

ATTACHMENT 1

Glen Eira City Council

Instrument of Delegation

to

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, Glen Eira 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 as follows:

1. this Instrument of Delegation is authorised by resolution of Council passed on [18 December 2018](#), and
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; and
 - 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 varied or revoked;
3. the member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

The seal of Glen Eira City)
Council was affixed hereto)
in the presence of:)

..... **Councillor**

..... **Chief Executive Officer**

Date:

SCHEDULE

The power to:

1. determine any issue;
2. take any action; or
3. do any act or thing,

arising out of or connected with any duty imposed or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing:

4. if the issue, action, act or thing is an issue, action, act or thing which involves:
 - 4.1. making a local law under Part 5 of the Act;
 - 4.2. approval of the Council Plan under s.125 of the Act;
 - 4.3. adoption of the Strategic Resource Plan under s.126 of the Act;
 - 4.4. preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 4.5. adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 4.6. ~~awarding or signing a contract or agreement for the purchase of goods or services, or for the carrying of works:~~
 - (a) in relation to roads or drains or the procurement of insurance, to the value of \$1,000,000 (including GST) or more;
 - (b) in relation to all other contracts or agreements, to the value of \$500,000 (including GST) or more;
 - 4.7. determining pursuant to s.37 of the Act that an extraordinary vacancy on Council be filled;
 - 4.8. determining the level of cash in lieu of car parking payment under a town planning permit where a contributions plan has been implemented by Council;
 - 4.9. accepting an offer to purchase land from a discontinued road or a former reserve which vests in Council, where the proposed sale price determined in accordance with Council policy is greater than \$200,000 (including GST);
 - 4.10. subject to section 4.9, the acquisition or disposition of a legal interest in land or buildings other than discontinued roads or former reserves which vest in Council, except where a lease is a renewal or variation of an existing agreement and the lease is consistent with the Council's Community Leases Policy (or similar approved policy) and the variation does not change the area of land occupied;
 - 4.11. deciding that all voting at an election or poll of voters is to be by means of postal voting under s.41A of the Act;
 - 4.12. appointment of councillor or community delegates or representatives to external organisations; or

- 4.13. the return of the general valuation.
5. If the issue, action, act or thing is an issue, action, act or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
6. If the determining of the issue, taking of the action or doing of the act or thing would or be likely to involve a decision which is inconsistent with a:
- 6.1. policy; or
- 6.2. strategy adopted by Council; or
7. if the determining of the issue, taking of the action or doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise;
8. if the determining of the issue, 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.

ATTACHMENT 2

Glen Eira City Council

Instrument of Delegation

to

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, Glen Eira 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 as follows:

1. this Instrument of Delegation is authorised by resolution of Council passed on 18 December 2018, and
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; and
 - 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 varied or revoked;
3. the member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

The seal of Glen Eira City)
Council was affixed hereto)
in the presence of:)

..... **Councillor**

..... **Chief Executive Officer**

Date:

SCHEDULE

The power to:

1. determine any issue;
2. take any action; or
3. do any act or thing,

arising out of or connected with any duty imposed or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing:

4. if the issue, action, act or thing is an issue, action, act or thing which involves:
 - 4.1. making a local law under Part 5 of the Act;
 - 4.2. approval of the Council Plan under s.125 of the Act;
 - 4.3. adoption of the Strategic Resource Plan under s.126 of the Act;
 - 4.4. preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 4.5. adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 4.6. awarding a contract:
 - (a) in relation to roads or drains or the procurement of insurance, to the value of \$1,000,000 (including GST) or more;
 - (b) in relation to all other contracts or agreements, to the value of \$500,000 (including GST) or more;
 - 4.7. determining pursuant to s.37 of the Act that an extraordinary vacancy on Council be filled;
 - 4.8. determining the level of cash in lieu of car parking payment under a town planning permit where a contributions plan has been implemented by Council;
 - 4.9. accepting an offer to purchase land from a discontinued road or a former reserve which vests in Council, where the proposed sale price determined in accordance with Council policy is greater than \$200,000 (including GST);
 - 4.10. subject to section 4.9, the acquisition or disposition of a legal interest in land or buildings other than discontinued roads or former reserves which vest in Council, except where a lease is a renewal or variation of an existing agreement and the lease is consistent with the Council's Community Leases Policy (or similar approved policy) and the variation does not change the area of land occupied;
 - 4.11. deciding that all voting at an election or poll of voters is to be by means of postal voting under s.41A of the Act;
 - 4.12. appointment of councillor or community delegates or representatives to external organisations; or

- 4.13. the return of the general valuation.
5. If the issue, action, act or thing is an issue, action, act or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
 6. If the determining of the issue, taking of the action or doing of the act or thing would or be likely to involve a decision which is inconsistent with a:
 - 6.1. policy; or
 - 6.2. strategy adopted by Council; or
 7. if the determining of the issue, taking of the action or doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise;
 8. if the determining of the issue, 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.

ATTACHMENT 3

S6. Instrument of Delegation – Members of Staff

Glen Eira City Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

In exercise of the power conferred by section 188 of the *Planning and Environment Act 1987* and section 98(1) of the *Local Government Act 1989*, Glen Eira City Council (**Council**):

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

2. record that references in the Schedule are as follows:
 - 'CCSPP' means Coordinator City Strategy and Place Planning;
 - 'CPBC' means Coordinator ~~Building Services~~, Planning and Building Compliance;
 - 'CUP' means Coordinator Urban Planning;
 - 'CUPV' means VCAT Coordinator;
 - '~~DEIEL~~' means Director ~~Environment and Infrastructure~~; ~~Infrastructure~~, ~~Environment and Leisure~~;
 - 'DPP' means Director Planning and Place;
 - 'ESC' means Engineering Services Coordinator;
 - '~~GMP~~' means ~~Group Manager Projects and Infrastructure~~;
 - 'MCF' means Manager City Futures;
 - 'MCSC' means Manager Community Safety and Compliance;
 - '~~MPI~~' means ~~Manager Projects and Infrastructure~~;
 - 'MUP' means Manager Urban Planning;
 - '~~PBCM~~' means ~~Planning and Building Compliance Manager~~;
 - 'PCESO' means Planning Customer Experience and Support Officer and Coordinator Planning Customer Experience and Support;
 - 'PStratP' means Principal Strategic Planner;
 - 'PUP' means Principal Urban Planner;
 - 'PUPS' means Principal Urban Planner (Subdivisions);
 - '~~SO~~' means ~~Subdivision Officer~~;
 - 'SPCEO' means Senior Planning Customer Experience Officer;
 - 'Specific Planning Officers' means CCSPP, CUP, CUPV, DPP, MCF, MCSC, MUP, ~~PBCM~~~~CPBC~~, PStratP, PUP, PUPS, SPCEO, SO, SUP, StratP, SStratP and UP;
 - 'SUP' means Senior Urban Planner;
 - 'StratP' means Strategic Planner;
 - 'SStratP' means Senior Strategic Planner; and
 - 'UP' means Urban Planner.

- declares that:
 - 2.1 this Instrument of Delegation is authorised by resolution of Council passed on 18 December 2018; and
 - 2.2 the delegation:
 - 2.2.1 comes into force immediately 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 3.3, 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 Council; 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, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; 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.

The seal of Glen Eira City)
 Council was affixed hereto in)
 the presence of:)

_____ Councillor

_____ Chief Executive Officer

SCHEDULE

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Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4B	power to prepare an amendment to the Victorian Planning Provisions	Specific Planning Officers	-if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	Specific Planning Officers	
s.4H	duty to make amendment to Victorian Planning Provisions available	Specific Planning Officers	
s.4I	duty to keep Victorian Planning Provisions and other documents available	Specific Planning Officers	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	Specific Planning Officers	
s. 8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	Not delegated	
s.8A(5)	function of receiving notice of the Minister's decision	Specific Planning Officers	
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	DPP MUP MCF	
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	Not delegated	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(3)	power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	Specific Planning Officers	
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>)	Specific Planning Officers	
s.12B(1)	duty to review planning scheme	DPP MUP MCF	
s.12B(2)	duty to review planning scheme at direction of Minister	DPP MUP MCF	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	DPP MUP MCF	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	Specific Planning Officers	
s.17(1)	duty of giving copy amendment to the planning scheme	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(2)	duty of giving copy s.173 agreement	Specific Planning Officers	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	Specific Planning Officers	
s.18	duty to make amendment etc. available	Specific Planning Officers	
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	DPP MUP MCF	
s.19	function of receiving notice of preparation of an amendment to a planning scheme	Specific Planning Officers	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	Specific Planning Officers	
s.21(2)	duty to make submissions available	Specific Planning Officers	
s.21A(4)	duty to publish notice in accordance with section	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.22	duty to consider all submissions	Specific Planning Officers	except submissions which request a change to the items in s.22(5)(a) and (b)
s.23(1)	After considering submissions, change amendment, refer to a panel or abandon amendment.	Not delegated	
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	Specific Planning Officers	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	Not delegated	
s.24	function to represent Council and present a submission at a panel hearing (including a hearing referred to in section 96D)	Specific Planning Officers	
s.26(1)	power to make report available for inspection	Specific Planning Officers	
s.26(2)	duty to keep report of panel available for inspection	Specific Planning Officers	
s.27(1)	duty to consider panel's report	Not delegated	
s.27(2)	power to apply for exemption if panel's report not received	Not delegated	
s.28	duty to notify the Minister if abandoning an amendment	Specific Planning Officers	note: the power to make a decision to abandon an amendment cannot be delegated
s.29	Power to adopt amendment	Not delegated	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.30(4)(a)	duty to say if amendment has lapsed	Specific Planning Officers	
s.30(4)(b)	duty to provide information in writing upon request	Specific Planning Officers	
s.32(2)	duty to give more notice if required	Specific Planning Officers	
s.33(1)	duty to give more notice of changes to an amendment	Specific Planning Officers	
s.36(2)	duty to give notice of approval of amendment	Specific Planning Officers	
s.38(5)	duty to give notice of revocation of an amendment	Specific Planning Officers	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	Specific Planning Officers	
s.40(1)	function of lodging copy of approved amendment	Specific Planning Officers	
s.41	duty to make approved amendment available	Specific Planning Officers	
s.42	duty to make copy of planning scheme available	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46AS(ac)	power to request the Victorian Planning Authority (VPA) to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	Not delegated	
s.46AW	function of being consulted by the Minister	DPP MUP MCF	where Council is a responsible public entity
s.46AX	function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy power to endorse the draft Statement of Planning Policy	Not delegated	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	DPP MUP MCF	where Council is a responsible public entity
s.46AZK	duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	DPP MUP MCF	where Council is a responsible public entity
s.46GF	duty to comply with directions issued by the Minister	DPP MUP MCF	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	DPP MUP MCF Specific Planning Officers	
s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	DPP DPP MUP MCF	Where Council is a collecting agency
s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	DPP DPP MUP MCF	Where Council is a collecting agency
s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	DPP DPP MUP MCF	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46G(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under Part 2 of the Planning and Environment Act 1987	DIE DEI DPP GMP MP I MUP MCF	must be done in accordance with Local Government Act 1989
s.46G(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	DIE DEI DPP GMP MP I MUP MCF	
<u>s.46G(2)(b)(i)</u>	<u>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</u>	Not delegated	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.46G(3)	duty to apply levy amount only in accordance with s.46G(3)(a) and (b)	DIE DEI DPP GMP MP I MUP MCF	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46G(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the Planning and Environment Act 1987 if satisfied that the development is not to proceed	DEI DPP GMP MPI MUP MCF	
s.46G(5)	duty to take action described in s.46G(5)(c) - (e) where s.46G(5)(a) and (b) applies.	DEI DPP GMP MPI MUP MCF	
<u>s.46G(1)</u>	<u>function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans</u>	<u>DPP</u> <u>MUP</u> <u>MCF</u>	
<u>s.46GK</u>	<u>duty to comply with a Minister's direction that applies to Council as the planning authority</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	DEI DPP GMP MPI MUP MCF	Where Council is a collecting agency	
s.46GM	duty to prepare report and give a report to the Minister	DEI DPP GMP MPI MUP MCF	Where Council is a collecting agency or development agency	
<u>s.46GN(1)</u>	<u>duty to arrange for estimates of values of inner public purpose land</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>		
<u>s.46GO(1)</u>	<u>duty to give notice to owners of certain inner public purpose land</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
<u>s.46GP</u>	<u>function of receiving a notice under s.46GO</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	<u>where Council is the collecting agency</u>	
<u>s.46GQ</u>	<u>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</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>		
<u>s.46GR(1)</u>	<u>duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>		
<u>s.46GR(2)</u>	<u>power to consider a late submission</u> <u>duty to consider a late submission if directed to do so by the Minister</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
<u>s.46GS(1)</u>	<u>power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s.46GQ</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>		
<u>s.46GS(2)</u>	<u>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</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>		
<u>s.46GT(2)</u>	<u>duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>		
<u>s.46GT(4)</u>	<u>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</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
<u>s.46GT(6)</u>	function of receiving, from the valuer-general, written notice of a determination under s.46GT(5)	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>		
<u>s.46GU</u>	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	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>		
<u>s.46GV(3)</u>	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	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the collecting agency	
<u>s.46GV(3)(b)</u>	power to enter into an agreement with the applicant	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the collecting agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
<u>s.46GV(4)(a)</u>	<u>function of receiving the inner public purpose land in accordance with s.46GV(5) and (6).</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	<u>where Council is the development agency</u>	
<u>s.46GV(4)(b)</u>	<u>function of receiving the inner public purpose land in accordance with s.46GV(5) and (6).</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	<u>where Council is the collecting agency</u>	
<u>s.46GV(7)</u>	<u>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</u>	<u>Specific Planning Officers</u>		
<u>s.46GV(9)</u>	<u>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</u>	<u>DEI</u> <u>DPP</u> <u>MUP</u> <u>MCF</u>	<u>where Council is the collecting agency</u>	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
<u>s.46GX(1)</u>	power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the collecting agency	
<u>s.46GX(2)</u>	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	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the collecting agency	
<u>s.46GY(1)</u>	duty to keep proper and separate accounts and records	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the collecting agency	
<u>s.46GY(2)</u>	duty to keep the accounts and records in accordance with the <u>Local Government Act 1989</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the collecting agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
<u>s.46GZ(2)(a)</u>	duty to forward any part of the monetary component that is imposed for plan preparation costs to the <u>planning authority that incurred those costs</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is that <u>planning authority</u>	
<u>s.46GZ(2)(a)</u>	<u>function of receiving the monetary component</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where the Council is the planning authority this duty does not apply where Council is also the <u>collecting agency</u>	
<u>s.46GZ(2)(b)</u>	duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the <u>development agency that is specified in the plan as responsible for those works, services or facilities</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the collecting agency under an approved infrastructure contributions plan this provision does not apply where Council is also the <u>relevant development agency</u>	
<u>s.46GZ(2)(b)</u>	<u>function of receiving the monetary component</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the development agency under an approved infrastructure contributions plan this provision does not apply where Council is also the <u>collecting agency</u>	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
<u>s.46GZ(4)</u>	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 <u>forwarded to a development agency under s.46GZ(5)</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the collecting agency under an approved infrastructure contributions plan	
<u>s.46GZ(5)</u>	duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	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	
<u>s.46GZ(5)</u>	function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the development agency specified in the approved infrastructure contributions plan this provision does not apply where Council is also the collecting agency	
<u>s.46GZ(7)</u>	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	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the collecting agency under an approved infrastructure contributions plan	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
<u>s.46GZ(9)</u>	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	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	if any inner public purpose land is vested in Council under the <u>Subdivision Act 1988</u> 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	
<u>s.46GZ(9)</u>	function of receiving the fee simple in the land	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the development agency under an approved infrastructure contributions plan this duty does not apply where Council is also the collecting agency	
<u>s.46GZA(1)</u>	duty to keep proper and separate accounts and records	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is a development agency under an approved infrastructure contributions plan	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
<u>s.46GZA(2)</u>	duty to keep the accounts and records in accordance with the <u>Local Government Act 1989</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is a development agency under an approved infrastructure contributions plan	
<u>s.46GZB(3)</u>	duty to follow the steps set out in s.46GZB(3)(a) – (c)	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is a development agency under an approved infrastructure contributions plan	
<u>s.46GZB(4)</u>	duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	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	
<u>s.46GZD(2)</u>	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)	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the development agency under an approved infrastructure contributions plan	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2		Column 3	Column 4
PROVISION	THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS
<u>s.46GZD(3)</u>	<u>duty to follow the steps set out in s.46GZD(3)(a) and (b)</u>		<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	<u>where Council is the collecting agency under an approved infrastructure contributions plan</u>
<u>s.46GZD(5)</u>	<u>duty to make payments under s.46GZD(3) in accordance with ss.46GZD(5)(a) and 46GZD(5)(b)</u>		<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	<u>where Council is the collecting agency under an approved infrastructure contributions plan</u>
<u>s.46GZE(2)</u>	<u>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</u>		<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	<u>where Council is the development agency under an approved infrastructure contributions plan</u> <u>this duty does not apply where Council is also the collecting agency</u>
<u>s.46GZE(2)</u>	<u>function of receiving the unexpended land equalisation amount</u>		<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	<u>where Council is the collecting agency under an approved infrastructure contributions plan</u> <u>this duty does not apply where Council is also the development agency</u>

