

***S6 Instrument of Delegation – Members of Staff  
(Planning and Environment Act 1987)***

**Glen Eira City Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

## Instrument of Delegation

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

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

| Reference                         | Meaning   |
|-----------------------------------|---|
| <b>CCSPP</b>                      | Coordinator City Strategy and Place Planning  |
| <b>CUP</b>                        | Coordinator Urban Planning  |
| <b>DPP</b>                        | Director Planning and Place   |
| <b>DSAL</b>                       | Director Sustainability, Assets and Leisure   |
| <b>ESC</b>                        | Engineering Services Coordinator  |
| <b>MCF</b>                        | Manager City Futures  |
| <b>MSI</b>                        | Manager Sustainability and Infrastructure   |
| <b>MUP</b>                        | Manager Urban Planning  |
| <b>PCESO</b>                      | Planning Customer Experience and Support Officer and Coordinator Planning Customer Experience and Support |
| <b>PStratP</b>                    | Principal Strategic Planner   |
| <b>PUP</b>                        | Principal Urban Planner   |
| <b>PUPS</b>                       | Principal Urban Planner (Subdivisions)  |
| <b>SO</b>                         | Subdivision Officer   |
| <b>Specific Planning Officers</b> | CCSPP, CUP, DPP, MCF, MUP, PStratP, PUP, PUPS, SO, SUP, StratP, SStratP, SP and UP                        |
| <b>SUP</b>                        | Senior Urban Planner  |
| <b>StratP</b>                     | Strategic Planner   |
| <b>SStratP</b>                    | Senior Strategic Planner  |
| <b>SP</b>                         | Student Planner   |
| <b>UP</b>                         | Urban Planner   |
| <b>CPE</b>                        | Coordinator Planning Enforcement  |
| <b>PCO</b>                        | Planning Compliance Officer   |

3. declares that:
  - 3.1 this Instrument of Delegation is authorised by resolution of Council passed on 21 March 2023;
  - 3.2 the delegation:
    - 3.2.1 comes into force immediately after the passing of the resolution of Council described at 3.1 above;
    - 3.2.2 remains in force until varied or revoked by resolution of Council;

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

# SCHEDULE

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| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                            |                                     |
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| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>            | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>            | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 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 in accordance with public availability requirements                           | Specific Planning Officers |                                     |
| s 4I(2)                                  | Duty to make a copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements      | 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<br>MUP<br>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              |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                            |                                     |
|--|--|----------------------------|-------------------------------------|
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| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>            | <b>CONDITIONS &amp; LIMITATIONS</b> |
| 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 12B(1)                                 | Duty to review planning scheme   | DPP<br>MUP<br>MCF          |                                     |
| s 12B(2)                                 | Duty to review planning scheme at direction of Minister  | DPP<br>MUP<br>MCF          |                                     |
| s 12B(5)                                 | Duty to report findings of review of planning scheme to Minister without delay   | DPP<br>MUP<br>MCF          |                                     |
| s 14                                     | Duties of a Responsible Authority as set out in s 14(a) to (d)   | Specific Planning Officers |                                     |
| s 17(1)                                  | Duty of giving copy amendment to the planning scheme   | Specific Planning Officers |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                            |   |
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| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>            | <b>CONDITIONS &amp; LIMITATIONS</b>   |
| 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 in accordance with public availability requirements   | Specific Planning Officers | Until the proposed amendment is approved or lapsed  |
| s 19                                     | Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme | DPP<br>MUP<br>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<br>Where the amendment will amend the planning scheme to designate Council as an acquiring authority |
| s 20(1)                                  | Power to apply to Minister for exemption from the requirements of s 19  | Specific Planning Officers | Where Council is a planning authority   |
| s 21(2)                                  | Duty to make submissions available in accordance with public availability requirements  | Specific Planning Officers | Until the end of 2 months after the amendment comes into operation or lapses  |
| s 21A(4)                                 | Duty to publish notice  | Specific Planning Officers |   |



| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                            |  |
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| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>            | <b>CONDITIONS &amp; LIMITATIONS</b>  |
| s 22(1)                                  | Duty to consider all submissions received before the date specified in the notice                                    | Specific Planning Officers | Except submissions which request a change to the items in s 22(5)(a) and (b)   |
| S22(2)                                   | Power to consider a late submission<br>Duty to consider a late submission, if directed by the Minister               | Specific Planning Officers |  |
| 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 s 96D) | Specific Planning Officers |  |
| s 26(1)                                  | Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act       | Specific Planning Officers |  |
| s 26(2)                                  | Duty to keep report of panel available in accordance with public availability requirements                           | Specific Planning Officers | During the inspection period   |
| s 27(2)                                  | Power to apply for exemption if panel's report not received  | Not delegated              |  |
| s 28(1)                                  | 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 28(2)                                  | Duty to publish notice of the decision on Internet site  | Specific Planning Officers |  |
| s 28(4)                                  | Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months           | Specific Planning Officers |  |

