year. The aim of this report is to provide a regular and succinct status summary of each project over the last month. The Capital Works Report, as of 16 September 2021 is attached in the Confidential section of Council's agenda.

Highlights of the Capital Works Report as at 16 September 2021 include:

- The Business Intelligence project has been successfully completed, with project transition and closure activities complete.
- The Asset Management project has re-baselined timelines following Steering Committee approval of a change request, with implementation now expected in May 2022. This change was a result of vendor acquisition impacting on delivery timelines.
- The Digital Customer Channel Transformation Program has commenced its Phase 2 which will see the replacement of Council's Intranet. Project initiation is well underway with project stakeholders agreed, objectives agreed, and timelines set. Project has conducted meetings with other LGAs to inform project approach.
- The Early Years Project customer experience research has commenced with consultant support from "Today Strategic Design". Internal workshops have been held with key Council staff to develop customer empathy and high-level customer journey maps. Communication has been sent to a sample of Council families asking them to register to participate in the Early Years research. Research with other LGAs is complete and highlighted a couple of potential solutions on the market.
- ICT Pathway Program transition is progressing well. The model for ongoing vendor support to supplement internal support is in place, and a Platform Steering Committee is being finalised, which will see a business user group responsible for prioritising changes to the Pathway platform.

#### **2. CONFIDENTIALITY**

Confidential information is contained in Attachment 1 in the confidential agenda, in accordance with Sections 3 and 66 of the Local Government Act 2020 as the information relates to contractual matters; and the premature disclosure of the information could be prejudicial to the interests of Council or other persons.

The information also meets the definition of confidential information under the Local Government Act 2020 on the basis that the information includes:

- Council business information the disclosure of which may prejudice the Council's position in commercial negotiations; and/or
- Private commercial information that may unreasonably expose a business, commercial or financial undertaking to disadvantage if disclosed; and/or
- Information which has previously been declared as confidential information for the purposes of Section 77 of the Local Government Act 1989.

**Report Prepared By:** Chief Information Officer, Scott Coleman

**Report Authorised By:** Executive Manager Strategy, People & Culture, Interim Information Technology and Transformation (Change), Sam Stanton

### **Attachments**

1. ICT Capital Works Report [**12.1.1** - 3 pages]

Confidential Attachment 1 is circulated under separate cover.

## Knox City Council Project Status Report

16-Sep-2021

Project Number	Project Name
789	<b>Facilities Booking Solution</b>
All Wards	<p>The new Priava meeting room and fleet booking solution went live to staff on 14 Dec 2020. Additional meeting rooms for the new Operation Centre and Knox Community and Leisure Centres were made available for staff bookings.</p> <p>A planned second phase will commence in May 22 to extend booking capabilities to the general public enabling booking of Knox external facilities including halls, pavilions, reserves etc.</p>
812	<b>Asset Management Information System</b>
All Wards	<p>'Lifecycle' system is a critical tool to manage Council Assets. This project replaces the current Asset Management Information system with contemporary, modern, well supported equivalent that meets Council's current and future needs. The project is in implementation build/test/train stage with activity presently focused on configuration of Parks and Works processes. Integration to Pathway, KX, Computron and IntraMaps is being finalised with data validation of future processes near completion. Testing and training has commenced with key stakeholders and Confirm champions. The implementation delivery timeline for Stage 1 Parks and Works is in November 2021. Stage 2 Facilities, Plant and Fleet will be delivered in April 2022 followed by Stage 3 Renewals in May 2022.</p>
827	<b>Digital Customer Channels Transformation (DCCT) - Phase 3 Cust Portal &amp; Integration</b>
All Wards	<p>This phase will expand on earlier delivery of the program, with the implementation of a secure portal to Knox staff, a Knox business hub, and fully integrate with Knox systems. The phase will commence 2022.</p>
977	<b>Pathway Program</b>
All Wards	<p>The ICT funding for Pathway enhancements has concluded and ongoing development is transitioning to BAU operations in August and September. IT will continue to support Pathway and ePathway development as a core application at Knox. To support the transition, a new support model to support Pathway activities will be put in place. The IT Business Engagement team are currently leading a process to identify business needs regarding long-term Pathway support and designing a plan to support this.</p>
1031	<b>Spatial Capability</b>
All Wards	<p>The Spatial Capability program looks to improve processes and tools by utilising geographical information such as mapping. Spatial Capability is currently being delivered as an outcome of all ICT Projects, however remaining desired capability will be delivered near the end of the ICT Roadmap. The project is therefore on pause whilst the roadmap progresses and available GIS resources are engaged in other ICT projects. Geo Spatial Analyst is working to establish a GIS strategy and scope for the ICT Spatial Capability Project to restart.</p>
1034	<b>Business Intelligence</b>
All Wards	<p>This project is now complete. The Business Intelligence (BI) Project has finalised its set objectives to enable Council teams with BI and Analytics capability by implementing a structured approach to address BI and data related requests. Through the implementation project a total of 16 use cases across 11 departments were delivered over the last 12 months. Power Users have been identified and provided with advanced training on BI tools. The Strategy and BI team will continue to support business on BI and Analytics requirements following project closure in July 21.</p>

