

7.2 Revised Instruments of Delegation to Members of Council Staff and the Chief Executive Officer

Abstract

Instruments of Delegation represent the formal delegation of powers by Council under Section 98 of the *Local Government Act* 1989 and enable the business of Council to be carried out efficiently and in line with Council approved policies.

Council subscribes to the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments and the provision of template instruments which are then tailored to organisational requirements.

The previous version of the Instrument of Delegation to Members of Council Staff was executed on 27 August 2018. The revised instrument reflects minor legislative changes and amendments suggested by Maddocks as part of their continual review processes and previous review requests from Council.

The previous version of the Instrument of Delegation from Council to the Chief Executive Officer was also executed on 27 August 2018. There have been no changes made to the instrument which is presented to Council for adoption for administrative reasons, ensuring it remains current and up to date.

Officers' recommendation

That Council resolve that:

- A. In the exercise of the powers conferred by section 98(1) of the *Local Government Act* 1989 (the Act) and the other legislation referred to in the Instrument of Delegation to Members of Council Staff:
1. Members of Council Staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to Members of Council Staff (Attachment 1 as annexed to the minutes) are delegated the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
 2. The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument.
 3. On the coming into force of the Instrument, the previous Instrument of Delegation to Members of Council Staff that was executed on 27 August 2018 is revoked.
 4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be exercised, in accordance with any guidelines or policies of Council that it may from time to time adopt.

- B. In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached Instrument of Delegation to the Chief Executive Officer:
1. The person holding the position, acting in or performing the duties of Chief Executive Officer are delegated the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer (Attachment 2 as annexed to the minutes), subject to the conditions and limitations specified in that Instrument.
 2. The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument.
 3. On the coming into force of the Instrument, the previous Instrument of Delegation to the Chief Executive Officer that was executed on 27 August 2018 is revoked.
 4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
 5. It is noted that the Instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.

Responsible director: David Thompson
Governance

1. Purpose

The purpose of this report is for Council to consider adopting the revised Instrument of Delegation to Members of Council Staff and the revised Instrument of Delegation to the Chief Executive Officer.

The revised Instruments, with the amendments visible through tracked changes, are included at Attachment 1 and 2 respectively

2. Policy implications and relevance to community plan and council plan

The Instruments of Delegation relate to Priority Theme 7: Civic Leadership and Governance in the Boroondara Community Plan 2017-2021.

The Instruments of Delegation are consistent with Strategic objective 7: Ensure that ethical, financial and socially responsible decision making reflects community needs and is based on principles of accountability, transparency, responsiveness and consultation.

Amendments to the delegated powers, duties and functions in the revised Instrument of Delegation to Members of Council Staff are largely administrative in nature and will not result in any significant changes to current practices.

There are no changes proposed to the Instrument of Delegation to the Chief Executive Officer which is simply being 'refreshed' to ensure that it remains contemporaneous with the Instrument of Delegation from Council to Members of Council Staff.

It is noted that the instruments provide that a power, duty or function may only be exercised in accordance with adopted policies of Council.

3. Background

Instruments of Delegation represent the formal delegation of powers by Council. Section 98(1) of the *Local Government Act 1989* provides that a Council may, by instrument of delegation, delegate to a member of its staff any power, duty or function of a Council under the *Local Government Act 1989* or any other Act, other than certain specified powers.

Delegations enable the business of Council to be carried out effectively, in line with Council approved policies.

The current Instrument of Delegation to Members of Council Staff was executed on 27 August 2018.

The current Instrument of Delegation from Council to the Chief Executive Officer was executed on 27 August 2018.

Council subscribes to the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments and template instruments which are then tailored to organisational requirements. Maddocks have informed Council about the legislative changes since June 2018 that affect the powers, duties and functions of Council.

4. Outline of key issues/options

Delegation to Members of Council Staff

The revised Instrument of Delegation to Members of Council staff is based upon the previous Instrument considered by Council in August 2018.

The Instrument has been revised to take into account recent legislative changes and to provide further clarity on officer powers. The revised instrument, including tracked changes is included at Attachment 1.

In summary, the legislative changes to the revised Instrument of Delegation are:

- s 46AS of the *Planning and Environment Act 1987* was replaced on 30 May 2018, as a consequence of the *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018* (Vic). The new s 46AS does not contain a council power, duty or function and, therefore, has been removed from the Instrument of Delegation.

Delegation to the Chief Executive Officer

The revised Instrument of Delegation to the Chief Executive Officer is based upon the previous Instrument considered by Council in August 2018. There have been no changes made to this instrument. The review is purely administrative in nature and has occurred to ensure that the Instrument remains up to date.