|            |   |                            |  |
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| 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 |  |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                            |  |
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| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>            | <b>CONDITIONS &amp; LIMITATIONS</b>                                      |
| 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 s 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(1)                                  | Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period   | Specific Planning Officers |  |
| s 41(2)                                  | Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends                   | Specific Planning Officers |  |
| s 42(2)                                  | Duty to make copy of planning scheme available in accordance with the public availability requirements  | Specific Planning Officers |  |
| s 46AAA                                  | Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity | Not applicable             | Where Council is a responsible public entity and is a planning authority |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                   |   |
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| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>   | <b>CONDITIONS &amp; LIMITATIONS</b>   |
| s 46AW                                   | Function of being consulted by the Minister  | DPP<br>MUP<br>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<br><br>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<br>MUP<br>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<br>MUP<br>MCF | Where Council is a responsible public entity  |
| s 46GI(2)(b)(i)                          | Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction  | 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 46GJ(1)                                | Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans  | DPP<br>MUP<br>MCF |   |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                                  |  |
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| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>                  | <b>CONDITIONS &amp; LIMITATIONS</b>    |
| s 46GK                                   | Duty to comply with a Minister's direction that applies to Council as the planning authority | DSAL<br>DPP<br>MSI<br>MUP<br>MCF |  |
| s 46GN(1)                                | Duty to arrange for estimates of values of inner public purpose land                         | DSAL<br>DPP<br>MSI<br>MUP<br>MCF |  |
| s 46GO(1)                                | Duty to give notice to owners of certain inner public purpose land                           | DSAL<br>DPP<br>MSI<br>MUP<br>MCF |  |
| s 46GP                                   | Function of receiving a notice under s 46GO  | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is the collecting agency |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                                  |                                     |
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| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>                  | <b>CONDITIONS &amp; LIMITATIONS</b> |
| 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 | DSAL<br>DPP<br>MSI<br>MUP<br>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   | DSAL<br>DPP<br>MSI<br>MUP<br>MCF |                                     |
| s 46GR(2)                                | Power to consider a late submission<br><br>Duty to consider a late submission if directed to do so by the Minister   | DSAL<br>DPP<br>MSI<br>MUP<br>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   | DSAL<br>DPP<br>MSI<br>MUP<br>MCF |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                                  |                                     |
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| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>                  | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 46GS(2)                                | Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general | DSAL<br>DPP<br>MSI<br>MUP<br>MCF |                                     |
| s 46GT(2)                                | Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference   | DSAL<br>DPP<br>MSI<br>MUP<br>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                                     | DSAL<br>DPP<br>MSI<br>MUP<br>MCF |                                     |
| s 46GT(6)                                | Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)  | DSAL<br>DPP<br>MSI<br>MUP<br>MCF |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                                  |   |
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| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                  | <b>CONDITIONS &amp; LIMITATIONS</b>     |
| 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 | DSAL<br>DPP<br>MSI<br>MUP<br>MCF |   |
| s 46GV(3)                                | Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution<br><br>Power to specify the manner in which the payment is to be made  | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is the collecting agency  |
| s 46GV(3)(b)                             | Power to enter into an agreement with the applicant   | DSAL<br>DPP<br>MSI<br>MUP<br>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)  | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is the development agency |



| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                                  |  |
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| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                  | <b>CONDITIONS &amp; LIMITATIONS</b>    |
| s 46GV(4)(b)                             | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)  | DSAL<br>DPP<br>MSI<br>MUP<br>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 | DSAL<br>DPP<br>MSI<br>MUP<br>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                        | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is the collecting agency |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                                  |   |
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| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>                  | <b>CONDITIONS &amp; LIMITATIONS</b>   |
| s 46GX(2)                                | Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is the collecting agency  |
| s 46GY(1)                                | Duty to keep proper and separate accounts and records  | DSAL<br>DPP<br>MSI<br>MUP<br>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 2020</i>  | DSAL<br>DPP<br>MSI<br>MUP<br>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  | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is that planning authority |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                                  |   |
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| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>                  | <b>CONDITIONS &amp; LIMITATIONS</b>   |
| s 46GZ(2)(a)                             | Function of receiving the monetary component   | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where the Council is the planning authority<br><br>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 | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the relevant development agency |
| s 46GZ(2)(b)                             | Function of receiving the monetary component   | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is the development agency under an approved infrastructure contributions plan<br><br>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)  | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is the collecting agency under an approved infrastructure contributions plan  |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                                  |   |
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| 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 | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>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  | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is the development agency specified in the approved infrastructure contributions plan<br><br>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                             | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is the collecting agency under an approved infrastructure contributions plan  |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                                  |  |
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| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                  | <b>CONDITIONS &amp; LIMITATIONS</b>  |
| s 46GZ(9)                                | Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land | DSAL<br>DPP<br>MSI<br>MUP<br>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)<br><br>Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the development agency |
| s 46GZ(9)                                | Function of receiving the fee simple in the land  | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is the development agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the collecting agency  |
| s 46GZA(1)                               | Duty to keep proper and separate accounts and records   | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is a development agency under an approved infrastructure contributions plan  |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                                  |  |
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| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>                  | <b>CONDITIONS &amp; LIMITATIONS</b>  |
| s 46GZA(2)                               | Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>  | DSAL<br>DPP<br>MSI<br>MUP<br>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)  | DSAL<br>DPP<br>MSI<br>MUP<br>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 | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | If the VPA is the collecting agency under an approved infrastructure contributions plan<br><br>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)   | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is the development agency under an approved infrastructure contributions plan  |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                                  |   |
|--|---|----------------------------------|---|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>                  | <b>Column 4</b>   |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                  | <b>CONDITIONS &amp; LIMITATIONS</b>   |
| s 46GZD(3)                               | Duty to follow the steps set out in s 46GZD(3)(a) and (b)   | DSAL<br>DPP<br>MSI<br>MUP<br>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)  | DSAL<br>DPP<br>MSI<br>MUP<br>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 | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is the development agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the collecting agency |
| s 46GZE(2)                               | Function of receiving the unexpended land equalisation amount   | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the development agency |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                                  |  |
|--|---|----------------------------------|--|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>                  | <b>Column 4</b>  |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                  | <b>CONDITIONS &amp; LIMITATIONS</b>  |
| s 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)   | DSAL<br>DPP<br>MSI<br>MUP<br>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 | DSAL<br>DPP<br>MSI<br>MUP<br>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)   | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is the development agency under an approved infrastructure contributions plan  |
| s 46GZF(3)                               | Function of receiving proceeds of sale  | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is the collection agency under an approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the development agency |



| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                                  |  |
|--|--|----------------------------------|--|
| <b>Column 1</b>                          | <b>Column 2</b>  | <b>Column 3</b>                  | <b>Column 4</b>  |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>                  | <b>CONDITIONS &amp; LIMITATIONS</b>  |
| s 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) | DSAL<br>DPP<br>MSI<br>MUP<br>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)  | DSAL<br>DPP<br>MSI<br>MUP<br>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  | DSAL<br>DPP<br>MSI<br>MUP<br>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  | DSAL<br>DPP<br>MSI<br>MUP<br>MCF | Where Council is a collecting agency or development agency                                 |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                                  |  |
|--|--|----------------------------------|--|
| <b>Column 1</b>                          | <b>Column 2</b>  | <b>Column 3</b>                  | <b>Column 4</b>  |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>                  | <b>CONDITIONS &amp; LIMITATIONS</b>                        |
| 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) | DSAL<br>DPP<br>MSI<br>MUP<br>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       |  |
| 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       |  |
| s 46P(1)                                 | Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured   | Specific Planning Officers       |  |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                                  |   |
|--|---|----------------------------------|---|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>                  | <b>Column 4</b>   |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                  | <b>CONDITIONS &amp; LIMITATIONS</b>                                 |
| s 46P(2)                                 | Power to accept provision of land, works, services or facilities in part or full payment of levy payable  | DSAL<br>DPP<br>MSI<br>MUP<br>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                             | DSAL<br>DPPMUP<br>MCF            |   |
| s 46Q(3)                                 | Power to refund any amount of levy paid if it is satisfied the development is not to proceed  | DPP<br>MUP<br>MCF                | Only applies when levy is paid to Council as a 'development agency' |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                                     |   |
|--|---|-------------------------------------|---|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>                     | <b>Column 4</b>   |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                     | <b>CONDITIONS &amp; LIMITATIONS</b>   |
| s 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<br>MUP<br>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  | DSAL<br>DPP<br>MSI<br>MUP<br>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 in accordance with the public availability requirements, during the inspection period   | PCESO<br>Specific Planning Officers |   |
| s 46V(4)                                 | Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period   | PCESO<br>Specific Planning Officers |   |