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
<u>s.46GZF(3)</u>	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in <u>s.46GZE(3)(a) and (b)</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the collecting agency under an approved infrastructure contributions plan	
<u>s.46GZF(2)</u>	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	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the development agency under an approved infrastructure contributions plan	
<u>s.46GZF(3)</u>	duty, if land is sold under s.46GZF(2)(b), to follow the steps in <u>s.46GZF(3)(a) and (b)</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the development agency under an approved infrastructure contributions plan	
<u>s.46GZF(3)</u>	<u>s.46GZF(3)(a) function of receiving proceeds of sale</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the collection agency under an approved infrastructure contributions plan this provision does not apply where Council is also the development agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
<u>s.46GZF(4)</u>	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 <u>s.46GZF(5)</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the collecting agency under an approved <u>infrastructure contributions plan</u>	
<u>s.46GZF(6)</u>	duty to make the payments under <u>s.46GZF(4)</u> in accordance with <u>s.46GZF(6)(a) and (b)</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the collecting agency under an approved <u>infrastructure contributions plan</u>	
<u>s.46GZH</u>	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	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is the collecting agency under an approved <u>infrastructure contributions plan</u>	
<u>s.46GZI</u>	duty to prepare and give a report to the Minister at the times required by the Minister	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	where Council is a collecting agency or development agency	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
<u>s.46GZK</u>	<u>power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council</u>	Not delegated	where Council is a <u>collecting agency or development agency</u>
<u>s.46LB(3)</u>	<u>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)</u>	<u>DEI</u> <u>DPP</u> <u>MPI</u> <u>MUP</u> <u>MCF</u>	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	Specific Planning Officers	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	Specific Planning Officers	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	Specific Planning Officers	Power to reduce or waive infrastructure levy is limited to DIE <u>DEI</u> , DPP, MUP, MCF
s.46O(1)(a) & (2)(a)	power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	-Specific Planning Officers	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	-Specific Planning Officers	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	DUE-DEI DPP GMP/MP/ MUP MCF	
s.46Q(1)	duty to keep proper accounts of levies paid	-Specific Planning Officers	
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	Specific Planning Officers	
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	-Specific Planning Officers	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	DUE-DEI DPP MUP MCF	only applies when levy is paid to Council as a 'development agency'

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46Q(4)(c)	duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s.46Q(4)(a)	DUP MUP MCF	must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	Specific Planning Officers	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	DPP	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	Specific Planning Officers	
s.46QD	duty to prepare report and give a report to the Minister	DELE DPP GMP/MP MUP MCF	where Council is a collecting agency or development agency
<u>s.46V(3)</u>	<u>duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available</u>	<u>PCESO</u> <u>Specific Planning Officers</u>	
<u>s.46Y</u>	<u>duty to carry out works in conformity with the approved strategy plan</u>	<u>Specific Planning Officers</u>	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
<u>s.47</u>	<u>power to decide that an application for a planning permit does not comply with that Act</u>	Specific Planning Officers	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	-PCESO Specific Planning Officers	
s.49(2)	duty to make register available for inspection	-PCESO Specific Planning Officers	
s.50(4)	duty to amend application	Specific Planning Officers	
s.50(5)	power to refuse to amend application	Specific Planning Officers	
s.50(6)	duty to make note of amendment to application in register	PCESO Specific Planning Officers	
s.50A(1)	power to make amendment to application	PCESO Specific Planning Officers	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.50A(4)	duty to note amendment to application in register	PCESO Specific Planning Officers	
s.51	duty to make copy of application available for inspection	<u>PCESO</u> Specific Planning Officers	
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	Specific Planning Officers	
s.52(1)(b)	duty to give notice of the application to other municipal Councils where appropriate	Specific Planning Officers	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	Specific Planning Officers	
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	Specific Planning Officers	
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	Specific Planning Officers	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally <u>affected</u>	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	Specific Planning Officers	
s.52(3)	power to give any further notice of an application where appropriate	Specific Planning Officers	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	Specific Planning Officers	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	Specific Planning Officers	
s.54(1)	power to require the applicant to provide more information	Specific Planning Officers	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	Specific Planning Officers	
s.54(1B)	duty to specify the lapse date for an application	Specific Planning Officers	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	Specific Planning Officers	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	Specific Planning Officers	
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	DPP MUP MCF	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Specific Planning Officers	
s.57(5)	duty to make available for inspection copy of all objections	Specific Planning Officers	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	Specific Planning Officers	
s.57A(5)	power to refuse to amend application	Specific Planning Officers	
s.57A(6)	duty to note amendments to application in register	PCESO Specific Planning Officers	
s.57B(1)	duty to determine whether and to whom notice should be given	Specific Planning Officers	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	Specific Planning Officers	
s.57C(1)	duty to give copy of amended application to referral authority	PCESO Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.58	duty to consider every application for a permit	Specific Planning Officers	
s.58A	power to request advice from the Planning Application Committee	DPP MUP MCF	
s.60	duty to consider certain matters	Specific Planning Officers	
s60(1A)	duty to consider certain matters.	Specific Planning Officers	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(1)	power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	-Specific Planning Officers	The exercise of this power is limited to the following circumstances: i) there have been five or fewer <u>no more than five</u> objections lodged; and ii) the application amending plan is generally in compliance with existing policy or guidelines; and iii) <u>the application has not been referred to the Council or the Delegated Planning Forum for determination;</u> and the application has not been called-in by a Councillor for determination at a Council meeting. The power cannot be exercised where: i) an application is for use of land for a brothel; or ii) an application is for use of land for gaming machines; or iii) an application is for extension of time for tennis court illumination beyond 10.00pm; or iv) a proposal involves dwellings exceeding one level, except where the delegate is DPP or MUP who may grant a permit allowing a double storey development. The permit must not be inconsistent with a <u>C</u>ultural Heritage management plan under the <i>Aboriginal Heritage Act 2006</i>. The power to refuse a permit can only be exercised where the delegate considers that: i) the application is contrary to law; or ii) the application is inconsistent with policy; or iii) a referral authority has directed refusal; or iv) the applicant has failed to carry out a direction pursuant to the Planning Scheme or <u>Planning and Environment Act 1987 or Planning Scheme</u>.

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(1)	power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	DPP MUP CUP CUPV	<u>The exercise of this power is limited as follows:</u> the delegation may only be exercised where there have been more than 5 objections but no more than 15 objections lodged or fewer objections lodged; where an application has been referred to the Delegated Planning Forum; the delegation to must be exercised at a Delegated Planning Forum. The exercise of this power is limited to the following circumstances: i) the delegation may only be exercised where there have been more than 5 objections but no more than 15 objections lodged; and ii) the delegation must be exercised at a Delegated Planning Forum; and iii) the application has not been called-in by a Councillor for determination at a Council meeting. The power cannot be exercised where: i) an application is for use of land for a brothel; or ii) an application is for use of land for gaming machines. The permit must not be inconsistent with a Cultural Heritage Management Plan under the <u>Aboriginal Heritage Act 2006</u>. The power to refuse a permit can only be exercised where the delegate considers that: i) the application is contrary to law; or ii) the application is inconsistent with policy; or iii) a referral authority has directed refusal; or iv) the applicant has failed to carry out a direction pursuant to the <u>Planning and Environment Act 1987</u> or <u>Planning Scheme</u>. ii) — iii) The power cannot be exercised where: iv) an application is for use of land for a brothel; or v) an application is for use of land for gaming machines; vi) — vii) The permit must not be inconsistent with a
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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	Specific Planning Officers	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	Specific Planning Officers	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Specific Planning Officers	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	Specific Planning Officers	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	Specific Planning Officers	
s.62(1)	duty to include certain conditions in deciding to grant a permit	Specific Planning Officers	
s.62(2)	power to include other conditions	Specific Planning Officers	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	Specific Planning Officers	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	Specific Planning Officers	
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	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	Specific Planning Officers	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss.46N(1), 46GV(7) or 62(5)	Specific Planning Officers	
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)	Specific Planning Officers	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	Specific Planning Officers	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	this provision applies also to a decision to grant an amendment to a permit - see section 75A

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	- Specific Planning Officers	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	Specific Planning Officers	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	
s.69(1A)	function of receiving application for extension of time to complete development	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.69(2)	power to extend time	-Specific Planning Officers	<u>The exercise of this power is limited to the following circumstances:</u> i) <u>the original application was not determined by resolution at a Council meeting or attracted significant community interest; and</u> ii) <u>the development has not started; and</u> iii) <u>the request has not been called-in by a Councillor for determination at a Council meeting</u> <u>in which case the power must be exercised by the DPP or MUP.</u>
s.70	duty to make copy permit available for inspection	-PCESO Specific Planning Officers	
s.71(1)	power to correct certain mistakes	-Specific Planning Officers	
s.71(2)	duty to note corrections in register	-PCESO Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.73	power to decide to grant amendment subject to conditions	Specific Planning Officers	The exercise of this power is limited to the following circumstances: i) <u>there have been no more than five objections lodged; and</u> ii) <u>the application/amending plan is generally in compliance with existing policy or guidelines; and</u> iii) <u>the application/amending plan has not been referred to the Council or the Delegated Planning Forum for determination; and</u> iv) <u>the application has not been called-in by a Councillor for determination at a Council meeting.</u> The power cannot be exercised where: i) <u>an application/amending plan is for use of land for a brothel; or</u> ii) <u>an application/amending plan is for use of land for gaming machines.</u> The amended permit must not be inconsistent with a Cultural Heritage Management Plan under the <u>Aboriginal Heritage Act 2006</u>. The power to refuse a permit can only be exercised where the delegate considers that: i) <u>the application is contrary to law; or</u> ii) <u>the application is inconsistent with policy; or</u> iii) <u>a referral authority has directed refusal; or</u> iv) <u>the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</u> The exercise of this power is limited to the following circumstances: i) <u>there have been no five or fewer no more than 5 objections lodged; and</u> ii) <u>the application/amending plan is</u> iii) <u>generally in compliance with existing policy or guidelines; and</u> iv) <u>the application has not been referred to the</u>
S6. Instrument of Delegation – Members of Staff			

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.73	power to decide to grant amendment subject to conditions	DPP MUP CUP CUPV	The exercise of this power is limited to the following circumstances: i) <u>the delegation may only be exercised where there have been more than 5 objections but no more than 15 objections lodged;</u> ii) <u>the delegation must be exercised at a Delegated Planning Forum; and</u> iii) <u>the application has not been called-in by a Councillor for determination at a Council meeting.</u> The power cannot be exercised where: i) <u>an application is for use of land for a brothel; or</u> ii) <u>an application is for use of land for gaming machines.</u> The permit must not be inconsistent with a Cultural Heritage Management Plan under the <u>Aboriginal Heritage Act 2006</u>. The power to refuse a permit can only be exercised where the delegate considers that: i) <u>the application is contrary to law; or</u> ii) <u>the application is inconsistent with policy; or</u> iii) <u>a referral authority has directed refusal; or</u> iv) <u>the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</u> <u>The exercise of this power is limited as follows:</u> there have been fifteen or fewer objections lodged; and the Delegation to must be exercised at a Delegated Planning Forum. The power cannot be exercised where: an application is for use of land for a brothel; or an application is for use of land for gaming machines.
S6. Instrument of Delegation – Members of Staff			page 38