## Knox City Council Project Status Report

16-Sep-2021

Project Number	Project Name
<b>1036</b>	<b>HR System</b>
All Wards	This project is now complete. New systems are in place for Recruitment, Learning, Onboarding, Time and Attendance, Performance and Succession Planning. Formal handover has occurred with Strategy, People & Culture.
<b>1037</b>	<b>Project Management Office - ICT Governance</b>
All Wards	This budget allocation is to cover costs associated with ICT governance including independent members of the ICT Governance Committee.
<b>1242</b>	<b>Digital Customer Channels Transformation (DCCT) - Phase 1 Website Development</b>
All Wards	In August, the project team continued to perform project closure activity. Project retrospectives were held with internal stakeholders and vendors, with the goal of understanding what went well, areas where we can improve, and to document lessons learned. In September, the project team will decommission Knox's old website to ensure it is archived securely and available for future retrieval.
<b>1245</b>	<b>Corporate Reporting Solutions</b>
All Wards	Project Initiation Document approved by ICT Steering Committee 24/08/21 and will be presented to ICT Governance Committee 7/10/21 for endorsement. Benchmarking with other councils, process mapping and requirements gathering underway to inform project scope.
<b>1257</b>	<b>Project Management Office</b>
All Wards	Project Management Office oversees quality aspects of the overall Portfolio of ICT, and the budget for this function continues to be managed according to plan.
<b>1368</b>	<b>Enterprise Integration Platform</b>
All Wards	This project will deliver a new Enterprise Integration Platform which will manage integration between our disparate IT systems and reducing complexity when transferring data between them. The Enterprise Integration Platform Project Initiation Document (PID) was approved by Steering Committee on 24th August and will be presented for ICT Governance Committee endorsement in October. Initial Proof of Concept (PoC) contenders have been identified and are being engaged to secure licenses and software. Scoping for PoC is in progress and is expected to start by end of September
<b>1369</b>	<b>Master Data Management</b>
All Wards	Master Data Management (MDM) is a cultural change program focused on the collaborative effort between service areas, people, systems and processes to form a common understanding of how the Council will maintain and support key datasets.
	The project is progressing with the recruitment of a data lead, which will take the lead on forming our data management strategy. The Project Manager has resigned, so recruitment for a new PM will commence to align with the start of the new data lead. The team is concluding work on a problem statement, which will be required to complete project scoping.