|          |   |                                     |  |
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| s 46V(5) | Duty to keep a copy of the approved strategy plan incorporating all amendments to it  | PCESO<br>Specific Planning Officers |  |
| s 46V(6) | Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements | PCESO<br>Specific Planning Officers |  |
| s 46Y    | Duty to carry out works in conformity with the approved strategy plan   | Specific Planning Officers          |  |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                                     |                                     |
|--|--|-------------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>  | <b>Column 3</b>                     | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>                     | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 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<br>Specific Planning Officers |                                     |
| s 49(2)                                  | Duty to make register available for inspection in accordance with the public availability requirements | PCESO<br>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<br>Specific Planning Officers |                                     |
| s 50A(1)                                 | Power to make amendment to application   | PCESO<br>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          |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                                     |                                     |
|--|---|-------------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>                     | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                     | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 50A(4)                                 | Duty to note amendment to application in register   | PCESO<br>Specific Planning Officers |                                     |
| s 51                                     | Duty to make copy of application available for inspection in accordance with the public availability requirements   | PCESO<br>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 council 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 effected   | Specific Planning Officers          |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                            |                                     |
|--|---|----------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>            | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>            | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 52(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 s 52(1) to persons specified by it  | Specific Planning Officers |                                     |
| s 53(1A)                                 | Power to require the applicant to give the notice under s 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 s 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 under s 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 |                                     |



| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                                     |                                     |
|--|---|-------------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>                     | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                     | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 57(2A)                                 | Power to reject objections considered made primarily for commercial advantage for the objector          | DPP<br>MUP<br>MCF<br>CUP            |                                     |
| 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 a copy of all objections available in accordance with the public availability requirements | Specific Planning Officers          |                                     |
| s 57A(4)                                 | Duty to amend application in accordance with applicant's request, subject to s 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<br>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          |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                                     |                                     |
|--|---|-------------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>                     | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                     | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 57C(1)                                 | Duty to give copy of amended application to referral authority  | PCESO<br>Specific Planning Officers |                                     |
| 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<br>MUP<br>MCF                   |                                     |
| s 60                                     | Duty to consider certain matters  | Specific Planning Officers          |                                     |
| s 60(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 | <p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>a) there have been no more than five objections lodged;</li> <li>b) the application has not been referred to the Council or the Delegated Planning Forum for determination; and</li> <li>c) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>a) an application is for use of land for a brothel; or</li> <li>b) an application is for use of land for gaming machines.</li> </ul> <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>a) the application is contrary to law; or</li> <li>b) the application is inconsistent with policy; or</li> <li>c) a referral authority has directed refusal; or</li> <li>d) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul> |

| 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<br>MUP<br>CUP | <p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>a) the delegation may only be exercised where there have been more than five objections but no more than 15 objections lodged;</li> <li>b) the delegation may only be exercised at a Delegated Planning Forum (including a Delegated Planning Forum conducted virtually); and</li> <li>c) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>a) an application is for use of land for a brothel; or</li> <li>b) an application is for use of land for gaming machines.</li> </ul> <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>a) the application is contrary to law; or</li> <li>b) the application is inconsistent with policy; or</li> <li>c) a referral authority has directed refusal; or</li> <li>d) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul> |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                            |                                     |
|--|--|----------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>  | <b>Column 3</b>            | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>            | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 61(2)                                  | Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit                           | 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 |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                            |  |
|--|--|----------------------------|--|
| <b>Column 1</b>                          | <b>Column 2</b>  | <b>Column 3</b>            | <b>Column 4</b>  |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>            | <b>CONDITIONS &amp; LIMITATIONS</b>  |
| s 62(5)(b)                               | Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement  | 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 |  |
| s 62(6)(b)                               | Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a) | 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 s 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 s 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 s 75 |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                            |   |
|--|---|----------------------------|---|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>            | <b>Column 4</b>   |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>            | <b>CONDITIONS &amp; LIMITATIONS</b>   |
| s 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 s 75A   |
| s 65(1)                                  | Duty to give notice of refusal to grant permit to applicant and person who objected under s 57  | Specific Planning Officers |   |
| s 66(1)                                  | Duty to give notice under s 64 or s 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 s 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                             |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                                     |                                     |
|--|--|-------------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>  | <b>Column 3</b>                     | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>                     | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 69(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          |                                     |
| s 69(2)                                  | Power to extend time   | Specific Planning Officers          |                                     |
| s 70                                     | Duty to make copy permit available in accordance with public availability requirements | PCESO<br>Specific Planning Officers |                                     |
| s 71(1)                                  | Power to correct certain mistakes  | Specific Planning Officers          |                                     |
| s 71(2)                                  | Duty to note corrections in register   | PCESO<br>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 | <p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>a) there have been no more than five objections lodged; and</li> <li>b) the application/amending plan has not been referred to the Council or the Delegated Planning Forum for determination; and</li> <li>c) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>a) an application/amending plan is for use of land for a brothel; or</li> <li>b) an application/amending plan is for use of land for gaming machines.</li> </ul> <p>The amended permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i></p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>a) the application is contrary to law; or</li> <li>b) the application is inconsistent with policy; or</li> <li>c) a referral authority has directed refusal; or</li> <li>d) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul> |