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.74	duty to issue amended permit to applicant if no objectors	Specific Planning Officers		
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Specific Planning Officers		
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	PCESO Specific Planning Officers		
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers		
s.83	function of being respondent to an appeal	Specific Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.83B	duty to give or publish notice of application for review	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CUP CUPV DPP MUP MCF CUP CUPV	The exercise of this power is limited to the following circumstances: i) there have been no more than five objections lodged; - and ii) the application/amending plan is generally in compliance with existing policy or guidelines; and iii) the application/amending plan has not been referred to the Council or the Delegated Planning Forum for determination; and iv) the application has not been called-in by a Councillor for determination at a Council meeting.. The power cannot be exercised where: i) an application/amending plan is for use of land for a brothel; or ii) an application/amending plan is for use of land for gaming machines. The amended permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>. The power to refuse a permit can only be exercised where the delegate considers that: i) the application is contrary to law; or ii) the application is inconsistent with policy; or iii) a referral authority has directed refusal; or iv) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme. The exercise of this power is limited to the following circumstances: there have been no five or fewer objections lodged; and the application/amending plan is generally in compliance with existing policy or guidelines; and the application has not been referred to the Council or the Delegated Planning Forum (DPF) for determination. ^{page 41} The power cannot be exercised where: an application is for use of land for a brothel; or
S6. Instrument of Delegation – Members of Staff			

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CUP CUPV DPP MUP MCF	The exercise of this power is limited to the following circumstances: i) <u>the delegation may only be exercised where there have been more than 5 objections but no more than 15 objections lodged;</u> ii) <u>the delegation must be exercised at a Delegated Planning Forum; and</u> iii) <u>the application has not been called-in by a Councillor for determination at a Council meeting.</u> The power cannot be exercised where: i) <u>an application is for use of land for a brothel; or</u> ii) <u>an application is for use of land for gaming machines.</u> The permit must not be inconsistent with a Cultural Heritage Management Plan under the <u>Aboriginal Heritage Act 2006</u>. The power to refuse a permit can only be exercised where the delegate considers that: i) <u>the application is contrary to law; or</u> ii) <u>the application is inconsistent with policy; or</u> iii) <u>a referral authority has directed refusal; or</u> iv) <u>the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</u> The exercise of this power is limited as follows: the delegation may only be exercised where there have been fifteen or fewer objections lodged; the delegation must be exercised at a Delegated Planning Forum. The power cannot be exercised where: an application is for use of land for a brothel; or an application is for use of land for gaming machines. The permit must not be inconsistent with a cultural heritage management plan under the
S6. Instrument of Delegation – Members of Staff			

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(2)	duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	Specific Planning Officers	
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	Specific Planning Officers	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	Specific Planning Officers	
s.84AB	power to agree to confining a review by the Tribunal	Specific Planning Officers	
s.86	duty to issue a permit at order of Tribunal within 3 working days	Specific Planning Officers	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	CCSPP CUP CUPV DPP MCSC MUP MCF CCSPP CUP CUPV PBCMC PBC	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	Specific Planning Officers	
s.91(2)	duty to comply with the directions of VCAT	- Specific Planning Officers	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	Specific Planning Officers	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	Specific Planning Officers	
s.93(2)	duty to give notice of VCAT order to stop development	Specific Planning Officers	
s.95(3)	function of referring certain applications to the Minister	Specific Planning Officers	
s.95(4)	duty to comply with an order or direction	Specific Planning Officers	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	Specific Planning Officers	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	- DPP	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	- Specific Planning Officers	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	- Specific Planning Officers	
s.96F	duty to consider the panel's report under section 96E	Not delegated	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	- Specific Planning Officers	
s.96H(3)	power to give notice in compliance with Minister's direction	- Specific Planning Officers	
s.96J	power to issue permit as directed by the Minister	- Specific Planning Officers	
s.96K	duty to comply with direction of the Minister to give notice of refusal	- Specific Planning Officers	
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	- Specific Planning Officers	
s.97C	power to request Minister to decide the application	- Not delegated	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	- Specific Planning Officers	
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	- Specific Planning Officers	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	- Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97L	duty to include Ministerial decisions in a register kept under section 49	- Specific Planning Officers	
s.97MH	duty to provide information or assistance to the Planning Application Committee	DPP MUP MCF	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	DPP MUP MCF	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	- Specific Planning Officers	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	- Specific Planning Officers	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	- Specific Planning Officers	
s.97Q(4)	duty to comply with directions of VCAT	- Specific Planning Officers	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	- Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	- Specific Planning Officers	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	- Specific Planning Officers	
s.101	function of receiving claim for expenses in conjunction with claim	- Specific Planning Officers	
s.103	power to reject a claim for compensation in certain circumstances	- DPP	
s.107(1)	function of receiving claim for compensation	- Specific Planning Officers	
s.107(3)	power to agree to extend time for making claim	DPP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.114(1)	power to apply to the VCAT for an enforcement order	CUP CUPV CPBC DPP MCSC MUP MCF PBCMC<u>CPBC</u> <u>CUP</u> <u>CUPV</u> <u>CPBC</u>	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	-Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	CUP CUPV CPBC DPP MCSC MUP MCF PBC MC PBC	
s.123(1)	power to carry out work required by enforcement order and recover costs	-DPP	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	-DPP	except Crown Land
s.129	function of recovering penalties	-CPBC DPP MCSC MUP MCF PBC MC PBC	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.130(5)	power to allow person served with an infringement notice further time	GPBG DPP MCSC MUP MCF PBCMC PBC	
s.133	Power to appoint authorised officer to enter land to carry out specific functions.	DPP	
s.149A(1)	power to refer a matter to the VCAT for determination	GPBG GCSP P CUP CUPV DPP MCSC MUP MCF PBCMC PBC	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CCSPP CUP CUPV DPP MUP MCF <u>CCSPP</u> <u>CUP</u> <u>CUPV</u> PTP	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B) power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	-DPP MUP MCF	where Council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	-DPP	
s.171(2)(g)	power to grant and reserve easements	-DPP	
<u>s.172C</u>	<u>power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan</u>	<u>Not delegated</u>	<u>where Council is a development agency specified in an approved infrastructure contributions plan</u>

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
<u>s.172D(1)</u>	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)	<u>Not delegated</u>	where Council is a collecting agency specified in an approved infrastructure contributions plan	
<u>s.172D(2)</u>	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)	<u>Not delegated</u>	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	DPEDEI DPP MUP MCF MCSC		
<u>s.173(1A)</u>	power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	<u>Not delegated</u>	where Council is the relevant responsible authority	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	CPBC DELEI DPP ESC MCSC GMPMPL MUP MCF PBCMCPCBCPB £	
---	power to give consent on behalf of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	CPBC DELEI DPP ESC MCSC GMPMPL MUP MCF PBCM	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DIELEI MCSC MUP MCF PBC MC PBC	
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	DIELEI DPP MUP MCF MCFC	
s.178A(1)	function of receiving application to amend or end an agreement	Specific Planning Officers	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	CUP CUPV DPP MUP MCF CUP CUPV PTP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CUP CUPV DPP MUP MCF CUP CUPV PTP	
s.178A(5)	power to propose to amend or end an agreement	DPP MUP MCF	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	Specific Planning Officers	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	Specific Planning Officers	
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	Specific Planning Officers	
s.178C(4)	function of determining how to give notice under s.178C(2)	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(1)	duty not to make decision until after 14 days after notice has been given	Specific Planning Officers	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	CUP CUPV DPP MUP MCF <u>CUP</u> <u>CUPV</u> PTP	if no objections are made under s.178D Must consider matters in s.178B

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	<u>DPP</u> <u>MUP</u> <u>MCF</u> <u>CUP</u> <u>CUPV</u> <u>PTPCUP</u> CUPV DPP MUP MCF PIP	if no objections are made under s.178D Must consider matters in s.178B

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	<u>DPP</u> <u>MUP</u> <u>MCF</u> <u>CUP</u> <u>CUPV</u> <u>PTPCUP</u> <u>CUPV</u> <u>DPP</u> <u>MUP</u> <u>MCF</u> <u>PIP</u>	if no objections are made under s.178D Must consider matters in s.178B

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	<u>DPP</u> <u>MUP</u> <u>MCF</u> <u>CUP</u> <u>CUPV</u> <u>PTPCUP</u> CUPV DPP MUP MCF PIP	after considering objections, submissions and matters in s.178B

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	<u>DPP</u> <u>MUP</u> <u>MCF</u> <u>CUP</u> <u>CUPV</u> <u>PTPCUP</u> CUPV DPP MUP MCF PIP	after considering objections, submissions and matters in s.178B

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	<u>DPP</u> <u>MUP</u> <u>MCF</u> <u>CUP</u> <u>CUPV</u> <u>PTPCUP</u> CUPV DPP MUP MCF PIP	after considering objections, submissions and matters in s.178B

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(3)(d)	power to refuse to amend or end the agreement	<u>DPP</u> <u>MUP</u> <u>MCF</u> <u>CUP</u> <u>CUPV</u> <u>PTCUP</u> <u>CUPV</u> <u>DPP</u> <u>MUP</u> <u>MCF</u> <u>PIP</u>	after considering objections, submissions and matters in s.178B
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	Specific Planning Officers	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	Specific Planning Officers	
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	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	DEI DPP MUP MCF		
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	DEI DPP MUP MCF		
s.178(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DEI DPP MUP MCF		
s.179(2)	duty to make available for inspection copy agreement	DIE DEI EMP MP Specific Planning Officers		
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DIE DEI DPP MUP MCF		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	DEI DPP MUP MCF	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	DEI DPP MUP MCF	
s.182	power to enforce an agreement	CPBC DIELEDEI DPP MCSC MUP MCF CPBC, PBCM	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	DIELEDEI Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DPP MUP MCF	
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	DPP MUP MCF	
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	DPP MUP MCF	
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	DPP MUP MCF	
s.184G(2)	duty to comply with a direction of the Tribunal	Specific Planning Officers	
s.184G(3)	duty to give notice as directed by the Tribunal	Specific Planning Officers	
s.198(1)	function to receive application for planning certificate	Specific Planning Officers	
s.199(1)	duty to give planning certificate to applicant	Specific Planning Officers	
s.201(1)	function of receiving application for declaration of underlying zoning	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.201(3)	duty to make declaration	Specific Planning Officers	
-	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	Specific Planning Officers	1. Where Council is a party to a mediation or alternative dispute resolution process before VCAT. 2. If the matter has previously been subject to a determination by Council or delegate at a Delegated Planning Forum, can only be exercised if, in the opinion of DPP-, MUP, MCF, CUP or CUPV the matter being mediated <u>or subject to alternative dispute resolution</u> is of a minor nature and the intent of the decision of the Council or delegate at the Delegated Planning Forum is not compromised; or 3. If the matter has previously been subject to a determination by a planning officer under delegation from Council, can only be exercised under direction of DPP, MUP, MCF, CUP or CUPV if the decision to settle the mediation <u>or alternative dispute resolution process</u> involves a power, duty or function under the <i>Planning and Environment Act 1987</i> that has not been delegated to the delegate.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	Determine that a matter be considered at a mediation or alternative dispute resolution process before VCAT.	ECSP CUP CUPV DPP MUP MCF-Specific Planning Officers	4.
-	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	Specific Planning Officers	
	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	Specific Planning Officers	
	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	Specific Planning Officers	
-	power to give written authorisation in accordance with a provision of a planning scheme	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.201UAB(1)	function of providing the Victoria Planning Authority with information relating to any land within municipal district	PCESO CCSPP CUP CUPV DPP MUP MCF Specific Planning Officers	
s.201UAB(2)	duty to provide the Victoria Planning Authority with information r requested under subsection (1) as soon as possible	CCSPP CUP CUPV DPP MUP MCFPCESO Specific Planning Officers	

PLANNING AND ENVIRONMENT REGULATIONS 2015				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS	
r. 6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	Specific Planning Officers	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	Specific Planning Officers		
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.	