## Knox City Council Project Status Report

16-Sep-2021

Project Number	Project Name
1371	<b>Participation Platform</b>
All Wards	This project is now complete. The Knox Have Your Say platform went live in February 2021. The solution underpins the policy and framework for Knox's engagement with the community on decision making that affects them. Additional staff awareness sessions and on-demand training are available to support the ongoing use of the tool.
1373	<b>Active Aging System Platform</b>
All Wards	The Active Aging Project will review service requirements, ensuring the correct solution is in place to meet process and technical requirements, whilst also delivering a better experience for our online community. The Active Ageing & Disability Services manager has requested that the ICT project is commenced later on the ICT roadmap to allow for an embedding of recent changes in service provision in the team. The current Carelink contract will expire in 2024 and the project will be established to tender for ongoing support will commence in 2022.
1374	<b>Early Years Platform</b>
	The Early Years Project will review key systems and processes currently used by the Early Years families, to improve their online experience requirements, avoid duplication, input effort and consistency of data between services. Customer experience research has commenced and initial workshops have been held with key staff to develop customer empathy and high level journey maps. Council benchmarking is complete and has identified some potential solutions. Drafting of the Scoping Document and high level requirements for a solution Expression of Interest is well underway.
1376	<b>Digital Customer Channels Transformation - DCCT Ph2</b>
All Wards	The project will implement a new Intranet to replace with a new modern equivalent to support staff effectiveness in service provision to our community. In August the project team focused on Project Initiation Document (PID) development. The PID defines the project approach and what is to be delivered. The PID will be presented to ICT Steering Committee in September and then to ICT Governance Committee early October for endorsement. Once the PID is approved the project team will conduct a procurement stage with the goal to engage a specialist to lead research and to define business requirements for a new staff intranet.
1377	<b>Cloud Solutions</b>
All Wards	Project waiting to be scheduled.
1379	<b>Customer Relationship Management (CRM)</b>
All Wards	Customer Relationship Management refers to all strategies, techniques, tools, and technologies used by Council for effectively servicing our community-based customers. This project is due to commence in late 2021 in line with the completion of the Customer Experience Strategy.



**13 Notices of Motion**

**14 Supplementary Items**

**14.1 Rent Relief for Commercial Tenants in Council Owned Facilities 2021**

This report will be circulated separately

**15 Urgent Business**

**16 Questions Without Notice**

**17 Confidential Items**

**17.1 Knox Basketball Inc - Request for Extension to Financial Assistance**

A confidential report is circulated under separate cover.

**17.2 Acquisition of Sites of Biological Significance - VicTrack Land**

A confidential report is circulated under separate cover.

**17.3 Knox Leisureworks COVID-19 Pandemic Relief**

A confidential report is circulated under separate cover.

# SUPPLEMENTARY AGENDA



Meeting of Council

To be held via Zoom

On

Monday 27 September 2021 at 7:00 PM

## 14 Supplementary Items

### 14.1 Rent Relief for Commercial Tenants in Council Owned Facilities 2021

**SUMMARY:** Acting Coordinator Property Management, Paige Kennett

**In August 2021, the Victorian State Government released regulations with respect to eligible lease rent relief for the period between 28 July 2021 to 15 January 2022. The temporary measures apply to tenants and landlords under certain eligible leases to mitigate the impacts of COVID-19 pandemic and related government restrictions.**

**Council has received requests from commercial tenants for rent relief in respect of eligible leases in Council owned property and these have been assessed according to the prescribed regulations.**

#### **RECOMMENDATION**

**That Council:**

- 1. Note the applications for rent relief from commercial tenants as detailed in Confidential Attachment 1.**
- 2. Approve an initial total rent relief offer for the months of August, September and October 2021 of \$8,145.71, broken down into \$4,072.86 waived rent, and \$4,072.86 deferred rent.**
- 3. Authorise the Chief Executive Officer to consider and approve all future commercial rent relief offers during the relevant period that meet regulation eligibility criteria.**
- 4. Authorise the Chief Executive Officer to execute any necessary lease variations in accordance with the Regulations to give effect to these resolutions.**

#### **1. INTRODUCTION**

In August 2021, the Victorian State Government released regulations with respect to eligible leases rent relief for the period of 28 July 2021 through to 15 January 2022. The temporary measures apply to tenants and landlords under certain eligible leases to mitigate the ongoing effects of COVID-19 pandemic. The regulations outline the relevant period, eligibility criteria, requirements of tenants and landlords, timelines and methodology for calculating rent relief offers.