| 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<br>MUP<br>CUP | <p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>a) the delegation may only be exercised where there have been more than five objections, but no more than 15 objections lodged;</li> <li>b) the delegation may only be exercised at a Delegated Planning Forum (including a Delegated Planning Forum conducted virtually); and</li> <li>c) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>a) an application is for use of land for a brothel; or</li> <li>b) an application is for use of land for gaming machines.</li> </ul> <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>a) the application is contrary to law; or</li> <li>b) the application is inconsistent with policy; or</li> <li>c) a referral authority has directed refusal; or</li> <li>d) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul> |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                                     |   |
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| <b>Column 1</b>                          | <b>Column 2</b>  | <b>Column 3</b>                     | <b>Column 4</b>   |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>                     | <b>CONDITIONS &amp; LIMITATIONS</b>   |
| s 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<br>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 s 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          |   |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                            |                                     |
|--|--|----------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>  | <b>Column 3</b>            | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>                                   | <b>DELEGATE</b>            | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 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<br>MUP<br>MCF<br>CUP | <p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>a) there have been no more than five objections lodged; and</li> <li>b) the application/amending plan has not been referred to the Council or the Delegated Planning Forum for determination; and</li> <li>c) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>a) an application/amending plan is for use of land for a brothel; or</li> <li>b) an application/amending plan is for use of land for gaming machines.</li> </ul> <p>The amended permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>a) the application is contrary to law; or</li> <li>b) the application is inconsistent with policy; or</li> <li>c) a referral authority has directed refusal; or</li> <li>d) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul> |

| 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<br>MUP<br>MCF<br>CUP | <p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>a) the delegation may only be exercised where there have been more than 5 objections but no more than 15 objections lodged;</li> <li>b) the delegation may only be exercised at a Delegated Planning Forum (including a Delegated Planning Forum conducted virtually); and</li> <li>c) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>a) an application is for use of land for a brothel; or</li> <li>b) an application is for use of land for gaming machines.</li> </ul> <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>a) the application is contrary to law; or</li> <li>b) the application is inconsistent with policy; or</li> <li>c) a referral authority has directed refusal; or</li> <li>d) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul> |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                                   |                                     |
|--|---|-----------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>                   | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                   | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 84(2)                                  | Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit    | 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 business 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 business days  | Specific Planning Officers        |                                     |
| s 87(3)                                  | Power to apply to VCAT for the cancellation or amendment of a permit  | DPP<br>MUP<br>MCF<br>CCSPP<br>CUP |                                     |
| s 90(1)                                  | Function of being heard at hearing of request for cancellation or amendment of a permit   | Specific Planning Officers        |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                            |                                     |
|--|---|----------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>            | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>            | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 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 s 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 s 96C | Specific Planning Officers |                                     |



| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                            |                                     |
|--|--|----------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>  | <b>Column 3</b>            | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>            | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 96F                                    | Duty to consider the panel's report under s 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 s 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                                    | Duty 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 s 97F available in accordance with public availability requirements  | Specific Planning Officers |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                                     |                                     |
|--|---|-------------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>                     | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                     | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 97L                                    | Duty to include Ministerial decisions in a register kept under s 49   | PCSSO<br>Specific Planning Officers |                                     |
| s 97MH                                   | Duty to provide information or assistance to the Planning Application Committee   | Specific Planning Officers          |                                     |
| s 97MI                                   | Duty to contribute to the costs of the Planning Application Committee or subcommittee                                     | DPP<br>MUP<br>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          |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                            |                                     |
|--|---|----------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>            | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>            | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 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<br>MUP                 |                                     |
| 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<br>MUP                 |                                     |
| s 113(2)                                 | Power to request a declaration for land to be proposed to be reserved for public purposes | DPP<br>MUP                 |                                     |