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.19	power to waive or rebate a fee relating to an amendment of a planning- scheme	CCSPP CUP CUPV DPP MUP MCF	
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CCSPP CUP CUPV DPP MUP MCF	
r.21	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	CCSPP CUP CUPV DPP MUP MCF CCFP CESO <u>Specific Planning</u>	

GLEN EIRA PLANNING SCHEME			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
All Provisions of the Glen Eira Planning Scheme unless otherwise identified	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions.	Specific Planning Officers	Delegate must comply with any conditions or limitations imposed by Council where the action involves exercising a power, duty or function delegated under the <i>Planning and Environment Act</i> 1987 or regulations under that Act.
43.04-1	Power to approve a development plan.	Not delegated	
43.04-3	- Power to allow a development plan to be prepared and implemented in stages. - Power to amend a development plan.	DPP MUP CUP CUPV	Power can only be exercised by delegate at Delegated Planning Forum or by Council.
52.03	Power to grant permit contrary to a provision under the specific sites and exclusions.	Not delegated	
52.06-1	- Power to reduce or waive car parking. - Power to decide on an adequate number of car spaces to be provided for uses which are not specified in the table at Clause 52.06-5.	Specific Planning Officers	The power to reduce or waive car parking specified in the table in Clause 52.06-5 is limited to a reduction of up to ten car spaces. An application involving a reduction of more than ten car spaces may only be determined by DPP, or MUP, MCF, CUP, CUPV.
52.28	Power to grant permit for gaming machines.	Not delegated	
52.46	Power to grant a permit for brothels.	Not delegated	

ATTACHMENT 4

S6. Instrument of Delegation – Members of Staff

Glen Eira City Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

In exercise of the power conferred by section 188 of the *Planning and Environment Act 1987* and section 98(1) of the *Local Government Act 1989*, Glen Eira City Council (**Council**):

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:
 - '**CCSPP**' means Coordinator City Strategy and Place Planning;
 - '**CPBC**' means Coordinator Planning and Building Compliance;
 - '**CUP**' means Coordinator Urban Planning;
 - '**CUPV**' means VCAT Coordinator;
 - '**DEI**' means Director Environment and Infrastructure;
 - '**DPP**' means Director Planning and Place;
 - '**ESC**' means Engineering Services Coordinator;
 - '**MCF**' means Manager City Futures;
 - '**MCSC**' means Manager Community Safety and Compliance;
 - '**MPI**' means Manager Projects and Infrastructure
 - '**MUP**' means Manager Urban Planning;
 - '**PCESO**' means Planning Customer Experience and Support Officer and Coordinator Planning Customer Experience and Support;
 - '**PStratP**' means Principal Strategic Planner;
 - '**PUP**' means Principal Urban Planner;
 - '**PUPS**' means Principal Urban Planner (Subdivisions);
 - '**SO**' means Subdivision Officer;
 - '**SPCEO**' means Senior Planning Customer Experience Officer;
 - '**Specific Planning Officers**' means CCSPP, CUP, CUPV, DPP, MCF, MCSC, MUP, CPBC, PStratP, PUP, PUPS, SPCEO, SO, SUP, StratP, SStratP and UP;
 - '**SUP**' means Senior Urban Planner;
 - '**StratP**' means Strategic Planner;
 - '**SStratP**' means Senior Strategic Planner; and
 - '**UP**' means Urban Planner.

declares that:

- 2.1 this Instrument of Delegation is authorised by resolution of Council passed on 18 December 2018; and
- 2.2 the delegation:
 - 2.2.1 comes into force immediately 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 3.3, 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 Council; 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, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; 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.

The seal of Glen Eira City)
 Council was affixed hereto in)
 the presence of:)

_____ Councillor

_____ Chief Executive Officer

SCHEDULE

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4B	power to prepare an amendment to the Victorian Planning Provisions	Specific Planning Officers	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	Specific Planning Officers	
s.4H	duty to make amendment to Victorian Planning Provisions available	Specific Planning Officers	
s.4I	duty to keep Victorian Planning Provisions and other documents available	Specific Planning Officers	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	Specific Planning Officers	
s. 8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	Not delegated	
s.8A(5)	function of receiving notice of the Minister's decision	Specific Planning Officers	
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	DPP MUP MCF	
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	Not delegated	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(3)	power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	Specific Planning Officers	
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>)	Specific Planning Officers	
s.12B(1)	duty to review planning scheme	DPP MUP MCF	
s.12B(2)	duty to review planning scheme at direction of Minister	DPP MUP MCF	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	DPP MUP MCF	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	Specific Planning Officers	
s.17(1)	duty of giving copy amendment to the planning scheme	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(2)	duty of giving copy s.173 agreement	Specific Planning Officers	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	Specific Planning Officers	
s.18	duty to make amendment etc. available	Specific Planning Officers	
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	DPP MUP MCF	
s.19	function of receiving notice of preparation of an amendment to a planning scheme	Specific Planning Officers	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	Specific Planning Officers	
s.21(2)	duty to make submissions available	Specific Planning Officers	
s.21A(4)	duty to publish notice in accordance with section	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.22	duty to consider all submissions	Specific Planning Officers	except submissions which request a change to the items in s.22(5)(a) and (b)
s.23(1)	After considering submissions, change amendment, refer to a panel or abandon amendment.	Not delegated	
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	Specific Planning Officers	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	Not delegated	
s.24	function to represent Council and present a submission at a panel hearing (including a hearing referred to in section 96D)	Specific Planning Officers	
s.26(1)	power to make report available for inspection	Specific Planning Officers	
s.26(2)	duty to keep report of panel available for inspection	Specific Planning Officers	
s.27(1)	duty to consider panel's report	Not delegated	
s.27(2)	power to apply for exemption if panel's report not received	Not delegated	
s.28	duty to notify the Minister if abandoning an amendment	Specific Planning Officers	note: the power to make a decision to abandon an amendment cannot be delegated
s.29	Power to adopt amendment	Not delegated	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.30(4)(a)	duty to say if amendment has lapsed	Specific Planning Officers	
s.30(4)(b)	duty to provide information in writing upon request	Specific Planning Officers	
s.32(2)	duty to give more notice if required	Specific Planning Officers	
s.33(1)	duty to give more notice of changes to an amendment	Specific Planning Officers	
s.36(2)	duty to give notice of approval of amendment	Specific Planning Officers	
s.38(5)	duty to give notice of revocation of an amendment	Specific Planning Officers	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	Specific Planning Officers	
s.40(1)	function of lodging copy of approved amendment	Specific Planning Officers	
s.41	duty to make approved amendment available	Specific Planning Officers	
s.42	duty to make copy of planning scheme available	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46AW	function of being consulted by the Minister	DPP MUP MCF	where Council is a responsible public entity
s.46AX	function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy power to endorse the draft Statement of Planning Policy	Not delegated	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	DPP MUP MCF	where Council is a responsible public entity
s.46AZK	duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	DPP MUP MCF	where Council is a responsible public entity
s.46GF	duty to comply with directions issued by the Minister	DPP MUP MCF	
s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	DEI DPP MPI MUP MCF	Where Council is a collecting agency	
s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	DEI DPP MPI MUP MCF	Where Council is a collecting agency	
s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	DEI DPP MPI MUP MCF		
s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under Part 2 of the Planning and Environment Act 1987	DEI DPP MPI MUP MCF	must be done in accordance with Local Government Act 1989	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.46G(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	DEI DPP MPI MUP MCF		
s.46G(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	Not delegated	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.46G(3)	duty to apply levy amount only in accordance with s.46G(3)(a) and (b)	DEI DPP MPI MUP MCF		
s.46G(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the Planning and Environment Act 1987 if satisfied that the development is not to proceed	DEI DPP MPI MUP MCF		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.46G(5)	duty to take action described in s.46G(5)(c) - (e) where s.46G(5)(a) and (b) applies.	DEI DPP MPI MUP MCF		
s.46GJ(1)	function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DPP MUP MCF		
s.46GK	duty to comply with a Minister's direction that applies to Council as the planning authority	DEI DPP MPI MUP MCF		
s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	DEI DPP MPI MUP MCF	Where Council is a collecting agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.46GM	duty to prepare report and give a report to the Minister	DEI DPP MPI MUP MCF	Where Council is a collecting agency or development agency	
s.46GN(1)	duty to arrange for estimates of values of inner public purpose land	DEI DPP MPI MUP MCF		
s.46GO(1)	duty to give notice to owners of certain inner public purpose land	DEI DPP MPI MUP MCF		
s.46GP	function of receiving a notice under s.46GO	DEI DPP MPI MUP MCF	where Council is the collecting agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
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	DEI DPP MPI MUP MCF		
s.46GR(1)	duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO	DEI DPP MPI MUP MCF		
s.46GR(2)	power to consider a late submission duty to consider a late submission if directed to do so by the Minister	DEI DPP MPI MUP MCF		
s.46GS(1)	power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s.46GQ	DEI DPP MPI MUP MCF		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.46GS(2)	duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	DEI DPP MPI MUP MCF		
s.46GT(2)	duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DEI DPP MPI MUP MCF		
s.46GT(4)	function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	DEI DPP MPI MUP MCF		
s.46GT(6)	function of receiving, from the valuer-general, written notice of a determination under s.46GT(5)	DEI DPP MPI MUP MCF		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.46GU	duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s.46GU(1)(a) and (b) are met	DEI DPP MPI MUP MCF		
s.46GV(3)	function of receiving the monetary component and any land equalisation amount of the infrastructure contribution power to specify the manner in which the payment is to be made	DEI DPP MPI MUP MCF	where Council is the collecting agency	
s.46GV(3)(b)	power to enter into an agreement with the applicant	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	where Council is the development agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.46GV(4)(b)	function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	DEI DPP MPI MUP MCF	where Council is the collecting agency	
s.46GV(7)	duty to impose the requirements set out in s.46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	Specific Planning Officers		
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	DEI DPP MUP MCF	where Council is the collecting agency	
s.46GX(1)	power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	DEI DPP MPI MUP MCF	where Council is the collecting agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
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	DEI DPP MPI MUP MCF	where Council is the collecting agency	
s.46GY(1)	duty to keep proper and separate accounts and records	DEI DPP MPI MUP MCF	where Council is the collecting agency	
s.46GY(2)	duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	DEI DPP MPI MUP MCF	where Council is the collecting agency	
s.46GZ(2)(a)	duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DEI DPP MPI MUP MCF	where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is that planning authority	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.46GZ(2)(a)	function of receiving the monetary component	DEI DPP MPI MUP MCF	where the Council is the planning authority this duty does not apply where Council is also the collecting agency	
s.46GZ(2)(b)	duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	DEI DPP MPI MUP MCF	where Council is the collecting agency under an approved infrastructure contributions plan this provision does not apply where Council is also the relevant development agency	
s.46GZ(2)(b)	function of receiving the monetary component	DEI DPP MPI MUP MCF	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)	DEI DPP MPI MUP MCF	where Council is the collecting agency under an approved infrastructure contributions plan	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.46GZ(5)	duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	DEI DPP MPI MUP MCF	where Council is the collecting agency under an approved infrastructure contributions plan this provision does not apply where Council is also the relevant development agency	
s.46GZ(5)	function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DEI DPP MPI MUP MCF	where Council is the development agency specified in the approved infrastructure contributions plan this provision does not apply where Council is also the collecting agency	
s.46GZ(7)	duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s.46GW	DEI DPP MPI MUP MCF	where Council is the collecting agency under an approved infrastructure contributions plan	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
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	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	where Council is the development agency under an approved infrastructure contributions plan this duty does not apply where Council is also the collecting agency	
s.46GZA(1)	duty to keep proper and separate accounts and records	DEI DPP MPI MUP MCF	where Council is a development agency under an approved infrastructure contributions plan	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.46GZA(2)	duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	DEI DPP MPI MUP MCF	where Council is a development agency under an approved infrastructure contributions plan	
s.46GZB(3)	duty to follow the steps set out in s.46GZB(3)(a) – (c)	DEI DPP MPI MUP MCF	where Council is a development agency under an approved infrastructure contributions plan	
s.46GZB(4)	duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	DEI DPP MPI MUP MCF	if the VPA is the collecting agency under an approved infrastructure contributions plan where Council is a development agency under an approved infrastructure contributions plan	
s.46GZD(2)	duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZD(2)(a) and (b)	DEI DPP MPI MUP MCF	where Council is the development agency under an approved infrastructure contributions plan	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.46GZD(3)	duty to follow the steps set out in s.46GZD(3)(a) and (b)	DEI DPP MPI MUP MCF	where Council is the collecting agency under an approved infrastructure contributions plan	
s.46GZD(5)	duty to make payments under s.46GZD(3) in accordance with ss.46GZD(5)(a) and 46GZD(5)(b)	DEI DPP MPI MUP MCF	where Council is the collecting agency under an approved infrastructure contributions plan	
s.46GZE(2)	duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	DEI DPP MPI MUP MCF	where Council is the development agency under an approved infrastructure contributions plan this duty does not apply where Council is also the collecting agency	
s.46GZE(2)	function of receiving the unexpended land equalisation amount	DEI DPP MPI MUP MCF	where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is also the development agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.46GZE(3)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZE(3)(a) and (b)	DEI DPP MPI MUP MCF	where Council is the collecting agency under an approved infrastructure contributions plan	
s.46GZF(2)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DEI DPP MPI MUP MCF	where Council is the development agency under an approved infrastructure contributions plan	
s.46GZF(3)	duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	where Council is the collection agency under an approved infrastructure contributions plan this provision does not apply where Council is also the development agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
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)	DEI DPP MPI MUP MCF	where Council is the collecting agency under an approved infrastructure contributions plan	
s.46GZF(6)	duty to make the payments under s.46GZF(4) in accordance with s.46GZF(6)(a) and (b)	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	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	DEI DPP MPI MUP MCF	where Council is a collecting agency or development agency	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GZK	power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	Not delegated	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)	DEI DPP MPI MUP MCF	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	Specific Planning Officers	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	Specific Planning Officers	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	Specific Planning Officers	Power to reduce or waive infrastructure levy is limited to DEI, DPP, MUP, MCF
s.46O(1)(a) & (2)(a)	power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	Specific Planning Officers	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	Specific Planning Officers	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	DEI DPP MPI MUP MCF	
s.46Q(1)	duty to keep proper accounts of levies paid	Specific Planning Officers	
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	Specific Planning Officers	
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	Specific Planning Officers	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	DEI DPP MUP MCF	only applies when levy is paid to Council as a 'development agency'

