

**Retention and Disposal Authority for Records of the Planning
Referral Management Function**

Authority number: PROS 23/07



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**Retention and Disposal
Authority for Records of the
Planning Referral
Management Function**

Status Date: 13/10/2023

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INTRODUCTION

Context

Context

This Retention and Disposal Authority provides authorisation for records documenting the function of receiving referrals made to the Department of Transport and Planning in its capacity as a referral authority under the planning and environment legislation.

Referrals are received from planning authorities for expert advice, recommendations or determinations of the impact of a proposed:

- amendments to planning schemes or provisions in relation to a site/location
- change in proposed use of land
- changes resulting from other strategic planning processes
- major infrastructure project.

Referrals are made where there is a potential impact on the transport network at the site/location of a proposed amendment/change/project.

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Retention and Disposal Authority for Records of the Planning Referral Management Function

Retention and Disposal Authority No	PROS 23/07
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Scope	This RDA authorises the disposal of records of the planning referral management function performed by the Department of Transport and Planning.
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Status	Issued by Keeper
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Issue Date	13 October 2023
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List of Functions and Activities covered

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Introduction

Purpose of this Authority

The purpose of this Authority is to provide a mechanism for the disposal of public records in accordance with the *Public Records Act 1973*.

The Authority:

- identifies records which are worth preserving permanently as part of Victoria's archival heritage
- prevents the premature destruction of records which need to be retained for a specified period to satisfy legal, financial and other requirements of public administration, and
- authorises the destruction of those records not required permanently.

Context of this Authority

Public Record Office Victoria Standards

This Authority should be used in conjunction with the Standards issued by the Keeper of Public Records under Section 12 of the *Public Records Act 1973*. Copies of all relevant PROV standards, specifications and regulatory advice can be downloaded from www.prov.vic.gov.au. These documents set out the procedures that must be followed by Victorian public offices.

Disposal of records identified in the Authority

Disposal of public records identified in this Authority must be undertaken in accordance with the requirements of Public Record Office Standard - *Disposal*.

It is a criminal offence to unlawfully destroy a public record under s 19(1) of the *Public Records Act 1973*.

The destruction of a public record is not unlawful if done in accordance with a Standard established under s 12 of the *Public Records Act 1973*.

This Standard (also known as an Authority) authorises the disposal of public records as described within its provisions. However, disposal is **not** authorised under this Standard if it is reasonably likely that the public record will be required in evidence in a current or future legal proceeding.

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For the purposes of this Retention and Disposal Authority, a 'legal proceeding' has the same meaning as the *Evidence (Miscellaneous Provisions) Act 1958*, and includes any civil, criminal or mixed proceeding and any inquiry in which evidence is or may be given before any court or person acting judicially, including a Royal Commission or Board of Inquiry under the *Inquiries Act 2014*.

Under PROS 22/04 Disposal Standard, authorisation to destroy public records is WITHDRAWN and NOT GIVEN (even if specified in an RDA or other authorised disposal instrument) if:

- it is reasonably likely that they will be needed in a current or future legal proceeding. This includes any civil or criminal proceeding or an inquiry where evidence may be given before a court or person acting judicially such as a Royal Commission or Board of Inquiry
- they are required for meeting any Freedom of Information (FOI) applications which are not finalised
- they are required for audits or investigations which are not yet finalised; and/or
- they are subject to disposal freezes applied by government or by the organisation.

If the public office identifies that public records must be retained under other applicable legislation for a period that exceeds the retention period specified under the Standards, then the longer retention period must apply.

Normal Administrative Practice

PROS 22/04 Disposal Standard authorises the destruction of some public records under Normal Administrative Practice (NAP) principles. Low value facilitative records described below are authorised for destruction by *PROS 22/04* under NAP principles:

- working documents, such as notes or calculations, used to assist in the preparation of other records
- minor drafts and transitory documents, where the content is reproduced elsewhere, and the information will not be needed to show how the work has progressed or actions approved
- minor updates of content, such as those in databases, which will not be needed to show actions, decisions, or approvals
- communications for the purpose of making minor arrangements
- duplicate copies.

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Transfer of records to Public Record Office Victoria

Contact Public Record Office Victoria for further information on procedures for transferring permanent records to archival custody.

Use of Other Authorities

In applying the disposal sentences set out in this Authority, reference should be made to other current Authorities where applicable. Where there is a conflict between two Authorities (for instance this Authority and the General Retention and Disposal Authority for Records of Common Administrative Functions), consult the Public Record Office Victoria for advice.

Explanation of Authority Headings

Class Number

The class number or entry reference number provides citation and ease of reference.

Description

The description of each record class is specified in this entry. A record class is a group of records that relate to the same activity, function or subject and require the same disposal action.

Status

This entry provides the archival status of each class - either permanent or temporary.

Custody

This entry specifies whether the records are to be retained by the public office or transferred to the Public Record Office Victoria. Permanent records must be managed and transferred in accordance with PROV Standards.

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Establishment of Standard

Pursuant to Section 12 of the *Public Records Act 1973*, I hereby establish these provisions as a Standard (also known as a Retention and Disposal Authority) applying to Department of Transport and Planning. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked.

[Approved]

Justine Heazlewood, Keeper of Public Records

Date of Issue: 13/10/2023

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No	Function/Description	Status	Disposal Action
1.0	<p>Planning Referral Management</p> <p>The function of receiving referrals made to the Department in its capacity as a referral authority under the planning and environment legislation.</p> <p>Referrals are received from planning authorities for expert advice, recommendations or determinations of the impact of a proposed:</p> <ul style="list-style-type: none"> • amendments to planning schemes or provisions in relation to a site/location • change in proposed use of land • changes resulting from other strategic planning processes • major infrastructure project. <p>Referrals are made where there is a potential impact on the transport network at the site/location of a proposed amendment/change/project.</p>		
1.1	<p>Records of continuing value documenting planning referrals. Includes:</p> <ul style="list-style-type: none"> • detailed responses to planning referrals including discussion of the issues and analysis leading to advice, recommendations or determinations • preparation and participation in appeal processes which result in a change to the response to/outcome of the referral • records that summarise the receipt, consideration and response to planning referrals. Summary record includes the referral number, date received, referrer details, reason for the referral, clauses in the planning and environment legislation that require the referral to be made, site/location details, applicable planning schemes, date of response, outcome, conditions, and any appeal details. <p>Covers all forms of transport planning: road, rail, freight, ferry etc.</p>	Permanent	Retain as State Archives, Transfer to PROV
1.2	Records of short-term value documenting the preparation and participation in appeals to a planning referral response which do not result in a change to the	Temporary	Destroy 15 years after administrative

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No	Function/Description	Status	Disposal Action
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Planning Referral Management

	advice provided and/or in which the outcome of the referral is upheld.		use has concluded.
1.3	Records of very short term administrative value documenting: <ul style="list-style-type: none"> • covering notes, delivery messages and other adjuncts to the receipt of referrals for transport planning advice • drafts and other operational or facilitative records supporting the consideration of the referral and development of the response • subsets of summary information on planning referrals prepared for delivery to the public. 	Temporary	Destroy 2 years after administrative use has concluded.