5. Consultation/communication

The revised Instruments of Delegation have been prepared based on current advice provided by Council's solicitor Maddocks.

Consultation has occurred with relevant staff during the preparation of the revised Instrument of Delegation to ensure that appropriate staff delegates have been nominated.

Appropriate communications with the Executive Leadership Team, Senior Leadership Team and the Team Leadership Group will be undertaken to ensure all staff are made aware of the changes to the Instrument if adopted by Council.

6. Financial and resource implications

The costs to prepare and adopt the instruments are minimal and will be met within the current departmental budget.

7. Governance issues

The delegation of Council powers does not impact upon any of the protected rights or freedoms in the Victorian Human Rights Charter.

The officers responsible for this report have no direct or indirect interests requiring disclosure.

8. Social and environmental issues

Reviewing Council's delegations ensures Council continues to comply with its obligations under various Acts and Regulations and facilitates and enable the business of Council to be carried out efficiently and in line with Council approved policies.

Manager: David Thompson, Governance

Report officer: Elizabeth Manou, Governance Projects Officer



Boroondara City Council

Instrument of Delegation

to

Members of Council Staff

- Domestic Animals Act 1994
- Environment Protection Act 1970
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning & Environment Act 1987
- Rail Safety (Local Operations) Act 2006
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

Instrument of Delegation

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

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

All Asset Management Staff	means	All staff in the Asset Management Department
All Planning Officers	means	All staff in the Statutory Planning and Strategic Planning Departments
All Road and Path Maintenance Staff	means	All staff in the Road and Path Maintenance Team of the Parks and Infrastructure Department
All Traffic and Transport Staff	means	All staff in the Traffic and Transport Department
CCO	means	Chief Customer Officer
CEO	means	Chief Executive Officer
DCP	means	Director City Planning
DEI	means	Director Environment & Infrastructure
DCD	means	Director Community Development
DCEBDCXBT	means	Director Customer Experience and Business Transformation
AOHS	means	Authorised Officer Health Services
CBA	means	Coordinator Building Approvals
CBS	means	Coordinator Building Services
CFO	means	Chief Financial Officer
CP	means	Counter Planner or Planning Liaison Officer
CPH	means	Coordinator Public Health
CRPS	means	Coordinator Revenue and Property Services
CSP	means	Coordinator Statutory Planning
CT	means	Coordinator Traffic
CTM	means	Coordinator Transport Management
EHO	means	Environment Health Officer
GMPI	means	Group Manager Parks and Infrastructure
MAM	means	Manager Asset Management
MBldS	means	Manager Building Services
MBS	means	Municipal Building Surveyor
MCPS	means	Manager Commercial and Property Services
MHAADS	means	Manager Health, Active Ageing & Disability Services
MLL	means	Manager Local Laws
EMPC&D	means	Executive Manager People, Culture and Development
MP&S	means	Manager Projects and Strategy
MSP	means	Manager Statutory Planning
MSTP	means	Manager Strategic Planning
MT&T	means	Manager Traffic & Transport
PAC	means	Statutory Planning Appeals Coordinator
PIO	means	Planning Investigations Officer
PP	means	Principal Planner
PSO	means	Planning Support Officer, Para Planner , Public Notice Officer , Statutory Planning Administrative Officer , Team Leader Para Planning
SBAO	means	Senior Building Administration Officer

Instrument of Delegation to Members of Council Staff

~~August 2018~~[February 2019](#)

Page 2 of 107

SO	means	Subdivision Officer
SP	means	Statutory Planner <u>or Planning Officer</u>
SPP	means	Senior Project Planner
SSP	means	Senior Statutory Planner
SSTRP	means	Senior Strategic Planner
STP	means	Strategic Planner
TLC	means	Technical Liaison Coordinator (R & C Building)
TLD	means	Team Leader Drainage
TLHS	means	Team Leader Health Services
TLPP	means	Team Leader Para Planning
TLWPTLAP&P	means	Team Leader <u>Asset Protection & Works</u> -Permits
TLSP	means	Team Leader Strategic Planning
Specific Statutory Planning Officers	means	MSP, CSP, PAC, PP, SSP, SP, SO and CP
Supervising Statutory Planning Officers	means	MSP, CSP, PAC and PP

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on ~~27 August 2018~~25 February 2019 and

3.2 the delegation:

3.2.1 comes into force immediately after the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

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

3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy

adopted by Council; or

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of ~~section~~ 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 3 of 107

- 3.4 As a principle of delegation, no delegation has been assigned to a member of Council staff where that delegation has not also been assigned to the Chief Executive Officer, the relevant Director(s) and their line manager, subject to any other specific requirements or statutory provisions to the contrary.