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46Q(4)(c)	duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s.46Q(4)(a)	DPP MUP MCF	must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	Specific Planning Officers	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	DPP	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	Specific Planning Officers	
s.46QD	duty to prepare report and give a report to the Minister	DEI DPP MPI MUP MCF	where Council is a collecting agency or development agency
s.46V(3)	duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	PCESO Specific Planning Officers	
s.46Y	duty to carry out works in conformity with the approved strategy plan	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.47	power to decide that an application for a planning permit does not comply with that Act	Specific Planning Officers	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	PCESO Specific Planning Officers	
s.49(2)	duty to make register available for inspection	PCESO Specific Planning Officers	
s.50(4)	duty to amend application	Specific Planning Officers	
s.50(5)	power to refuse to amend application	Specific Planning Officers	
s.50(6)	duty to make note of amendment to application in register	PCESO Specific Planning Officers	
s.50A(1)	power to make amendment to application	PCESO Specific Planning Officers	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.50A(4)	duty to note amendment to application in register	PCESO Specific Planning Officers	
s.51	duty to make copy of application available for inspection	PCESO Specific Planning Officers	
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	Specific Planning Officers	
s.52(1)(b)	duty to give notice of the application to other municipal Councils where appropriate	Specific Planning Officers	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	Specific Planning Officers	
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	Specific Planning Officers	
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	Specific Planning Officers	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally affected	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	Specific Planning Officers	
s.52(3)	power to give any further notice of an application where appropriate	Specific Planning Officers	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	Specific Planning Officers	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	Specific Planning Officers	
s.54(1)	power to require the applicant to provide more information	Specific Planning Officers	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	Specific Planning Officers	
s.54(1B)	duty to specify the lapse date for an application	Specific Planning Officers	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	Specific Planning Officers	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	Specific Planning Officers	
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	DPP MUP MCF	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Specific Planning Officers	
s.57(5)	duty to make available for inspection copy of all objections	Specific Planning Officers	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	Specific Planning Officers	
s.57A(5)	power to refuse to amend application	Specific Planning Officers	
s.57A(6)	duty to note amendments to application in register	PCESO Specific Planning Officers	
s.57B(1)	duty to determine whether and to whom notice should be given	Specific Planning Officers	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	Specific Planning Officers	
s.57C(1)	duty to give copy of amended application to referral authority	PCESO Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.58	duty to consider every application for a permit	Specific Planning Officers	
s.58A	power to request advice from the Planning Application Committee	DPP MUP MCF	
s.60	duty to consider certain matters	Specific Planning Officers	
s60(1A)	duty to consider certain matters.	Specific Planning Officers	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61 ⁽¹⁾	power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	Specific Planning Officers	The exercise of this power is limited to the following circumstances: i) there have been no more than five objections lodged; and ii) the application is generally in compliance with existing policy or guidelines; and iii) the application has not been referred to the Council or the Delegated Planning Forum for determination; and iv) the application has not been called-in by a Councilor for determination at a Council meeting. The power cannot be exercised where: i) an application is for use of land for a brothel; or ii) an application is for use of land for gaming machines. The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>. The power to refuse a permit can only be exercised where the delegate considers that: i) the application is contrary to law; or ii) the application is inconsistent with policy; or iii) a referral authority has directed refusal; or iv) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(1)	power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	DPP MUP CUP CUPV	The exercise of this power is limited to the following circumstances: i) the delegation may only be exercised where there have been more than 5 objections but no more than 15 objections lodged; and ii) the delegation must be exercised at a Delegated Planning Forum; and iii) the application has not been called-in by a Councillor for determination at a Council meeting. The power cannot be exercised where: i) an application is for use of land for a brothel; or ii) an application is for use of land for gaming machines. The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>. The power to refuse a permit can only be exercised where the delegate considers that: i) the application is contrary to law; or ii) the application is inconsistent with policy; or iii) a referral authority has directed refusal; or iv) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	Specific Planning Officers	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Specific Planning Officers	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	Specific Planning Officers	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	Specific Planning Officers	
s.62(1)	duty to include certain conditions in deciding to grant a permit	Specific Planning Officers	
s.62(2)	power to include other conditions	Specific Planning Officers	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	Specific Planning Officers	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	Specific Planning Officers	
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	Specific Planning Officers	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	Specific Planning Officers	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss.46N(1), 46GV(7) or 62(5)	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)	Specific Planning Officers	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	Specific Planning Officers	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	this provision applies also to a decision to grant an amendment to a permit - see section 75A
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	Specific Planning Officers	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers		
s.69(1A)	function of receiving application for extension of time to complete development	Specific Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.69(2)	power to extend time	Specific Planning Officers	The exercise of this power is limited to the following circumstances: i) the original application was not determined by resolution at a Council meeting or attracted significant community interest; and ii) the development has not started; and iii) the request has not been called-in by a Councillor for determination at a Council meeting in which case the power must be exercised by the DPP or MUP.
s.70	duty to make copy permit available for inspection	PCESO Specific Planning Officers	
s.71(1)	power to correct certain mistakes	Specific Planning Officers	
s.71(2)	duty to note corrections in register	PCESO Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.73	power to decide to grant amendment subject to conditions	Specific Planning Officers	The exercise of this power is limited to the following circumstances: i) there have been no more than five objections lodged; and ii) the application/amending plan is generally in compliance with existing policy or guidelines; and iii) the application/amending plan has not been referred to the Council or the Delegated Planning Forum for determination; and iv) the application has not been called-in by a Councilor for determination at a Council meeting. The power cannot be exercised where: i) an application/amending plan is for use of land for a brothel; or ii) an application/amending plan is for use of land for gaming machines. The amended permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>. The power to refuse a permit can only be exercised where the delegate considers that: i) the application is contrary to law; or ii) the application is inconsistent with policy; or iii) a referral authority has directed refusal; or iv) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.73	power to decide to grant amendment subject to conditions	DPP MUP CUP CUPV	The exercise of this power is limited to the following circumstances: i) the delegation may only be exercised where there have been more than 5 objections but no more than 15 objections lodged; ii) the delegation must be exercised at a Delegated Planning Forum; and iii) the application has not been called-in by a Councillor for determination at a Council meeting. The power cannot be exercised where: i) an application is for use of land for a brothel; or ii) an application is for use of land for gaming machines. The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>. The power to refuse a permit can only be exercised where the delegate considers that: i) the application is contrary to law; or ii) the application is inconsistent with policy; or iii) a referral authority has directed refusal; or iv) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.
s.74	duty to issue amended permit to applicant if no objectors	Specific Planning Officers	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	PCESO Specific Planning Officers	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	
s.83	function of being respondent to an appeal	Specific Planning Officers	
s.83B	duty to give or publish notice of application for review	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DPP MUP MCF CUP CUPV	The exercise of this power is limited to the following circumstances: i) there have been no more than five objections lodged; and ii) the application/amending plan is generally in compliance with existing policy or guidelines; and iii) the application/amending plan has not been referred to the Council or the Delegated Planning Forum for determination; and iv) the application has not been called-in by a Councilor for determination at a Council meeting.. The power cannot be exercised where: i) an application/amending plan is for use of land for a brothel; or ii) an application/amending plan is for use of land for gaming machines. The amended permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>. The power to refuse a permit can only be exercised where the delegate considers that: i) the application is contrary to law; or ii) the application is inconsistent with policy; or iii) a referral authority has directed refusal; or iv) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CUP CUPV DPP MUP MCF	The exercise of this power is limited to the following circumstances: i) the delegation may only be exercised where there have been more than 5 objections but no more than 15 objections lodged; ii) the delegation must be exercised at a Delegated Planning Forum; and iii) the application has not been called-in by a Councillor for determination at a Council meeting. The power cannot be exercised where: i) an application is for use of land for a brothel; or ii) an application is for use of land for gaming machines. The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>. The power to refuse a permit can only be exercised where the delegate considers that: i) the application is contrary to law; or ii) the application is inconsistent with policy; or iii) a referral authority has directed refusal; or iv) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.
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	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	Specific Planning Officers	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	Specific Planning Officers	
s.84AB	power to agree to confining a review by the Tribunal	Specific Planning Officers	
s.86	duty to issue a permit at order of Tribunal within 3 working days	Specific Planning Officers	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	DPP MCSC MUP MCF CCSPP CUP CUPV CPBC	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	Specific Planning Officers	
s.91(2)	duty to comply with the directions of VCAT	Specific Planning Officers	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	Specific Planning Officers	
s.93(2)	duty to give notice of VCAT order to stop development	Specific Planning Officers	
s.95(3)	function of referring certain applications to the Minister	Specific Planning Officers	
s.95(4)	duty to comply with an order or direction	Specific Planning Officers	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	Specific Planning Officers	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DPP	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	Specific Planning Officers	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	Specific Planning Officers	
s.96F	duty to consider the panel's report under section 96E	Not delegated	
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>)	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96H(3)	power to give notice in compliance with Minister's direction	Specific Planning Officers	
s.96J	power to issue permit as directed by the Minister	Specific Planning Officers	
s.96K	duty to comply with direction of the Minister to give notice of refusal	Specific Planning Officers	
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	Specific Planning Officers	
s.97C	power to request Minister to decide the application	Not delegated	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	Specific Planning Officers	
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	Specific Planning Officers	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	Specific Planning Officers	
s.97L	duty to include Ministerial decisions in a register kept under section 49	Specific Planning Officers	
s.97MH	duty to provide information or assistance to the Planning Application Committee	DPP MUP MCF	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	DPP MUP MCF	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	Specific Planning Officers	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Specific Planning Officers	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Specific Planning Officers	
s.97Q(4)	duty to comply with directions of VCAT	Specific Planning Officers	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	Specific Planning Officers	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	Specific Planning Officers	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	Specific Planning Officers	
s.101	function of receiving claim for expenses in conjunction with claim	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.103	power to reject a claim for compensation in certain circumstances	DPP	
s.107(1)	function of receiving claim for compensation	Specific Planning Officers	
s.107(3)	power to agree to extend time for making claim	DPP	
s.114(1)	power to apply to the VCAT for an enforcement order	DPP MCSC MUP MCF CPBC CUP CUPV CPBC	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	CUP CUPV CPBC DPP MCSC MUP MCF CPBC	
s.123(1)	power to carry out work required by enforcement order and recover costs	DPP	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	DPP	except Crown Land
s.129	function of recovering penalties	DPP MCSC MUP MCF CPBC	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.130(5)	power to allow person served with an infringement notice further time	DPP MCSC MUP MCF CPBC	
s.149A(1)	power to refer a matter to the VCAT for determination	DPP MCSC MUP MCF CPBC	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CCSPP CUP CUPV DPP MUP MCF CCSPP CUP CUPV PTP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B) power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	DPP MUP MCF	where Council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	DPP	
s.171(2)(g)	power to grant and reserve easements	DPP	
s.172C	power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	Not delegated	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)	Not delegated	where Council is a collecting agency specified in an approved infrastructure contributions plan
s.172D(2)	power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s.46GV(4)	Not delegated	where Council is the development agency specified in an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.173(1)	power to enter into agreement covering matters set out in section 174	DEI DPP MUP MCF MCSC		
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	Not delegated	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 Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	DEI DPP ESC MCSC MPI MUP MCF CPBC		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	power to give consent on behalf of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	CPBC DEI DPP ESC MCSC MPI MUP MCF	
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	DEI MCSC MUP MCF CPBC	
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	DEI DPP MUP MCF MCFC	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.178A(1)	function of receiving application to amend or end an agreement	Specific Planning Officers		
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	DPP MUP MCF CUP CUPV PTP		
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DPP MUP MCF CUP CUPV PTP		
s.178A(5)	power to propose to amend or end an agreement	DPP MUP MCF		
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	Specific Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	Specific Planning Officers	
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	Specific Planning Officers	
s.178C(4)	function of determining how to give notice under s.178C(2)	Specific Planning Officers	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	Specific Planning Officers	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	DPP MUP MCF CUP CUPV PTP	if no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	DPP MUP MCF CUP CUPV PTP	if no objections are made under s.178D Must consider matters in s.178B

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	DPP MUP MCF CUP CUPV PTP	if no objections are made under s.178D Must consider matters in s.178B	
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	DPP MUP MCF CUP CUPV PTP	after considering objections, submissions and matters in s.178B	
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	DPP MUP MCF CUP CUPV PTP	after considering objections, submissions and matters in s.178B	

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	DPP MUP MCF CUP CUPV PTP	after considering objections, submissions and matters in s.178B
s.178E(3)(d)	power to refuse to amend or end the agreement	DPP MUP MCF CUP CUPV PTP	after considering objections, submissions and matters in s.178B
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	Specific Planning Officers	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	Specific Planning Officers	
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	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	DEI DPP MUP MCF		
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	DEI DPP MUP MCF		
s.178(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DEI DPP MUP MCF		
s.179(2)	duty to make available for inspection copy agreement	DEI MPI Specific Planning Officers		
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DEI DPP MUP MCF		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	DEI DPP MUP MCF	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	DEI DPP MUP MCF	
s.182	power to enforce an agreement	DEI DPP MCSC MUP MCF CPBC	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	DEI Specific Planning Officers	
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	DPP MUP MCF	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DPP MUP MCF	
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	DPP MUP MCF	
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	DPP MUP MCF	
s.184G(2)	duty to comply with a direction of the Tribunal	Specific Planning Officers	
s.184G(3)	duty to give notice as directed by the Tribunal	Specific Planning Officers	
s.198(1)	function to receive application for planning certificate	Specific Planning Officers	
s.199(1)	duty to give planning certificate to applicant	Specific Planning Officers	
s.201(1)	function of receiving application for declaration of underlying zoning	Specific Planning Officers	
s.201(3)	duty to make declaration	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	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	Specific Planning Officers	1. Where Council is a party to a mediation or alternative dispute resolution process before VCAT. 2. If the matter has previously been subject to a determination by Council or delegate at a Delegated Planning Forum, can only be exercised if, in the opinion of DPP, MUP, MCF, CUP or CUPV the matter being mediated or subject to alternative dispute resolution is of a minor nature and the intent of the decision of the Council or delegate at the Delegated Planning Forum is not compromised; or 3. If the matter has previously been subject to a determination by a planning officer under delegation from Council, can only be exercised under direction of DPP, MUP, MCF, CUP or CUPV if the decision to settle the mediation or alternative dispute resolution process involves a power, duty or function under the <i>Planning and Environment Act 1987</i> that has not been delegated to the delegate.
-	Determine that a matter be considered at a mediation or alternative dispute resolution process before VCAT.	Specific Planning Officers	4.
-	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	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	Specific Planning Officers	
	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	Specific Planning Officers	
-	power to give written authorisation in accordance with a provision of a planning scheme	Specific Planning Officers	
s.201UAB(1)	function of providing the Victoria Planning Authority with information relating to any land within municipal district	PCESO Specific Planning Officers	
s.201UAB(2)	duty to provide the Victoria Planning Authority with information requested under subsection (1) as soon as possible	PCESO Specific Planning Officers	

PLANNING AND ENVIRONMENT REGULATIONS 2015				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS	
r. 6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	Specific Planning Officers	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	Specific Planning Officers		
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	Specific Planning Officers	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	Specific Planning Officers	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	Specific Planning Officers	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.	