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| s 114(1)    | Power to apply to the VCAT for an enforcement order                       | Specific Planning Officers<br>CPE<br>PCO |  |
| s 117(1)(a) | Function of making a submission to the VCAT where objections are received | Specific Planning Officers<br>CPE<br>PCO |  |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |  |                                     |
|--|---|--|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>                          | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                          | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 120(1)                                 | Power to apply for an interim enforcement order where s 114 application has been made | Specific Planning Officers<br>CPE<br>PCO |                                     |
| s 123(1)                                 | Power to carry out work required by enforcement order and recover costs               | DPP<br>MUP                               |                                     |
| s 123(2)                                 | Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)  | DPPS<br>MUP                              | Except Crown Land                   |
| s 129                                    | Function of recovering penalties  | Specific Planning Officers<br>CPE<br>PCO |                                     |
| s 130(5)                                 | Power to allow person served with an infringement notice further time                 | Specific Planning Officers<br>CPE<br>PCO |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |  |  |
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| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>                          | <b>Column 4</b>                                  |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                          | <b>CONDITIONS &amp; LIMITATIONS</b>              |
| s 149A(1)                                | Power to refer a matter to the VCAT for determination   | Specific Planning Officers<br>CPE<br>PCO |  |
| s 149A(1A)                               | Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement  | Specific Planning Officers<br>CPE<br>PCO |  |
| s 156                                    | Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4) | DPP<br>MUP<br>MCF                        | Where Council is the relevant planning authority |
| s 171(2)(f)                              | Power to carry out studies and commission reports   | Specific Planning Officers               |  |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |   |  |
|--|---|---|--|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>                                     | <b>Column 4</b>  |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                                     | <b>CONDITIONS &amp; LIMITATIONS</b>  |
| s 171(2)(g)                              | Power to grant and reserve easements  | DPP<br>DSAL MUP<br>MCF<br>MSI<br>CUP<br>ESC<br>PUPS |  |
| 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 |
| s 173(1)                                 | Power to enter into agreement covering matters set out in s 174   | DSAL<br>DPP<br>MUP<br>MCF<br>MSI                    |  |

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| 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 | DPP<br>MUP<br>MCF | Where Council is the relevant responsible authority; and<br>Except for where the agreement forms part of a planning scheme amendment or proposed planning scheme amendment |
|-----------|---|-------------------|--|



| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |  |                                     |
|--|---|--|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>  | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>  | <b>CONDITIONS &amp; LIMITATIONS</b> |
| ---                                      | Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority | Specific<br>Planning<br>Officers<br><br>DSAL<br>ESC<br><br>MSI<br><br>CPE<br>PCO |                                     |
| ---                                      | Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority           | Specific Planning<br>Officers<br><br>DSAL<br>ESC<br><br>MSI<br><br>CPE<br>PCO    |                                     |
| s 177(2)                                 | Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9  | DSAL<br><br>DPP<br><br>MUP<br><br>MCF<br><br>MSI                                 |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                                  |                                     |
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| <b>Column 1</b>                          | <b>Column 2</b>  | <b>Column 3</b>                  | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>                  | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 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 | DSAL<br>DPP<br>MUP<br>MCF<br>MSI |                                     |
| 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)   | Specific Planning Officers       |                                     |
| s 178A(4)                                | Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal   | Specific Planning Officers       |                                     |

|           |   |                                  |  |
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| s 178A(5) | Power to propose to amend or end an agreement | DSAL<br>DPP<br>MUP<br>MCF<br>MSI |  |
|-----------|---|----------------------------------|--|