The Common Seal of the Boroondara
City Council was hereunto affixed
in the presence of:

..... Chief Executive Officer

..... Mayor

..... Date

SCHEDULE INDEX

DOMESTIC ANIMALS ACT 1994	6
ENVIRONMENT PROTECTION ACT 1970	7
FOOD ACT 1984	<u>88</u>
HERITAGE ACT 2017	<u>1545</u>
LOCAL GOVERNMENT ACT 1989	<u>1646</u>
PLANNING AND ENVIRONMENT ACT 1987	<u>1747</u>
RAIL SAFETY (LOCAL OPERATIONS) ACT 2006	<u>8686</u>
RESIDENTIAL TENANCIES ACT 1997	<u>8888</u>
ROAD MANAGEMENT ACT 2004	<u>9090</u>
PLANNING AND ENVIRONMENT REGULATIONS 2015	<u>103403</u>
PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016	<u>104404</u>
ROAD MANAGEMENT (GENERAL) REGULATIONS 2016	<u>105405</u>
ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015	<u>107407</u>

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s. 41A(1)	Power to declare a dog to be a menacing dog	CEO, DCP & MLL, DEI, DCD DCEBTDCXBT	Council may delegate this power to a Council authorised officer. Officers will ensure Councillors, particularly the Ward Councillor, are kept informed about any exercise of this power. It should be noted that Council's power to declare a dog to be a menacing or dangerous dog is subject to appeal rights to the Victorian Civil and Administrative Tribunal.

ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53M(3)	P Power to require further information	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	
s.53M(4)	D uty to advise applicant that application is not to be dealt with	CEO, DCD, MHAADS, CPH, TLHS EHO & AOHS	
s.53M(5)	D uty to approve plans, issue permit or refuse permit	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	R efusal must be ratified by Council or it is of no effect
s.53M(6)	D power to refuse to issue septic tank permit	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	R efusal must be ratified by Council or it is of no effect
s.53M(7)	D uty to refuse to issue a permit in circumstances in (a)-(c)		R efusal must be ratified by Council or it is of no effect

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s_19(2)(a)	P Power to direct by written order that the food premises be put into a clean and sanitary condition	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	If section 19(1) applies
s_19(2)(b)	P power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	If section 19(1) applies
s_19(3)	P power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	If section 19(1) applies Only in relation to temporary food premises or mobile food premises
s_19(4)(a)	P power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	If section 19(1) applies
s_19(6)(a)	D uty to revoke any order under section 19 if satisfied that an order has been complied with	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	If section 19(1) applies
s_19(6)(b)	D uty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	If section-s 19(1) applies

Instrument of Delegation to Members of Council Staff

August 2018 February 2019

Page 8 of 107

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s_19AA(2)	P power to direct, by written order, that a person must take any of the actions described in (a)-(c)	MHAADS, CPH, TLHS, EHO & AOHS	w Where Council is the registration authority
s_19AA(4)(c)	P power to direct, in an order made under s-19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	MHAADS, CPH, TLHS, EHO & AOHS	Note: the power to direct the matters under s-19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s_19AA(7)	D duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	MHAADS, CPH, TLHS, EHO & AOHS	w Where Council is the registration authority
s_19CB(4)(b)	P power to request copy of records	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	W Where Council is the registration authority
s_19E(1)(d)	P power to request a copy of the food safety program	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	W Where Council is the registration authority
s_19GB	P power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	w Where Council is the registration authority
s_19M(4)(a) & (5)	P power to conduct a food safety audit and take actions where deficiencies are identified	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	W Where Council is the registration authority

Instrument of Delegation to Members of Council Staff

August 2018 February 2019

Page 9 of 107

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s_19NA(1)	P power to request food safety audit reports	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	W where Council is the registration authority
s_19U(3)	P power to waive and vary the costs of a food safety audit if there are special circumstances	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	
s_19UA	P power to charge fees for conducting a food safety assessment or inspection	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	E xcept for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s_19W	P power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	W where Council is the registration authority
s_19W(3)(a)	P power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	W where Council is the registration authority
s_19W(3)(b)	P power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	W where Council is the registration authority

Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 10 of 107

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	<u>P</u> power to register, renew or transfer registration	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	<u>w</u> where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see <u>section 58A(2)</u>)
s_38AA(5)	<u>P</u> power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	<u>W</u> where Council is the registration authority
s_38AB(4)	<u>P</u> power to fix a fee for the receipt of a notification under <u>section 38AA</u> in accordance with a declaration under <u>subsection 38AB(1)</u>	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	<u>W</u> where Council is the registration authority
s_38A(4)	<u>P</u> power to request a copy of a completed food safety program template	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	<u>W</u> where Council is the registration authority
s_38B(1)(a)	<u>D</u> duty to assess the application and determine which class of food premises under <u>section 19C</u> the food premises belongs	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	<u>w</u> where Council is the registration authority
s_38B(1)(b)	<u>D</u> duty to ensure proprietor has complied with requirements of <u>section 38A</u>	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	<u>w</u> where Council is the registration authority

Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 11 of 107

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s_38B(2)	D uty to be satisfied of the matters in section 38B(2)(a)-(b)	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	W here Council is the registration authority
s_38D(1)	D uty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	w here Council is the registration authority
s_38D(2)	D uty to be satisfied of the matters in section 38D(2)(a)-(d)	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	W here Council is the registration authority
s_38D(3)	P power to request copies of any audit reports	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	W here Council is the registration authority
s_38E(2)	p Power to register the food premises on a conditional basis	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	W here Council is the registration authority; not exceeding the prescribed time limit defined under subsection 38E(5)-
s_38E(4)	D uty to register the food premises when conditions are satisfied	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	w here Council is the registration authority

Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 12 of 107

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 38F(3)(b)	P power to require proprietor to comply with requirements of this Act	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	w where Council is the registration authority
s. 39A	P power to register, renew or transfer food premises despite minor defects	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	W where Council is the registration authority O only if satisfied of matters in subsections 39A(2)(a)-(c)
s. 40(2)	P power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	
s. 40C(2)	P power to grant or renew the registration of food premises for a period of less than 1 year	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	W where Council is the registration authority
s. 40D(1)	P power to suspend or revoke the registration of food premises	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	W where Council is the registration authority
s. 43F(6)	D duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	W where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	Where Council is the registration authority
s. 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CEO, DCD, MHAADS, CPH, TLHS, EHO & AOHS	Where Council is the registration authority

HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s- 116	P power to sub-delegate Executive Director's functions, duties or powers	CEO, DCP, DEI	M ust first obtain Executive Director's written consent. Council can only sub-delegate if the i nstrument of D elegation from the Executive Director authorises sub-delegation

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s_181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_4B	P power to prepare an amendment to the Victorian Planning Provisions	CEO, DCP, MSTP, STP, TLSP, SPP, SSTRP	I if authorised by the Minister	In accordance with Council resolution
s_4G	F function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		
s_4H	D uty to make amendment to Victorian Planning Provisions available	CEO, DCP MSTP, SSTRP, TLSP, SPP, STP		
s_4I	D uty to keep Victorian Planning Provisions and other documents available for inspection	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		
s_8A(2)	P power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	CEO, DCP, MSTP TLSP, SPP, SSTRP, STP		
s_8A(3)	P power to apply to Minister to prepare an amendment to the planning scheme	CEO, DCP, MSTP TLSP, STP , SPP, SSTRP, STP		
s_8A(5)	F function of receiving notice of the Minister's decision	CEO, DCP, MSTP TLSP, SPP, SSTRP, STP		

Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 17 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s.8A(7)	P Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		
s.8B(2)	p Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		
s.12(3)	p 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	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		
s 12A (1)	d Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		In accordance with Council resolution
s.12B(1)	D duty to review planning scheme	CEO, DCP, MSTP, TLSP, CSP SPP, SSTRP, STP		

Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 18 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_12B(2)	duty to review planning scheme at direction of Minister	CEO, DCP, MSTP, TLSP, CSP SPP, SSTRP, STP		
s_12B(5)	duty to report findings of review of planning scheme to Minister without delay	CEO, DCP, MSTP, TLSP, CSP , SPP, SSTRP, STP		
s_14	duties of a Responsible Authority as set out in subsections 14 (a) to (d)	CEO, DCP, All Planning Officers		
s_17(1)	D uty of giving copy of amendment to the planning scheme	CEO, DCP, and All Planning Officers		
s_17(2)	D uty of giving copy s_173 agreement	CEO, DCP, and All Planning Officers		
s_17(3)	D uty of giving copy of amendment, explanatory report and relevant documents to the Minister at least 10 business days	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		
s_18	d Duty to make amendment etc. available	CEO, DCP, and All Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_19	P Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP, MSP		
s_19	F function of receiving notice of preparation of an amendment to a planning scheme	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP	W where Council is not the planning authority and the amendment affects land within Council's municipal district; or W where the amendment will amend the planning scheme to designate Council as an acquiring authority.	
s_20(1)	P Power to apply to Minister for exemption from the requirements of section 19	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		
s_21(2)	D duty to make submissions available	CEO, DCP, MSTP, TLSP, SSTRP, SPP, STP		
s_21A(4)	D duty to publish notice in accordance with section	CEO, DCP, MSTP, TLSP, SSTRP, SPP, STP		
s_22	D Duty to consider all submissions	CEO, DCP, MSTP, TLSP, SSTRP, SPP, STP	E xcept submissions which request a change to the items in s_22(5)(a) and (b)	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		
s_23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, DCP, MSTP, TLSP, SSTRP, SPP		
s_24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in section 96D)	CEO, DCP, and All Planning Officers		
s_26(1)	power to make report available for inspection	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		
s_26(2)	duty to keep report of panel available for inspection	CEO, DCP, and All Planning Officers		
s_27(2)	power to apply for exemption if panel's report not received	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		
s_28	duty to notify the Minister if abandoning an amendment	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP	<u>Note:</u> The power to make a decision to abandon an amendment cannot be delegated	
s_30(4)(a)	duty to say if amendment has lapsed	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		