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS	
r.19	power to waive or rebate a fee relating to an amendment of a planning scheme	CCSPP CUP CUPV DPP MUP MCF		
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CCSPP CUP CUPV DPP MUP MCF		
r.21	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	PCESO Specific Planning Officers		

GLEN EIRA PLANNING SCHEME			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
All Provisions of the Glen Eira Planning Scheme unless otherwise identified	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions.	Specific Planning Officers	Delegate must comply with any conditions or limitations imposed by Council where the action involves exercising a power, duty or function delegated under the <i>Planning and Environment Act</i> 1987 or regulations under that Act.
43.04-1	Power to approve a development plan.	Not delegated	
43.04-3	- Power to allow a development plan to be prepared and implemented in stages. - Power to amend a development plan.	DPP MUP CUP CUPV	Power can only be exercised by delegate at Delegated Planning Forum or by Council.
52.03	Power to grant permit contrary to a provision under the specific sites and exclusions.	Not delegated	
52.06-1	- Power to reduce or waive car parking. - Power to decide on an adequate number of car spaces to be provided for uses which are not specified in the table at Clause 52.06-5.	Specific Planning Officers	The power to reduce or waive car parking specified in the table in Clause 52.06-5 is limited to a reduction of up to ten car spaces. An application involving a reduction of more than ten car spaces may only be determined by DPP, MUP, MCF, CUP, CUPV.
52.28	Power to grant permit for gaming machines.	Not delegated	
52.46	Power to grant a permit for brothels.	Not delegated	

Attachment 5

S6. Instrument of Delegation – Members of Staff

Glen Eira City Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act* 1989 and the other legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:
 - 'CCC' means Coordinator Civic Compliance;
 - 'CCTPD' means Coordinator City Transport and Place Design;
 - 'CEO' means Chief Executive Officer;
 - 'CPBC' means Coordinator Planning and Building Compliance
 - ~~'DIEL'~~ ~~'DEI'~~ means Director ~~Environment and Infrastructure~~ Infrastructure, Environment and Leisure;
 - 'DPP' means Director Planning and Place;
 - 'EHO' means Environmental Health Officer;
 - ~~'GMPES'~~ means ~~Group Manager Property, Environment and Sustainability~~;
 - ~~'GMPI'~~ means ~~Group Manager, Projects and Infrastructure~~
 - ~~'GMRL'~~ means ~~Group Manager, Recreation and Leisure~~;
 - MPI means Manager Projects and Infrastructure;
 - 'MBP' means Manager Buildings and Properties;
 - 'MIA' means Manager Infrastructure Assets;
 - 'MCSC' means Manager Community Safety and Compliance;
 - 'MP' means Manager Parks;
 - 'MPH' means Manager Public Health or Coordinator Public Health;
 - ~~'MTPMUP'~~ means Manager ~~Town-Urban~~ Planning;
 - ~~'PBCM'~~ means ~~Planning and Building Compliance Manager~~;
 - 'MW' means Manager Works;
 - 'SEHO' means Senior Environmental Health Officer; and
 - 'TLEH' means Team Leader Environmental Health.
3. declares that:
 - 3.1 this Instrument of Delegation is authorised by resolution of Council passed on 18 December 2018; and
 - 3.2 the delegation:
 - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2.2 remains in force until varied or revoked;
 - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or

- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
- (a) policy; or
 - (b) strategy
- adopted by Council; or
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

The seal of Glen Eira City)
 Council was affixed hereto)
 in the presence of:)

..... **Councillor**

..... **Chief Executive Officer**

Date:

SCHEDULE

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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.41A(1)	power to declare a dog to be a menacing dog	MCSC CCC PBCM	council Council may delegate this power to aaa Council authorised officer

ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53M(3)	power to require further information	MPH TLEH SEHO EHO	
s.53M(4)	duty to advise applicant that application is not to be dealt with	MPH TLEH SEHO EHO	
s.53M(5)	duty to approve plans, issue permit or refuse permit	MPH TLEH SEHO EHO	refusal must be ratified by sewer <u>Council</u> or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	MPH TLEH SEHO EHO	refusal must be ratified by sewer <u>Council</u> or it is of no effect

s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	MPH TLEH SEHO EHO	refusal must be ratified by council <u>Council</u> or it is of no effect
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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	MPH TLEH SEHO	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	MPH TLEH SEHO	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	MPH TLEH SEHO	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	CEO MPH TLEH	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	CEO MPH	if section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	CEO MPH	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).	CEO MPH	where council <u>Council</u> is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 19AA(4)(c)	power to direct, in an order made under s. 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	CEO MPH	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	CEO MPH	where council <u>Council</u> is the registration authority
s. 19CB(4)(b)	power to request copy of records	CEO MPH TLEH SEHO	where council <u>Council</u> is the registration authority
s. 19E(1)(d)	power to request a copy of the food safety program	MPH TLEH SEHO	where council <u>Council</u> is the registration authority
s. 19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	-MPH TLEH SEHO EHO	where council <u>Council</u> is the registration authority

FOOD ACT 1984				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	MPH TLEH SEHO EHO	where seattle Council is the registration authority	
s.19NA(1)	power to request food safety audit reports	MPH TLEH SEHO EHO	where seattle 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	MPH TLEH SEHO		
s.19UA	power to charge fees for conducting a food safety assessment or inspection	MPH TLEH SEHO	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	MPH TLEH SEHO	where seattle Council is the registration authority	

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	MPH TLEH SEHO	where council <u>Council</u> 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	MPH TLEH SEHO	where council <u>Council</u> is the registration authority
---	power to register, renew or transfer registration	MPH TLEH SEHO	where council <u>Council</u> is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))
s.38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	MPH TLEH SEHO	where council <u>Council</u> 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 subsection (1)	MPH	where council <u>Council</u> is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	MPH TLEH SEHO EHO	where council <u>Council</u> is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	MPH TLEH SEHO	where seahaei <u>Council</u> is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	MPH TLEH SEHO	where seahaei <u>Council</u> is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	MPH TLEH SEHO	where seahaei <u>Council</u> 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	MPH TLEH SEHO	where seahaei <u>Council</u> is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	MPH TLEH SEHO	where seahaei <u>Council</u> is the registration authority
s.38D(3)	power to request copies of any audit reports	MPH TLEH SEHO	where seahaei <u>Council</u> is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38E(2)	power to register the food premises on a conditional basis	MPH TLEH SEHO	where council <u>Council</u> is the registration authority; not exceeding the prescribed time limit defined under subsection (5).
s.38E(4)	duty to register the food premises when conditions are satisfied	MPH TLEH SEHO	where council <u>Council</u> is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	MPH TLEH SEHO	where council <u>Council</u> is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	MPH TLEH SEHO	where council <u>Council</u> is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	MPH TLEH SEHO	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	MPH TLEH SEHO	where council <u>Council</u> is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	CEO	where council <u>Council</u> is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MPH TLEH SEHO	where council <u>Council</u> 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	MPH TLEH SEHO EHO	where council <u>Council</u> is the registration authority
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	MPH TLEH SEHO EHO	where council <u>Council</u> is the registration authority

HERITAGE ACT 499 <u>52017</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 84(2) <u>116</u>	power to sub-delegate Executive Director's functions, <u>duties</u> <u>or powers</u>	DPP	must <u>first</u> obtain Executive Director's written consent first <u>Council can only sub-delegate if the instrument of</u> <u>delegation from the Executive Director authorises sub-</u> <u>delegation</u>

<u>LOCAL GOVERNMENT ACT 1989</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 & LIMITATIONS</u>
s.181H	power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO	

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.33	duty to comply with a direction of the Safety Director under this section	DIELEDEI MIA	where council Council is a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	DIELEDEI MIA	duty of council Council as a road authority under the Road Management Act 2004
s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)	DIELEDEI MIA	where council Council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	DIELEDEI MIA MTPMUP CCTPD	where council Council is the relevant road authority
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	DIELEDEI MIA MTPMUP CCTPD	where council Council is the relevant road authority
s.34D(2)	function of receiving written notice of opinion	DIELEDEI MIA	where council Council is the relevant road authority

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	DIELEDEI MIA MTPMUP CCTPD	where council <u>Council</u> is the relevant road authority
s.34E(1)(a)	duty to identify and assess risks to safety	DIELEDEI MIA MTPMUP CCTPD	where council <u>Council</u> is the relevant road authority
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	DIELEDEI MIA MTPMUP CCTPD	where council <u>Council</u> is the relevant road authority
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DIELEDEI MIA MTPMUP CCTPD	where council <u>Council</u> is the relevant road authority

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	DIELEDEI MIA MTPMUP CCTPD	where council <u>Council</u> is the relevant road authority
s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	DIELEDEI MIA MTPMUP CCTPD	where council <u>Council</u> is the relevant road authority
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DIELEDEI MTPMUP MIA CCTPD	where council <u>Council</u> is the relevant road authority
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	DIELEDEI MTPMUP MIA CCTPD	where council <u>Council</u> is the relevant road authority
s.34I	function of entering into safety interface agreements	DIELEDEI MIA MTPMUP	where council <u>Council</u> is the relevant road authority

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS	
s.34J(2)	function of receiving notice from Safety Director	DIELEDEI MIA	where council <u>Council</u> is the relevant road authority	
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	DIELEDEI MIA	where council <u>Council</u> is the relevant road authority	
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	DIELEDEI MIA	where council <u>Council</u> is the relevant road authority	

RESIDENTIAL TENANCIES ACT 1997				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.142D	function of receiving notice regarding an unregistered rooming house	MCSC MPH PBCM <u>CPBC</u> TLEH SEHO EHO		
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	MCSC MPH PBCM <u>CPBC</u> TLEH SEHO EHO		
s. 142G(2)	power to enter certain information in the Rooming House Register	MCSC MPH <u>CPBC</u> PBCM SEHO TLEH EHO		

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	MCSC MPH <u>CPBC</u> PBCM TLEH SEHO EHO	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	MBP	where council <u>Council</u> is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	MBP	where council <u>Council</u> is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council <u>Council</u>	MBP	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	MCSC <u>CPBC</u> PBCM	

RESIDENTIAL TENANCIES ACT 1997				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.522(1)	power to give a compliance notice to a person	MCSC CPBC MPH TLEH SEHO PBCM		
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	MCSC CPBC MPH PBCM		
s.525(4)	duty to issue identity card to authorised officers	MCSC MPH PBCM		
s.526(5)	duty to keep record of entry by authorised officer under section 526	MCSC MPH PBCM		
s.526A(3)	function of receiving report of inspection	MCSC MPH PBCM		

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	MCSC MPH PBCM	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	Not delegated	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	Not delegated	
s.11(9)(b)	duty to advise Registrar	DIELEDEI	
s.11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DIELEDEI	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DIELEDEI	where council <u>Council</u> is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	DIELEDEI	were council <u>Council</u> is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	DIELEDEI	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	DIELEDEI	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	DIELEDEI	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	DIELEDEI	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	DIELEDEI	duty of coordinating road authority where it is the discontinuing body does not apply where an exemption is specified by the Minister
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	DIELEDEI	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 VicRoads	DIELEDEI	
s.14(7)	power to appeal against decision of VicRoads	DIELEDEI	
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	DIELEDEI	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DIELEDEI	
s.15(2)	duty to include details of arrangement in public roads register	DIELEDEI MIA	
s.16(7)	power to enter into an arrangement under section 15	DIELEDEI	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.16(8)	duty to enter details of determination in public roads register	DELEGATE	
s.17(2)	duty to register public road in public roads register	DELEGATE MIA	where source Council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	DELEGATE DPP MIA	where source Council is the coordinating road authority
s.17(3)	duty to register a road reasonably required for general public use in public roads register	DELEGATE MIA	where source Council is the coordinating road authority
s.17(4)	power to decide that a road is no longer reasonably required for general public use	DELEGATE DPP	where source 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	DELEGATE	where source Council is the coordinating road authority
s.18(1)	power to designate ancillary area	DELEGATE MIA	where source Council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	DELEGATE MIA	where source 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	DELEGATE MIA	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(4)	duty to specify details of discontinuance in public roads register	DIELEI MIA	
s.19(5)	duty to ensure public roads register is available for public inspection	DIELEI MIA	
s.21	function of replying to request for information or advice	DIELEI	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	DIELEI	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	DIELEI MIA	
s.22(5)	duty to give effect to a direction under this section.	DIELEI MIA	
s.40(1)	duty to inspect, maintain and repair a public road.	DIELEI MW	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.40(5)	power to inspect, maintain and repair a road which is not a public road	DIELEI MIA MW GMPES GMRL	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	DIELEI GMPIMPI MIA MW	
s.42(1)	power to declare a public road as a controlled access road	Not delegated	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	DIELEI	power of coordinating road authority and Schedule 2 also applies
s.42A(3)	duty to consult with VicRoads before road is specified	DIELEI	where council <u>Council</u> 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	DIELEI	where council <u>Council</u> is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)	DIELEDEI	where council Council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the relevant authority for purposes of developing guidelines under section 48M	DIELEDEI	
s.49	power to develop and publish a road management plan	DIELEDEI	
s.51	power to determine standards by incorporating the standards in a road management plan	DIELEDEI	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	DIELEDEI	
s.54(2)	duty to give notice of proposal to make a road management plan	DIELEDEI	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	DIELEDEI MIA	
s.54(6)	power to amend road management plan	DIELEDEI MIA	
s.54(7)	duty to incorporate the amendments into the road management plan	DIELEDEI MIA	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	DIELEDEI	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.63(1)	power to consent to conduct of works on road	DIELEDEI DPP MCSC CCC CPBC MIA MP PBCM	where source <u>Council</u> 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	DIELEDEI DPP MIA MP MW	where source <u>Council</u> is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	DIELEDEI DPP MIA MW	where source <u>Council</u> is the infrastructure manager or works manager