Commercial tenants have requested rent relief for the relevant period. Officers have followed the Victorian Government Regulations to assess rent relief requests and offers for eligible commercial tenants.

This paper details the rent relief scheme, requests made to Council and proposed offers for initial eligible rent relief requests. Due to the uncertain distinction between 'debts, fees and charges' and how they relate to the Council to CEO delegation, this paper has been brought to Council.

Future rent relief requests are expected to be received by Council under the scheme, so subsequently Council delegation to the CEO is sought to enable efficient approval of additional eligible rent relief requests during the relevant period that meet the eligibility criteria that strictly fit within the regulations.

## 2. DISCUSSION

Under the current delegation from Council to the CEO, the CEO can waive any fees or charges with a limit of \$5,000. The reference to 'rates and charges' under the delegation are as described by Section 155 of the Local Government Act which does not include rent. The reference to 'fees' should be read as a reference to the 'fees and charges' set by Council as part of the annual budget process and therefore does not include rent. As there is no clear distinction for where the definition of 'rent' belongs, this matter has been brought to Council. This also provides an opportunity to delegate the CEO to make these decisions in future.

An overview of the Commercial Tenancy Relief Scheme Regulations 2021 applicable to Council as landlord are as follows:

- Relevant (protected) Period: 28 July 2021 to 15 January 2022.
- Part 3 of the Regulation: Landlords and tenants must work together cooperatively and act reasonably and in good faith in all discussions and actions to which the Regulations apply.

The tenant's request:

- A rent relief application must fulfil the below requirements to be valid:
  - a. A written request which includes a statement by the tenant that the tenant's lease is an eligible lease (lease entered into before 28 July 2021, and retail or non-retail commercial lease or licence), and
  - b. An eligible tenant (carried on a business in Australia, is an SME entity, satisfies the decline in turnover test), and
  - c. Is a Small to Medium Enterprise (SME) (with under \$50 million in turnover for the financial year).
- 2. The Regulations do request the tenant elect and provide a comparative consecutive 3-month period, to assess the revenue decline (within some guidelines).
- 3. The Regulations do stipulate that the tenant must provide evidence of turnover including at least one of the following: extracts of accounting records, tenants BAS, statement prepared by a practicing accountant, and include a statutory declaration that confirms the information provided is true and correct.
- 4. Turnover amounts, must include any State Government Grants received by the tenant.
- 5. The rent relief request requires one month of revenue, with comparison period, with the landlords offer applied for the months of August, September and October. Rent relief is reassessed thereafter.
- On receipt of a conforming request a landlord must offer rent relief within:
  - a. 14 days after receiving that request, otherwise it is assumed the landlord accepts the terms offered.
  - b. Likewise, on the 15<sup>th</sup> day after the tenant receives the landlords offer, the tenant is deemed to have accepted the landlords offer, unless the tenant has not agreed to the offer, or refers the matter to the Small Business Commission.

The rent relief offer from the landlord:

- Must be based on all the circumstances of the eligible lease, and:
  - a. Relate to up to 100% of the rent payable under the eligible lease during the period; and
  - b. At a minimum, be proportional to the tenant's decline in turnover;
  - c. Provide that no less than 50% of the rent relief offered be in the form of a waiver, unless otherwise agreed in writing; and
  - d. Apply to the relevant period (28 July 2021 through to 15 January 2022).

For rent that is waived:

- The rent amount agreed by both parties to be waived, must be included in a lease variation agreement for the relevant period.