| Instrument of Delegation to Members of Council Staff

~~August 2018~~ February 2019

Page 21 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_30(4)(b)	D e uty to provide information in writing upon request	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		
s_31(1)	D e uty to submit adopted amendment to Minister	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		
s_32(2)	D e uty to give more notice if required	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		
s_33(1)	D e uty to give more notice of changes to an amendment	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		
s_36(2)	D e uty to give notice of approval of amendment	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		
s_38(5)	D e uty to give notice of revocation of an amendment	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		
s_39	F u nction of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		
s_40(1)	F u nction of lodging copy of approved amendment	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP		
s_41	D e uty to make approved amendment available	CEO, DCP, MSTP, TLSP, SSTRP, STP, SPP		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_42	Duty to make copy of planning scheme available	CEO, DCP, and All 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	CEO, DCP, MSTP, MSP, TLSP, SPP, SSTRP, STP	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation.	
s_46AS(ac)	power to request the Victorian Planning Authority (VPA) to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP and Supervising Statutory Planning Officers		
s_46AW	Function of being consulted by the Minister	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers	Where Council is a responsible public entity	
s_46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers	Where Council is a responsible public entity	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s. 46AZC(2)	D 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	CEO, DCP, MSTP, TLSP	W where Council is a responsible public entity	
s. 46AZK	D 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	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers	W where Council is a responsible public entity	
s. 46GI(2)(b)(i)	P 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	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers	W 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)	F function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_46GK	D <u>e</u> duty to comply with a Minister's direction that applies to Council as the planning authority	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers		
s_46GN(1)	D <u>e</u> duty to arrange for estimates of values of inner public purpose land	CEO, DCP, MSTP, TLSP, Supervising Statutory Planning Officers, MCPS, CRPS		
s_46GO(1)	D <u>e</u> duty to give notice to owners of certain inner public purpose land	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers		
s_46GP	F <u>u</u> ncion of receiving a notice under s_46GO	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers	w <u>h</u> ere Council is the collecting agency	
s_46GQ	F <u>u</u> ncion 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	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers		
s_46GR(1)	D <u>e</u> duty to consider every submission that is made by the closing date for submissions included in the notice under s_46GO	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers		

Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 25 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_46GR(2)	P power to consider a late submission D duty to consider a late submission if directed to do so by the Minister	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers		
s_46GS(1)	P power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s-46GQ	CEO, DCP, MSTP, TLSP, Supervising Statutory Planning Officers, MCPS, CRPS		
s_46GS(2)	D 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	CEO, DCP, MSTP, TLSP, Supervising Statutory Planning Officers, MCPS, CRPS		
s_46GT(2)	D Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, DCP, MSTP, TLSP, Supervising Statutory Planning Officers, MCPS, CRPS		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s.46GT(4)	F unction 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	CEO, DCP, MSTP, TLSP, Supervising Statutory Planning Officers, MCPS, CRPS		
s.46GT(6)	F unction of receiving, from the valuer-general, written notice of a determination under s.46GT(5)	CEO, DCP, MSTP, TLSP, Supervising Statutory Planning Officers, MCPS, CRPS		
s.46GU	D uty 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	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s.46GV(3)	F unction of receiving the monetary component and any land equalisation amount of the infrastructure contribution P power to specify the manner in which the payment is to be made	CEO, DCP, MSTP, TLSP, Supervising Statutory Planning Officers, MCPS, CRPS	W here Council is the collecting agency	
s.46GV(3)(b)	P power to enter into an agreement with the applicant	CEO, DCP, DCEBTDCXBT , DCD, DEI, MAM, MSP, MSTP and MLL	W here 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)	CEO, DCP, MSTP, TLSP, SO and Supervising Statutory Planning Officers	Where Council is the development agency	
s.46GV(4)(ba)	F unction of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	CEO, DCP, MSTP, TLSP, SO and Supervising Statutory Planning Officers	W here Council is the development-collecting agency	
s.46GV(4)(b)	function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	CEO, DCP, MSTP, TLSP, SO and Supervising Statutory Planning Officers	where Council is the collecting agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s.46GV(7)	D eputy 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	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers		
s.46GV(9)	P ower 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	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers	W here Council is the collecting agency	
s.6GX(1)	P ower to accept the works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers	W here Council is the collecting agency	
s.46GX(2)	D eputy, 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	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers	W here Council is the collecting agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_46GY(1)	<u>D</u> uty to keep proper and separate accounts and records	All Planning Officers	<u>W</u> here Council is the collecting agency	
s_46GY(2)	<u>D</u> uty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	All Planning Officers	<u>W</u> here Council is the collecting agency	
s_46GZ(2)(a)	<u>D</u> uty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers	<u>W</u> here Council is the collecting agency under an approved infrastructure contributions plan <u>T</u> his duty does not apply where Council is that planning authority	
s_46GZ(2)(a)	<u>F</u> unction of receiving the monetary component	CEO, DCP, MSTP, TLSP, CFO, CCO and Supervising Statutory Planning Officers	<u>W</u> here the Council is the planning authority <u>T</u> his duty does not apply where Council is also the collecting agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s- 46 GZ(2)(b)	D 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	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers	W Where Council is the collecting agency under an approved infrastructure contributions plan T This provision does not apply where Council is also the relevant development agency	
s- 46 GZ(2)(b)	F unction of receiving the monetary component	CEO, DCP, MSTP, TLSP, CFO, CCO and Supervising Statutory Planning Officers	W Where Council is the development agency under an approved infrastructure contributions plan T This provision does not apply where Council is also the collecting agency	
s- 46 GZ(4)	D duty to use any land equalisation amounts to pay land credit amounts under s- 46 GZ(7), except any part of those amounts that are to be forwarded to a development agency under s- 46 GZ(5)	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers	W Where Council is the collecting agency under an approved infrastructure contributions plan	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
<u>s 46GZ(5)</u>	<u>Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency</u>	<u>CEO, DCP, MSTP, TLSP, CFO, CCO and Supervising Statutory Planning Officers</u>	<u>Where Council is the collecting agency under an approved infrastructure contributions plan</u> <u>This provision does not apply where Council is also the relevant development agency</u>	
s. 46GZ(5)	duty to forward Function of receiving 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	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers	w where Council is the development collecting agency under an specified in the approved infrastructure contributions plan t This provision does not apply where Council is also the relevant development collecting agency	
s.46GZ(5)	function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CEO, DCP, MSTP, TLSP, CFO, MCPS, CRPS and Supervising Statutory Planning Officers	where Council is the development agency specified in the approved infrastructure contributions plan this provision does not apply where Council is also the collecting agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
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	CEO, DCP, MSTP, TLSP, CFO, MCPS, CRPS and Supervising Statutory Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
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	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers	<p>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)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>	
s.46GZ(9)	Function of receiving the fee simple in the land	CEO, DCP, MSTP, TLSP, CFO, MCPS, CRPS, CCO and Supervising Statutory Planning Officers	<p>Where Council is the development agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the collecting agency</p>	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s-46GZA(1)	D uty to keep proper and separate accounts and records	All Planning Officers	W here Council is a development agency under an approved infrastructure contributions plan	
s- 46GZA(2)	d uty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers	W here Council is a development agency under an approved infrastructure contributions plan	
s-46GZB(3)	D uty to follow the steps set out in s.46GZB(3)(a) – (c)	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers	w here Council is a development agency under an approved infrastructure contributions plan	
s-46GZB(4)	d uty, 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	CEO, DCP, MSTP TLSP and Supervising Statutory Planning Officers	i f the VPA is the collecting agency under an approved infrastructure contributions plan w here Council is a development agency under an approved infrastructure contributions plan	
s-46GZD(2)	d uty, 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)	CEO, DCP, MSTP TLSP and Supervising Statutory Planning Officers	W here Council is the development agency under an approved infrastructure contributions plan	

Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 34 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_46GZD(3)	duty to follow the steps set out in s_46GZD(3)(a) and (b)	CEO, DCP, MSTP TLSP and Supervising Statutory Planning Officers	w Where Council is the collecting agency under an approved infrastructure contributions plan	
s_4646GZD(5)	D duty to make payments under s_46GZD(3) in accordance with ss_46GZD(5)(a) and 46GZD(5)(b)	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers	w Where Council is the collecting agency under an approved infrastructure contributions plan	
s_46GZE(2)	D 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	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers	w Where Council is the development agency under an approved infrastructure contributions plan T his duty does not apply where Council is also the collecting agency	
s_46GZE(2)	F unction of receiving the unexpended land equalisation amount	CEO, DCP, MSTP TLSP, CFO, MCPS, CRPS, SO and Supervising Statutory Planning Officers	W here Council is the collecting agency under an approved infrastructure contributions plan T his duty does not apply where Council is also the development agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s.46GZE(3)	D 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)	CEO, DCP, MSTP TLSP and Supervising Statutory Planning Officers	W Where Council is the collecting agency under an approved infrastructure contributions plan	
s.46GZF(2)	D 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	CEO, DCP, MSTP TLSP, CFO, MCPS, CRPS and Supervising Statutory Planning Officers	W Where Council is the development agency under an approved infrastructure contributions plan	
s.46GZF(3)	D Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	CEO, DCP, MSTP TLSP, CFO, MCPS, CRPS and Supervising Statutory Planning Officers	W Where Council is the development agency under an approved infrastructure contributions plan	
s.46GZF(3)	s.46GZF(3)(a) function of receiving proceeds of sale	CFO, MCPS, CRPS	W Where Council is the collection agency under an approved infrastructure contributions plan T This provision does not apply where Council is also the development agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s-46GZF(4)	D uty 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)	CFO, MCPS, CRPS	w here Council is the collecting agency under an approved infrastructure contributions plan	
s-46GZF(6)	D uty to make the payments under s-46GZF(4) in accordance with s-46GZF(6)(a) and (b)	CFO, MCPS, CRPS	w here Council is the collecting agency under an approved infrastructure contributions plan	
s-46GZH	P 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	CFO, MCPS, CRPS	w here Council is the collecting agency under an approved infrastructure contributions plan	
s-46GZI	d Duty to prepare and give a report to the Minister at the times required by the Minister	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers	W here Council is a collecting agency or development agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s.46GZK	P power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	MCPS, CRPS	w where Council is a collecting agency or development agency	
s.46LB(3)	D 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)	CFO, MCPS, CRPS		
s.46N(1)	d Duty to include condition in permit regarding payment of development infrastructure levy	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP and Specific Statutory Planning Officers		
s.46N(2)(c)	F function of determining time and manner for receipt of development contributions levy	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP and Supervising Statutory Planning Officers		
s.46N(2)(d)	P power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s. 46O(1)(a) & (2)(a)	P Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP and Supervising Statutory Planning Officers		
s. 46O(1)(d) & (2)(d)	P power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers		
s. 46P(1)	P power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP and Supervising Statutory Planning Officers		
s. 46P(2)	P power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers		
s. 46Q(1)	D uty to keep proper accounts of levies paid	CEO, DCP, CFO, MSTP and Supervising Statutory Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_46Q(1A)	D uty 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	CEO, DCP, MSTP and Supervising Statutory Planning Officers		
s_46Q(2)	D uty 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.	CEO, DCP, MSTP and Supervising Statutory Planning Officers		
s_46Q(3)	P power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO, DCP, MSTP and MSP	O only applies when levy is paid to Council as a 'development agency'	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_46Q(4)(c)	D uty 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)	CEO, DCP, MSTP and MSP	M ust 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)	D uty to submit to the Minister an amendment to the approved development contributions plan	CEO, DCP, TLSP, MSTP, TLMSTP and Supervising Statutory Planning Officers	m ust be done in accordance with Part 3	
s_46Q(4)(e)	D uty to expend that amount on other works etc.	CEO, DCP, MSTP and MSP	w ith the consent of, and in the manner approved by, the Minister	
s_46QC	P ower to recover any amount of levy payable under Part 3B	CEO, DCP, MSTP and MSP		
s_46QD	D uty to prepare report and give a report to the Minister	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Staff	W here Council is a collecting agency or development agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_46V(3)	D uty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	CEO and DCP		
s_46Y	D uty to carry out works in conformity with the approved strategy plan	CEO and DCP		
s_47	P power to decide that an application for a planning permit does not comply with that Act	CEO, DCP, MSTP and Supervising Statutory Planning Officers		
s_49(1)	D uty to keep a register of all applications for permits and determinations relating to permits	CEO, DCP, MSTP , Specific Statutory Planning Officers, TLPP and PSO		
s_49(2)	D uty to make register available for inspection	CEO, DCP, Specific Statutory Planning Officers, TLPP and PSO		
s_50(4)	D uty to amend application	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_50(5)	P power to refuse to amend application	CEO, DCP, MSTP and Specific Statutory Planning Officers		