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.66(1)	power to consent to structure etc	DIE DEI DPP MCSC MIA MW CPBC CCC PBCM	where source <u>Council</u> is the coordinating road authority
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	DPP DIE DEI MCSC MIA MW CCC PBCM	where source <u>Council</u> is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.67(3)	power to request information	DIELEDEI DPP MCSC MIA MW CPBC CCC	where council <u>Council</u> is the coordinating road authority
s.68(2)	power to request information	DIELEDEI DPP MCSC MIA MW PBCM CPBC CCC	where council <u>Council</u> is the coordinating road authority
s.71(3)	power to appoint an authorised officer	DIELEDEI DPP	
s.72	duty to issue an identity card to each authorised officer	DIELEDEI DPP	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.85	function of receiving report from authorised officer	DIE DEI DPP GMP ES MIA MW	
s.86	duty to keep register re section 85 matters	DIE DEI DPP GMP ES MW	
s.87(1)	function of receiving complaints	DIE DEI DPP GMP ES MW MIA	
s.87(2)	duty to investigate complaint and provide report	DIE DEI DPP GMP ES MIA MW	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.112(2)	power to recover damages in court	DIE DE I DPP MCSC PBCM CPBC CCC	
s.116	power to cause or carry out inspection	DIE DE I DPP GMPES MW MIA	
s.119(2)	function of consulting with VicRoads	DIE DE I DPP MIA MW	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	DIE DE I GMP MP I MIA MW	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	DIE DEI DPP MW	
s.121(1)	power to enter into an agreement in respect of works	DIE DEI DPP MCSC MIA MW PBCM	
s.122(1)	power to charge and recover fees	DIE DEI DPP MW MIA	
s.123(1)	power to charge for any service	DIE DEI MIA MW	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	DIE DEI DPP	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	Not delegated	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	Not delegated	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	DPP DPP	
Schedule 2 Clause 5	duty to publish notice of declaration	DPP DPP	
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	DPP DPP MW	where council <u>Council</u> 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	DPP DPP MW	where council <u>Council</u> is the infrastructure manager or works manager
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	DPP DPP MW	where council <u>Council</u> is the infrastructure manager or works manager responsible for non-road infrastructure

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DIELEDEI DPP MW	where source <u>Council</u> 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	DIELEDEI DPP MW	where source <u>Council</u> is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	DIELEDEI DPP MIA MW	where source <u>Council</u> is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	DIELEDEI DPP MIA MW	where source <u>Council</u> is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	DIELEDEI DPP MIA MW	where source <u>Council</u> is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 12(5)	power to recover costs	DPP DPP MIA MW	where the Council <u>Council</u> 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)	DPP DPP MIA MW	where the Council <u>Council</u> is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	DPP DPP MW	where the Council <u>Council</u> 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)	DPP DPP MW	where the Council <u>Council</u> is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	DPP DPP MIA MW	where the Council <u>Council</u> is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 16(4)	duty to consult	DIELEDEI DPP MIA	where council <u>Council</u> is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	DIELEDEI DPP MIA MW	where council <u>Council</u> is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	DIELEDEI DPP <u>MIA</u>	where council <u>Council</u> is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	DIELEDEI DPP <u>MIA</u>	where council <u>Council</u> is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	DIELEDEI DPP <u>MIA</u>	where council <u>Council</u> is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	DIELEDEI	where council <u>Council</u> is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	DIELEDEI DPP <u>MIA</u> <u>MW</u>	where council <u>Council</u> is the coordinating road authority
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	DIELEDEI DPP <u>MW</u>	where council <u>Council</u> is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DIELEDEI DPP MIA	where council <u>Council</u> is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	DIELEDEI DPP MIA	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	DIELEDEI MIA	where council <u>Council</u> 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	DIELEDEI MIA	where council <u>Council</u> is the responsible road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DELEGATE MIA	duty of council Council as responsible road authority that installed the light (re: installation costs) and where council Council is relevant municipal council Council (re: operating costs)

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
r.7	function of entering into a written agreement with a caravan park owner	MCSC PBCM <u>CPBC</u> MPH TLEH SEHO		
r.11	function of receiving application for registration	MCSC PBCM MPH TLEH SEHO EHO		
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	MCSC PBCM <u>CPBC</u> MPH TLEH SEHO EHO		
r.13(2)	duty to renew the registration if satisfied that the caravan park	MCSC		

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	complies with these regulations	PBCM <u>CPBC</u> MPH TLEH SEHO	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MCSC PBCM <u>CPBC</u> MPH TLEH SEHO	
r.13(4) & (5)	duty to issue certificate of registration	MCSC PBCM <u>CPBC</u> MPH TLEH SEHO	
r.15(1)	function of receiving notice of transfer of ownership	MCSC PBCM <u>CPBC</u>	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
		MPH TLEH SEHO EHO		
r.15(3)	power to determine where notice of transfer is displayed	MCSC PBCM CPBC MPH TLEH SEHO EHO		
r.16(1)	duty to transfer registration to new caravan park owner	MCSC PBCM CPBC MPH TLEH SEHO EHO		
r.16(2)	duty to issue a certificate of transfer of registration	MCSC PBCM		

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		<u>CPBC</u> MPH TLEH SEHO	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	MCSC PBCM <u>CPBC</u> MPH TLEH SEHO EHO	
r.18	duty to keep register of caravan parks	MCSC PBCM <u>CPBC</u> MPH TLEH SEHO	
r.19(4)	power to determine where the emergency contact person's details are displayed	MCSC PBCM <u>CPBC</u>	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
		MPH TLEH SEHO EHO		
r.19(6)	power to determine where certain information is displayed	MCSC PBCM MPH TLEH SEHO EHO		
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	MCSC PBCM <u>CPBC</u>		
r.22A(2)	duty to consult with relevant emergency services agencies	MCSC PBCM <u>CPBC</u>		
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	MCSC PBCM <u>CPBC</u> MPH		

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	TLEH SEHO EHO MCSC PBCM <u>CPBC</u> MPH TLEH SEHO EHO	
r.25(3)	duty to consult with relevant floodplain management authority	MCSC PBCM <u>CPBC</u> MPH TLEH SEHO EHO	
r.26	duty to have regard to any report of the relevant fire authority	MCSC PBCM <u>CPBC</u>	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
		MPH TLEH SEHO EHO		
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	MPH TLEH SEHO EHO		
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MCSC PBCM <u>CPBC</u> MPH TLEH SEHO EHO		
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MCSC PBCM <u>CPBC</u> MPH TLEH		

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.40(4)	function of receiving installation certificate	SEHO EHO MCSC PBCM <u>CPBC</u> MPH TLEH SEHO EHO	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MCSC PBCM <u>CPBC</u> MPH TLEH SEHO EHO	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	MCSC <u>CPBC</u> PBCM MPH	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		TLEH SEHO EHO	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.8(1)	duty to conduct reviews of road management plan	DIELEDEI MIA	
r.9(2)	duty to produce written report of review of road management plan and make report available	DIELEDEI MIA	
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)	DIELEDEI	where seuerel 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	DIELEDEI MIA	
r.13(1)	Duty to publish notice of amendments to road management plan	DIELEDEI MIA	where seuerel Council is the coordinating road authority
r.13(3)	duty to record on road management plan the substance and date of effect of amendment	DIELEDEI MIA	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.16(3)	power to issue permit	DIELEDEI DPP MCSC MIA PBCM CPBC CCC	where council <u>Council</u> is the coordinating road authority
r.18(1)	power to give written consent re damage to road	DIELEDEI	where council <u>Council</u> is the coordinating road authority
r.23(2)	power to make submission to Tribunal	DPP PBCM MCSC CPBC	where council <u>Council</u> is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	DIELEDEI DPP MCSC MIA PBCM CPBC CCC	where council <u>Council</u> is the coordinating road authority

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	DIELEI DPP GMPE\$ MCSC MIA MW PBCM CPBC CCC	where seuerel <u>Council</u> 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))	DIELEI DPP	where seuerel <u>Council</u> is the responsible road authority
r.25(5)	power to recover in the Magistrates' Court, expenses from person responsible	DIELEI	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.15	power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	DI EL DE I	where council <u>Council</u> 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	DI EL DE I	where council <u>Council</u> is the coordinating road authority

Attachment 6

S6. Instrument of Delegation – Members of Staff

Glen Eira City Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act* 1989 and the other legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:
 - 'CCC' means Coordinator Civic Compliance;
 - 'CCTPD' means Coordinator City Transport and Place Design;
 - 'CEO' means Chief Executive Officer;
 - 'CPBC' means Coordinator Planning and Building Compliance
 - 'DEI' means Director Environment and Infrastructure;
 - 'DPP' means Director Planning and Place;
 - 'EHO' means Environmental Health Officer;
 - 'MPI' means Manager Projects and Infrastructure;
 - 'MBP' means Manager Buildings and Properties;
 - 'MIA' means Manager Infrastructure Assets;
 - 'MCSC' means Manager Community Safety and Compliance;
 - 'MP' means Manager Parks;
 - 'MPH' means Manager Public Health or Coordinator Public Health;
 - 'MUP' means Manager Urban Planning;
 - 'MW' means Manager Works;
 - 'SEHO' means Senior Environmental Health Officer; and
 - 'TLEH' means Team Leader Environmental Health.
3. declares that:
 - 3.1 this Instrument of Delegation is authorised by resolution of Council passed on 18 December 2018; and
 - 3.2 the delegation:
 - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2.2 remains in force until varied or revoked;
 - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
 - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or

(b) strategy

adopted by Council; or

- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

The seal of Glen Eira City)
Council was affixed hereto)
in the presence of:)

..... **Councillor**

..... **Chief Executive Officer**

Date:

SCHEDULE

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

ENVIRONMENT PROTECTION ACT 1970				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.53M(3)	power to require further information	MPH TLEH SEHO EHO		
s.53M(4)	duty to advise applicant that application is not to be dealt with	MPH TLEH SEHO EHO		
s.53M(5)	duty to approve plans, issue permit or refuse permit	MPH TLEH SEHO EHO	refusal must be ratified by Council or it is of no effect	
s.53M(6)	power to refuse to issue septic tank permit	MPH TLEH SEHO EHO	refusal must be ratified by Council or it is of no effect	

s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	MPH TLEH SEHO EHO	refusal must be ratified by Council or it is of no effect
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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	MPH TLEH SEHO	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	MPH TLEH SEHO	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	MPH TLEH SEHO	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	CEO MPH TLEH	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	CEO MPH	if section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	CEO MPH	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).	CEO MPH	where Council is the registration authority

FOOD ACT 1984				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s. 19AA(4)(c)	power to direct, in an order made under s. 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	CEO MPH	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	CEO MPH	where Council is the registration authority	
s. 19CB(4)(b)	power to request copy of records	CEO MPH TLEH SEHO	where Council is the registration authority	
s. 19E(1)(d)	power to request a copy of the food safety program	MPH TLEH SEHO	where Council is the registration authority	
s. 19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	MPH TLEH SEHO EHO	where Council is the registration authority	

FOOD ACT 1984				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	MPH TLEH SEHO EHO	where Council is the registration authority	
s.19NA(1)	power to request food safety audit reports	MPH TLEH SEHO EHO	where Council is the registration authority	
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	MPH TLEH SEHO		
s.19UA	power to charge fees for conducting a food safety assessment or inspection	MPH TLEH SEHO	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	MPH TLEH SEHO	where Council is the registration authority	

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	MPH TLEH SEHO	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	MPH TLEH SEHO	where Council is the registration authority
---	power to register, renew or transfer registration	MPH TLEH SEHO	where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))
s.38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	MPH TLEH SEHO	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 subsection (1)	MPH	where Council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	MPH TLEH SEHO EHO	where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	MPH TLEH SEHO	where Council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	MPH TLEH SEHO	where Council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	MPH TLEH SEHO	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	MPH TLEH SEHO	where Council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	MPH TLEH SEHO	where Council is the registration authority
s.38D(3)	power to request copies of any audit reports	MPH TLEH SEHO	where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38E(2)	power to register the food premises on a conditional basis	MPH TLEH SEHO	where Council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).
s.38E(4)	duty to register the food premises when conditions are satisfied	MPH TLEH SEHO	where Council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	MPH TLEH SEHO	where Council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	MPH TLEH SEHO	where Council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	MPH TLEH SEHO	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	MPH TLEH SEHO	where Council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	CEO	where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MPH TLEH SEHO	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	MPH TLEH SEHO EHO	where Council is the registration authority
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	MPH TLEH SEHO EHO	where Council is the registration authority

HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.116	power to sub-delegate Executive Director's functions, duties or powers	DPP	must first obtain Executive Director's written consent Council can only sub-delegate if the instrument of delegation from the Executive Director authorises sub-delegation

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.181H	power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO	

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.33	duty to comply with a direction of the Safety Director under this section	DEI MIA	where Council is a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	DEI MIA	duty of Council as a road authority under the <i>Road Management Act 2004</i>
s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)	DEI MIA	where Council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	DEI MIA MUP CCTPD	where Council is the relevant road authority
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	DEI MIA MUP CCTPD	where Council is the relevant road authority
s.34D(2)	function of receiving written notice of opinion	DEI MIA	where Council is the relevant road authority

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS	
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	DEI MIA MUP CCTPD	where Council is the relevant road authority	
s.34E(1)(a)	duty to identify and assess risks to safety	DEI MIA MUP CCTPD	where Council is the relevant road authority	
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	DEI MIA MUP CCTPD	where Council is the relevant road authority	
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DEI MIA MUP CCTPD	where Council is the relevant road authority	

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS	
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	DEI MIA MUP CCTPD	where Council is the relevant road authority	
s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	DEI MIA MUP CCTPD	where Council is the relevant road authority	
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DEI MUP MIA CCTPD	where Council is the relevant road authority	
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	DEI MUP MIA CCTPD	where Council is the relevant road authority	
s.34I	function of entering into safety interface agreements	DEI MIA MUP	where Council is the relevant road authority	

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34J(2)	function of receiving notice from Safety Director	DEI MIA	where Council is the relevant road authority
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	DEI MIA	where Council is the relevant road authority
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	DEI MIA	where Council is the relevant road authority

RESIDENTIAL TENANCIES ACT 1997				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.142D	function of receiving notice regarding an unregistered rooming house	MCSC MPH CPBC TLEH SEHO EHO		
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	MCSC MPH CPBC TLEH SEHO EHO		
s. 142G(2)	power to enter certain information in the Rooming House Register	MCSC MPH CPBC SEHO TLEH EHO		

