

Instrument of Delegation by the Council

Port Phillip City Council

Instrument of Delegation

to

The Chief Executive Officer

Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989 (the Act)* and all other powers enabling it, the Port Phillip City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 25 March 2020;
2. the delegation
 - 2.1.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.1.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.1.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.1.4 remains in force until Council resolves to vary or revoke it, or in the event that a quorum cannot be formed or maintained, then the delegations may be amended by agreement of both the Mayor and the CEO.

THE COMMON SEAL of Port Phillip City Council was hereunto affixed in the presence of:

Mayor

Chief Executive Officer

SCHEDULE

Delegates to the CEO, including the power to on delegate, noting that these powers can only be used as a result of COVID-19 State Emergency (or a State of Disaster, if activated) and where, in the opinion of the CEO, Council and/or the Planning Committee cannot meet or if they can meet cannot maintain a quorum, the following additional planning powers in relation to determining all planning permit applications or amendments to planning permits, as detailed in 3.2 and 3.3 where:

- 3.2.1 The application has not been refused under delegation and 16 or more objections are received.
 - 3.2.2 The application raises strategic or substantive policy issues.
 - 3.2.3 The application involves substantive non-compliance with the Planning Scheme or Council Policy, but officers consider the application should be supported.
 - 3.2.4 The application involves non-compliance with residential parking requirements.
 - 3.2.5 The application involves the total demolition of a building in a heritage overlay.
 - 3.2.6 The application involves non-compliance with Performance Measure 1 (Line of sight) of the Heritage Policy.
 - 3.2.7 The application involves land use for accommodation in the Fishermans Bend Urban Renewal Area.
 - 3.2.8 The application involves all development including development for the purposes of accommodation in the Fishermans Bend Urban Renewal Area.
 - 3.2.9 The application exceeds six storeys in height in the area covered by Sub precinct 2 in Schedule 26 to the Design and Development Overlay in the Port Phillip Planning Scheme, for the St Kilda Road North precinct.
 - 3.2.10 The application is in relation to all land use, design and structural matters, including amendments and secondary consents to the approved Seabaths Development Plan.
 - 3.2.11 The application requires comments to be provided to the Minister for Planning where the Minister is the Responsible Authority for a statutory planning application or a matter before an Advisory Committee.
 - 3.2.12 The application requires the instruction of Council's Statutory Planners and/or Council's solicitors in relation to any application for review lodged with VCAT, or an application for a planning scheme amendment or an application before an Advisory Committee.
- 3.3 The power to object to an application within an abutting municipality.
- 3.4 Delegates to the CEO the ability to adjust Council service levels as a result of COVID-19 State Emergency (or a State of Disaster, if activated), to enable the organisation to mitigate risks associated with COVID-19 or comply with Australian and or Victorian Government requirements. The CEO will arrange to pre-brief Councillors on the intention to exercise this delegation and seek advice from Councillors on each occasion prior to its use, wherever practicable, and will notify the Council on each

occasion that this delegation is exercised as well as ensuring that any instance that this delegation is utilised is also placed on Council's website to ensure transparency of decisions made.

- 3.5 Delegates to the CEO the ability to make urgent decisions as a result of COVID-19 State Emergency (or a State of Disaster, if activated), if Council is, in the opinion of the CEO, incapable of forming a quorum at an Ordinary or a Special meeting to pass a resolution. The CEO will arrange to pre-brief Councillors on the intention to exercise this delegation and seek advice from Councillors on each occasion prior to its use, wherever practicable, and will notify the Council on each occasion that this delegation is exercised as well as ensuring that any instance that this delegation is utilised is also placed on Council's website to ensure transparency of decisions made.
- 3.6 Notes that all planning determinations made under this delegation, will be reported monthly to Councillors and also placed on Council's website to ensure transparency of the decisions made.
- 3.7 Makes these delegations and any further amendments to them by Council resolution or in the event that a quorum cannot be formed or maintained, then the delegations may be amended by agreement of both the Mayor and the CEO.