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |   |   |
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| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>                         | <b>Column 4</b>   |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                         | <b>CONDITIONS &amp; LIMITATIONS</b>                                       |
| s 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              |   |
| 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   | DSAL<br>DPP<br>MUP<br>MCF<br>MSI<br>CUP | If no objections are made under s 178D<br>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   | DSAL<br>DPP<br>MUP<br>MCF<br>MSI<br>CUP | If no objections are made under s 178D<br>Must consider matters in s 178B |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |   |   |
|--|---|---|---|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>                         | <b>Column 4</b>   |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                         | <b>CONDITIONS &amp; LIMITATIONS</b>                                       |
| s 178E(2)(c)                             | Power to refuse to amend or end the agreement   | DSAL<br>DPP<br>MUP<br>MCF<br>MSI<br>CUP | If no objections are made under s 178D<br>Must consider matters in s 178B |
| s 178E(3)(a)                             | Power to amend or end the agreement in accordance with the proposal                                   | DSAL<br>DPP<br>MUP<br>MCF<br>MSI<br>CUP | 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 | DSAL<br>DPP<br>MUP<br>MCF<br>MSI<br>CUP | After considering objections, submissions and matters in s 178B           |

|              |   |   |   |
|--------------|---|---|---|
| s 178E(3)(c) | Power to amend or end the agreement in a manner that is substantively different from the proposal | DSAL<br>DPP<br>MUP<br>MCF<br>MSI<br>CUP | After considering objections, submissions and matters in s 178B |
|--------------|---|---|---|

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |   |   |
|--|--|---|---|
| <b>Column 1</b>                          | <b>Column 2</b>  | <b>Column 3</b>                         | <b>Column 4</b>   |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>                         | <b>CONDITIONS &amp; LIMITATIONS</b>                             |
| s 178E(3)(d)                             | Power to refuse to amend or end the agreement  | DSAL<br>DPP<br>MUP<br>MCF<br>MSI<br>CUP | 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              |   |
| s 178G                                   | Duty to sign amended agreement and give copy to each other party to the agreement  | DSAL<br>DPP<br>MUP<br>MCF<br>MSI        |   |

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| 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 | DSAL<br>Specific Planning<br>Officers<br>MSI |  |
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| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |   |                                     |
|--|---|---|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>                                   | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                                   | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 178I(3)                                | Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land   | Specific Planning Officers<br><br>DSAL<br><br>MSI |                                     |
| s 179(2)                                 | Duty to make a copy of each agreement available in accordance with the public availability requirements         | DSAL<br><br>MSI<br><br>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 | DSAL<br><br>MSI<br><br>Specific Planning Officers |                                     |
| s 181(1A)(a)                             | Power to apply to the Registrar of Titles to record the agreement   | DSAL MSI<br>Specific Planning Officers            |                                     |
| s 181(1A)(b)                             | Duty to apply to the Registrar of Titles, without delay, to record the agreement                                | DSAL<br><br>MSI<br><br>Specific Planning Officers |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |   |                                     |
|--|---|---|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>   | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>   | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 182                                    | Power to enforce an agreement   | DSAL<br>MSI<br>Specific Planning Officers<br>CPE<br>PCO |                                     |
| s 183                                    | Duty to tell Registrar of Titles of ending/amendment of agreement   | DSAL MSI<br>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   | DSAL<br>DPP<br>MUP<br>MCF<br>MSI<br>CUP                 |                                     |
| 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                                   | DSAL MSI<br>Specific Planning Officers                  |                                     |
| 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 | DSAL<br>MSI<br>Specific Planning Officers               |                                     |

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| 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 | DSAL MSI<br>Specific Planning Officers |  |
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| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |  |                                     |
|--|---|--|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>                        | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                        | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 184G(2)                                | Duty to comply with a direction of the Tribunal   | DSAL MSI<br>Specific Planning Officers |                                     |
| s 184G(3)                                | Duty to give notice as directed by the Tribunal   | DSAL MSI<br>Specific Planning Officers |                                     |
| s 185B(1)                                | Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice | PCESO<br>Specific Planning Officers    |                                     |
| s 198(1)                                 | Function to receive application for planning certificate  | PCESO<br>Specific Planning Officers    |                                     |
| s 199(1)                                 | Duty to give planning certificate to applicant  | PCESO<br>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             |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |  |                            |                                     |
|--|--|----------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>  | <b>Column 3</b>            | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>   | <b>DELEGATE</b>            | <b>CONDITIONS &amp; LIMITATIONS</b> |
| -  | Power to 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 |                                     |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                            |                                     |
|--|---|----------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>            | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>            | <b>CONDITIONS &amp; LIMITATIONS</b> |
| -  | Power to 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  |
| -                                 | Power to request that the Minister prepare, adopt and approve amendments to a planning scheme in relation to Interim Heritage Overlays, including by exercising powers under section 20(4) | DPP<br>MUP<br>MCF | This power can only be exercised in relation to Interim Heritage Overlays, and where all of the following requirements are met: <ul style="list-style-type: none"> <li>(a) a relevant citation for the site or precinct has been prepared;</li> <li>(b) the heritage project forms part of a heritage review previously approved by Council;</li> <li>(c) a request for demolition has been submitted to Council under section 29A of the <i>Building Act</i> 1993 or a planning application has been submitted which involves demolition or substantial alterations to building and/or works; the proposed demolition or planning application is for a proposed heritage place, including an individually significant building or a contributory building within a proposed or revised heritage precinct; and</li> <li>(d) the proposed demolition or planning application will have an adverse impact on the cultural heritage significance of the site/precinct and is considered to have the potential to undermine the approval of the proposed heritage overlay.</li> </ul> |
| -                                 | Power to request that the Minister prepare, adopt and approve prescribed amendments to a planning scheme as set out in section 20A, including by exercising powers under section 20(4)     | CEO               |   |