RESIDENTIAL TENANCIES ACT 1997				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.142(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	MCSC MPH CPBC TLEH SEHO EHO		
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	MBP	where Council is the landlord	
s.262(1)	power to give tenant a notice to vacate rented premises	MBP	where Council is the landlord	
s.262(3)	power to publish its criteria for eligibility for the provision of housing by Council	MBP		
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	MCSC CPBC		

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.522(1)	power to give a compliance notice to a person	MCSC CPBC MPH TLEH SEHO	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	MCSC CPBC MPH	
s.525(4)	duty to issue identity card to authorised officers	MCSC MPH	
s.526(5)	duty to keep record of entry by authorised officer under section 526	MCSC MPH	
s.526A(3)	function of receiving report of inspection	MCSC MPH	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	MCSC MPH	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	Not delegated	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	Not delegated	
s.11(9)(b)	duty to advise Registrar	DEI	
s.11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DEI	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DEI	where Council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	DEI	were Council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	DEI	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	DEI	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	DEI	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	DEI	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	DEI	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	DEI	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 VicRoads	DEI	
s.14(7)	power to appeal against decision of VicRoads	DEI	
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	DEI	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DEI	
s.15(2)	duty to include details of arrangement in public roads register	DEI MIA	
s.16(7)	power to enter into an arrangement under section 15	DEI	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.16(8)	duty to enter details of determination in public roads register	DEI	
s.17(2)	duty to register public road in public roads register	DEI MIA	where Council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	DEI DPP MIA	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	DEI MIA	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	DEI DPP	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	DEI	where Council is the coordinating road authority
s.18(1)	power to designate ancillary area	DEI MIA	where Council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	DEI MIA	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	DEI MIA	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(4)	duty to specify details of discontinuance in public roads register	DEI MIA	
s.19(5)	duty to ensure public roads register is available for public inspection	DEI MIA	
s.21	function of replying to request for information or advice	DEI	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	DEI	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	DEI MIA	
s.22(5)	duty to give effect to a direction under this section.	DEI MIA	
s.40(1)	duty to inspect, maintain and repair a public road.	DEI MW	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.40(5)	power to inspect, maintain and repair a road which is not a public road	DEI MIA MW	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	DEI MPI MIA MW	
s.42(1)	power to declare a public road as a controlled access road	Not delegated	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	DEI	power of coordinating road authority and Schedule 2 also applies
s.42A(3)	duty to consult with VicRoads before road is specified	DEI	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	DEI	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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)	DEI	where Council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the relevant authority for purposes of developing guidelines under section 48M	DEI	
s.49	power to develop and publish a road management plan	DEI	
s.51	power to determine standards by incorporating the standards in a road management plan	DEI	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	DEI	
s.54(2)	duty to give notice of proposal to make a road management plan	DEI	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	DEI MIA	
s.54(6)	power to amend road management plan	DEI MIA	
s.54(7)	duty to incorporate the amendments into the road management plan	DEI MIA	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	DEI	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.63(1)	power to consent to conduct of works on road	DEI DPP MCSC CCC CPBC MIA MP	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	DEI DPP MIA MP MW	where Council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	DEI DPP MIA MW	where Council is the infrastructure manager or works manager

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.66(1)	power to consent to structure etc	DEI DPP MCSC MIA MW CPBC CCC	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	DPP DEI MCSC MIA MW CCC	where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.67(3)	power to request information	DEI DPP MCSC MIA MW CPBC CCC	where Council is the coordinating road authority
s.68(2)	power to request information	DEI DPP MCSC MIA MW CPBC CCC	where Council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	DEI DPP	
s.72	duty to issue an identity card to each authorised officer	DEI DPP	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.85	function of receiving report from authorised officer	DEI DPP MIA MW	
s.86	duty to keep register re section 85 matters	DEI DPP MW	
s.87(1)	function of receiving complaints	DEI DPP MW MIA	
s.87(2)	duty to investigate complaint and provide report	DEI DPP MIA MW	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.112(2)	power to recover damages in court	DEI DPP MCSC CPBC CCC	
s.116	power to cause or carry out inspection	DEI DPP MW MIA	
s.119(2)	function of consulting with VicRoads	DEI DPP MIA MW	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	DEI MPI MIA MW	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	DEI DPP MW	
s.121(1)	power to enter into an agreement in respect of works	DEI DPP MCSC MIA MW	
s.122(1)	power to charge and recover fees	DEI DPP MW MIA	
s.123(1)	power to charge for any service	DEI MIA MW	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	DEI DPP	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	Not delegated	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	Not delegated	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	DEI DPP	
Schedule 2 Clause 5	duty to publish notice of declaration	DEI DPP	
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	DEI DPP MW	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	DEI DPP MW	where Council is the infrastructure manager or works manager
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	DEI DPP MW	where Council is the infrastructure manager or works manager responsible for non-road infrastructure

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DEI DPP MW	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	DEI DPP MW	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	DEI DPP MIA MW	where Council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	DEI DPP MIA MW	where Council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	DEI DPP MIA MW	where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 12(5)	power to recover costs	DEI DPP MIA MW	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)	DEI DPP MIA MW	where Council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	DEI DPP MW	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)	DEI DPP MW	where Council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	DEI DPP MIA MW	where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 16(4)	duty to consult	DEI DPP MIA	where Council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	DEI DPP MIA MW	where Council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	DEI DPP MIA	where Council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	DEI DPP MIA	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	DEI DPP MIA	where Council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	DEI	where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	DEI DPP MIA MW	where Council is the coordinating road authority
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	DEI DPP MW	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	DEI DPP MIA	where Council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	DEI DPP MIA	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	DEI MIA	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	DEI MIA	where Council is the responsible road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DEI MIA	duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal Council (re: operating costs)

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
r.7	function of entering into a written agreement with a caravan park owner	MCSC CPBC MPH TLEH SEHO		
r.11	function of receiving application for registration	MCSC MPH TLEH SEHO EHO		
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	MCSC CPBC MPH TLEH SEHO EHO		
r.13(2)	duty to renew the registration if satisfied that the caravan park	MCSC		

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	complies with these regulations	CPBC MPH TLEH SEHO	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MCSC CPBC MPH TLEH SEHO	
r.13(4) & (5)	duty to issue certificate of registration	MCSC CPBC MPH TLEH SEHO	
r.15(1)	function of receiving notice of transfer of ownership	MCSC CPBC	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
		MPH TLEH SEHO EHO		
r.15(3)	power to determine where notice of transfer is displayed	MCSC CPBC MPH TLEH SEHO EHO		
r.16(1)	duty to transfer registration to new caravan park owner	MCSC CPBC MPH TLEH SEHO EHO		
r.16(2)	duty to issue a certificate of transfer of registration	MCSC		

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		CPBC MPH TLEH SEHO	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	MCSC CPBC MPH TLEH SEHO EHO	
r.18	duty to keep register of caravan parks	MCSC CPBC MPH TLEH SEHO	
r.19(4)	power to determine where the emergency contact person's details are displayed	MCSC CPBC	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
		MPH TLEH SEHO EHO		
r.19(6)	power to determine where certain information is displayed	MCSC MPH TLEH SEHO EHO		
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	MCSC CPBC		
r.22A(2)	duty to consult with relevant emergency services agencies	MCSC CPBC		
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	MCSC CPBC MPH		

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		TLEH SEHO EHO	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	MCSC CPBC MPH TLEH SEHO EHO	
r.25(3)	duty to consult with relevant floodplain management authority	MCSC CPBC MPH TLEH SEHO EHO	
r.26	duty to have regard to any report of the relevant fire authority	MCSC CPBC	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
		MPH TLEH SEHO EHO		
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	MPH TLEH SEHO EHO		
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MCSC CPBC MPH TLEH SEHO EHO		
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MCSC CPBC MPH TLEH		

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
		SEHO EHO		
r.40(4)	function of receiving installation certificate	MCSC CPBC MPH TLEH SEHO EHO		
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MCSC CPBC MPH TLEH SEHO EHO		
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	MCSC CPBC MPH		

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		TLEH SEHO EHO	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.8(1)	duty to conduct reviews of road management plan	DEI MIA	
r.9(2)	duty to produce written report of review of road management plan and make report available	DEI MIA	
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)	DEI	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	DEI MIA	
r.13(1)	Duty to publish notice of amendments to road management plan	DEI MIA	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	DEI MIA	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.16(3)	power to issue permit	DEI DPP MCSC MIA CPBC CCC	where Council is the coordinating road authority
r.18(1)	power to give written consent re damage to road	DEI	where Council is the coordinating road authority
r.23(2)	power to make submission to Tribunal	DPP MCSC CPBC	where Council is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	DEI DPP MCSC MIA CPBC CCC	where Council is the coordinating road authority

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	DEI DPP MCSC MIA MW CPBC CCC	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))	DEI DPP	where Council is the responsible road authority
r.25(5)	power to recover in the Magistrates' Court, expenses from person responsible	DEI	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.15	power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	DEI	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	DEI	where Council is the coordinating road authority

ATTACHMENT 7 – Guidelines for Administration of Delegated Planning Forum (DPF) – NOTED 29 NOVEMBER 2016

The DPF is an initiative of Council introduced in the interests of fair and timely decision making. Attendance at the DPF meetings by objectors and the applicant is not compulsory but is encouraged. (It is not a statutory requirement of Council to hear views verbally, but the Glen Eira City Council invites interested parties to the meeting if they wish to attend.)

Three Council staff members will attend the DPF. The chairperson will always be either the Director Planning and Place, Manager Town Planning or Co-ordinator Town Planning. Two Council staff members attending the DPF (including the Chairperson) must have a town planning qualification and extensive experience in town planning. The Chairperson of the Delegated Planning Forum has the delegated authority to determine planning matters before it.

Notwithstanding this process, legislation requires that all written objections (whether the objector attends the DPF or not) must be considered by the Chairperson of the DPF prior to formulating the decision.

The decision on the application will be made by the Chairperson who must consider:

- The verbal presentations
- The planning officer's recommendation
- All written submissions/objections
- The recommendations of the two accompanying staff panel members
- Relevant planning provisions

Council's Planning Office will notify parties of the meeting by telephone or mail five days prior to the scheduled date/time of the meeting. Meetings are held during business hours. Meeting duration for each item is typically a minimum of one hour.

Order of proceedings:

1. Introduction by Chairperson (delegate). All parties informed of process.
2. Brief officer presentation and recommendation.
3. Verbal presentations by objectors.
4. Applicant's presentation and response to matters raised by objectors. (The DPF Chairperson may allow further discussion from parties depending on circumstances)
5. The Chairperson and two accompanying staff panel members deliberate in a separate room.
6. The Chairperson hands down decision i.e. the Council's decision in the meeting room.

If any Council officer scheduled to attend the DPF has a conflict of interest in any item of business arising before the Forum, that officer must be replaced by a suitably qualified and impartial officer.

Whilst detailed minutes of the meeting are not kept, it is the Planning Officer's responsibility to record significant points raised and the decision made.

The decision has the mandate of Council and cannot be changed once it is handed down. The Victorian Civil and Administrative Tribunal is the appropriate vehicle to challenge the decision.

All parties will be notified of the decision in writing following the meeting.

ATTACHMENT 8 – Guidelines for Administration of Delegated Planning Forum

The Delegated Planning Forum (**DPF**) is an initiative of Council introduced in the interests of fair and timely decision making in accordance with the *Planning and Environment Act 1987 (Act)*.

The following guidelines are intended to provide information to members of the community about the administration of the DPF.

Matters considered at the DPF

The Chairperson of the DPF has authority to determine the outcome of planning permit applications in accordance with Council's Instrument of Delegation (as amended from time to time).

Composition of the DPF

Three Council staff members will attend the DPF.

The Chairperson of the DPF will always be either the Director Planning and Place, Manager Urban Planning or Co-ordinator Urban Planning. All of the Council staff members attending the DPF (including the Chairperson) will have a town planning qualification or extensive experience in town planning or a related discipline.

Public attendance at the DPF

Attendance at the DPF meetings by objectors and the applicant is not compulsory but is encouraged. (It is not a statutory requirement of Council to hear views verbally, but the Glen Eira City Council invites interested parties to the meeting if they wish to attend).

Notwithstanding this process, the Act requires that all written objections (whether the objector attends the DPF or not) must be considered by the Chairperson of the DPF when they make a decision on the application.

The decision on the application will be made by the Chairperson who will consider:

- The planning officer's recommendation;
- All written submissions/objections and the supporting submission made at the DPF;
- The recommendations of the two accompanying staff panel members;
- Relevant planning provisions; and

must make a decision in accordance with Section 60 of the Planning and Environment Act 1987

Procedures and order of proceedings

Council will notify parties of the meeting by email within a reasonable time, which is generally five days before the scheduled date of the meeting. If there is no email address provided for a particular applicant or objector, Council will take reasonable steps to invite them, such as contacting them by telephone. Meetings are held during business hours. Generally, the meeting duration for each item is between one and two hours depending on the number of parties involved.

The usual order of proceedings is as follows, unless otherwise determined by the Chairperson:

1. Introduction by Chairperson. All parties informed of process and staff declare any conflicts of interest.

2. Brief officer presentation and recommendation.
3. Verbal presentations by objectors.
4. Applicant's presentation and response to matters raised by objectors. (The Chairperson may allow further discussion from parties depending on circumstances)
5. The Chairperson and two accompanying staff panel members deliberate in a separate room.
6. The Chairperson hands down decision in the meeting room.

If any Council officer scheduled to attend the DPF has a conflict of interest in any item of business arising before the DPF, that officer will be replaced by a suitably qualified and impartial officer.

Whilst detailed minutes of the meeting are not kept, it is the Planning Officer's responsibility to record significant points raised as part of the decision making process.

All parties will be notified of the decision in writing following the meeting and will have rights of review to the Victorian Civil and Administrative Tribunal (VCAT).

Seeking review of decisions made at the DPF

If you are dissatisfied with a decision made at the DPF, the decision will outline your rights of review to the VCAT. Please be mindful of the timeframes for appealing a decision.