Payment of rent that is deferred:

- Any rent that is agreed to be deferred must occur in accordance with regulations unless the parties agree in writing and:
  - A landlord must not request deferred rent payments before 15 January 2022;
  - The tenant must pay the deferred rent, amortised in equal amounts over a period, of 24 months or the balance of the lease term, whichever is greater and/or as agreed; and
  - A landlord may not charge interest, fees or charges in respect of any deferred rent (reg.17).

Rent increases:

- Landlords must not increase rent under the lease during the protection period (28 July 2021 through to 15 January 2022). Any rent increase applicable during this period are totally removed, and not applied at any future date.

The lease extension:

- The Regulations prescribes that if payment of rent during the relevant period is to be deferred, then the landlord must offer the tenant an extension to the term of its lease on the same terms and conditions that applied prior to the commencement of the Regulations; and
- The extension must be for the period for which rent is deferred, unless the parties agree in writing that the rent extension offer does not need to be equivalent to the rent deferred period.
- Once all rent relief offers have been concluded for the relevant period, any lease extensions as a result of any rent relief offers are recommended to be signed and sealed by the Chief Executive Officer in accordance with the report recommendation.

Where rent relief is agreed:

- Once the tenant and landlord agree to the rent relief offer, the Regulations state that it may be effected by a variation to the lease or separate agreement.

For prior approved rent relief under the COVID-19 Omnibus Regulations (which applies in these cases before Council):

- All previously agreed deferred rental payments are to be put on hold until after 15 January 2022, at which time the tenant will resume paying the pre-agreed deferred rental payments.
- No fees, interest or other charges are applicable to this deferred rental amount.

### **3. CONSULTATION**

Council officers have consulted with commercial tenants through the managing agents to ascertain their individual situation and receive the correct information in accordance with the regulations.

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

There are no environmental/amenity issues.

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

The commercial tenants that have requested rent relief are in varied situations, with most having to abide by a Government forced shutdown. In accordance with the Victorian Government Commercial Tenancy Relief Scheme Regulations 2021, council officers have requested and received all required documentation from commercial tenants that have requested rent relief, and calculated rent relief, with details provided in Confidential Attachment 1.

Based on the calculations for eligible and complete rent relief requests, it is recommended that Council provide an accumulated rent relief package for August, September and October of \$8,145.71, broken down into \$4,072.86 waived rent and \$4,072.86 deferred rent.

Council officers anticipate further rent relief requests during the relevant period (28 July 2021 to 15 January 2022), which as recommended to Council, will be referred to the Chief Executive Officer for decision.

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

Providing rent relief at this time encourages and supports Council's commercial tenants to remain in business and enables an accelerated recovery of our local economy from the COVID-19 pandemic.

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

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

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

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

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

#### **9. CONCLUSION**

Council is committed to supporting the community during COVID-19 pandemic. With the continuation of the Victorian Commercial Tenancy Relief Scheme Regulations for the COVID-19 pandemic, Council as landlord will support eligible commercial tenants with eligible leases in Council owned buildings, by working with them to offer rent relief that enables accelerated recovery from the COVID-19 pandemic.

## **10. CONFIDENTIALITY**

**Attachment 1 is included in the confidential agenda, having been declared confidential information pursuant to Section 77(2)(c) of the Local Government Act 1989, as the information relates to:**

- personal information, including names, addresses information that reveals a person's identity that would be unreasonable to disclose in a public report;
- private commercial information, that if released would unreasonably expose the business to disadvantage because it would release financial information about the business that is not generally available to their competitors.

It is also noted that Regulation 39 of the Commercial Tenancy Relief Scheme 2021 imposes confidentiality obligations on the parties with respect to protected information obtained under or in connection with the Regulations.

**Report Prepared By:                    Acting Coordinator Property Management, Paige Kennett**

**Report Authorised By:                Director City Strategy and Integrity, Matt Kelleher**

### **Attachments**

Confidential Attachment 1 is circulated under separate cover