| <b>PLANNING AND ENVIRONMENT ACT 1987</b> |   |                                     |                                     |
|--|---|-------------------------------------|-------------------------------------|
| <b>Column 1</b>                          | <b>Column 2</b>   | <b>Column 3</b>                     | <b>Column 4</b>                     |
| <b>PROVISION</b>                         | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                     | <b>CONDITIONS &amp; LIMITATIONS</b> |
| s 201UAB(1)                              | Function of providing the Victoria Planning Authority with information relating to any land within municipal district | PCESO<br>Specific Planning Officers |                                     |
| s 201UAB(2)                              | Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible      | PCESO<br>Specific Planning Officers |                                     |



| <b>PLANNING AND ENVIRONMENT REGULATIONS 2015</b> |   |                                     |  |
|--|---|-------------------------------------|--|
| <b>Column 1</b>                                  | <b>Column 2</b>   | <b>Column 3</b>                     | <b>Column 4</b>  |
| <b>PROVISION</b>                                 | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                     | <b>CONDITIONS AND LIMITATIONS</b>  |
| r 6  | Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme  | PCESO<br>Specific Planning Officers | Where Council is not the planning authority and the amendment affects land within its municipal district; or<br>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 s 54 of the Act | Specific Planning Officers          |  |
| r 25(a)  | Duty to make copy of matter considered under s 60(1A)(g) available in accordance with the public availability requirements  | PCESO<br>Specific Planning Officers | Where Council is the responsible authority   |
| r 25(b)  | Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements  | PCESO<br>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 s 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   | PCESO<br>Specific Planning Officers | Where Council is not the planning authority and the amendment affects land within Council's municipal district; or<br>Where the amendment will amend the planning scheme to designate Council as an acquiring authority. |

| <b>PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016</b> |   |                                     |                                   |
|---|---|-------------------------------------|-----------------------------------|
| <b>Column 1</b>   | <b>Column 2</b>   | <b>Column 3</b>                     | <b>Column 4</b>                   |
| <b>PROVISION</b>  | <b>THING DELEGATED</b>  | <b>DELEGATE</b>                     | <b>CONDITIONS AND LIMITATIONS</b> |
| r 19  | Power to waive or rebate a fee relating to an amendment of a planning scheme  | CCSPP<br>CUP<br>DPP<br>MUP<br>MCF   |                                   |
| r20   | Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme                               | CCSPP<br>CUP<br>DPP<br>MUP<br>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 r19 or 20 | PCESO<br>Specific Planning Officers |                                   |

| <b>GLEN EIRA PLANNING SCHEME</b>  |   |                            |  |
|---|---|----------------------------|--|
| <b>Column 1</b>   | <b>Column 2</b>   | <b>Column 3</b>            | <b>Column 4</b>  |
| <b>PROVISION</b>  | <b>THING DELEGATED</b>  | <b>DELEGATE</b>            | <b>CONDITIONS &amp; LIMITATIONS</b>  |
| 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 Planning and Environment Act 1987 or regulations under that Act.                     |
| 43.04-4   | Power to approve a development plan   | Not delegated              |  |
| 43.04-4   | Power to allow a development plan to be prepared and implemented in stages<br>Power to amend a development plan   | DPP<br>MUP<br>CUP          |  |
| 52.06-1   | Power to reduce or waive carparking<br>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 in the table in Clause 52.06-5 is limited to a reduction of up to ten car spaces.<br><br>An application involving a reduction of more than ten car spaces may only be determined by DPP, MUP, MCF or CUP. |
| 52.28   | Power to grant a permit for gaming machines   | Not delegated              |  |
| 53.03   | Power to grant a permit for brothels  | Not delegated              |  |