| Instrument of Delegation to Members of Council Staff

~~August 2018~~ February 2019

Page 42 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_50(6)	D duty to make note of amendment to application in register	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_50A(1)	P Power to make amendment to application	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_50A(3)	P power to require applicant to notify owner and make a declaration that notice has been given	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_50A(4)	D Duty to note amendment to application in register	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_51	D Duty to make copy of application available for inspection	CEO, DCP, MSTP , Specific Statutory Planning Officers, TLPP and PSO		
s_52(1)(a)	D 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	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_52(1)(b)	D Duty to give notice of the application to other municipal Councils where appropriate	CEO, DCP, MSTP and Specific Statutory Planning Officers		

Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 43 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_52(1)(c)	D uty to give notice of the application to all persons required by the planning scheme	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_52(1)(ca)	D uty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if it may result in breach of covenant	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_52(1)(cb)	d 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	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_52(1)(d)	D uty to give notice of the application to other persons who may be detrimentally affected	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_52(1AA)	d Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, DCP, MSTP and Specific Statutory Planning Officers		

| Instrument of Delegation to Members of Council Staff

~~August 2018~~ February 2019

Page 44 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_52(3)	<u>P</u> power to give any further notice of an application where appropriate	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_53(1)	<u>P</u> power to require the applicant to give notice under section 52(1) to persons specified by it	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_53(1A)	<u>P</u> power to require the applicant to give the notice under section 52(1AA)	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_54(1)	<u>P</u> power to require the applicant to provide more information	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_54(1A)	<u>D</u> duty to give notice in writing of information required under section 54(1)	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_54(1B)	<u>D</u> duty to specify the lapse date for an application	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_54A(3)	<u>P</u> power to decide to extend time or refuse to extend time to give required information	CEO, DCP, MSTP and Specific Statutory Planning Officers	Power to refuse to extend time is limited to CEO, DCP, MSTP and Supervising Statutory Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_54A(4)	D uty to give written notice of decision to extend or refuse to extend time under er section 54A(3)	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_55(1)	D uty to give copy of application, together with the prescribed information to every referral authority specified in the planning scheme	CEO, DCP, MSTP , Specific Statutory Planning Officers		
s_57(2A)	P power to reject objections considered made primarily for commercial advantage for the objector	CEO, DCP, MSTP and Supervising Statutory Planning Officers		
s_57(3)	F unction of receiving name and address of persons to whom notice of decision is to go	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_57(5)	D uty to make available for inspection copy of all objections	CEO, DCP, MSTP , Specific Statutory Planning Officers, TLPP and PSO		
s_57A(4)	D uty to amend application in accordance with applicant's request, subject to section 57A(5)	CEO, DCP, MSTP and Specific Statutory Planning Officers		

| Instrument of Delegation to Members of Council Staff

~~August 2018~~ February 2019

Page 46 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_57A(5)	P power to refuse to amend application	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_57A(6)	D uty to note amendments to application in register	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_57B(1)	D uty to determine whether and to whom notice should be given	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_57B(2)	D uty to consider certain matters in determining whether notice should be given	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_57C(1)	D uty to give copy of amended application to referral authority	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_58	D uty to consider every application for a permit	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_58A	P power to request advice from the Planning Application Committee	CEO, DCP, MSTP and Senior Statutory Planning Officers		
s_60	D uty to consider certain matters	CEO, DCP, MSTP and Specific Statutory Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_60(1A)	power to consider certain matters before deciding on application <u>Duty to consider certain matters</u>	CEO, DCP, MSTP and Specific Statutory Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_60(1B)	D e uty to consider number of objectors in considering whether use or development may have significant social effect	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_61(1)(c)	P p ower to determine permit application, to decide to refuse a permit application	CEO, DCP, MSTP and Specific Statutory Planning Officers	<p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> i. The application is contrary to law; or ii. The application is inconsistent with policy; or iii. A referral authority has objected to the grant of the permit on any specified ground; or <p>The applicant has failed to carry out a direction pursuant to the Planning Scheme or Act.</p> <p>Before exercising their delegation, the Coordinator Statutory Planning (CSP), Statutory Planning Appeals Coordinator (PAC) and Principal Planner (PP) must consult with the Director City Planning (DCP) and/or the Manager Statutory Planning (MSP).</p> <p>Before exercising their delegation, the Senior Statutory Planner (SSP), Statutory Planner (SP), Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director City Planning (DCP), and/or the Manager Statutory Planning (MSP) and/or the Coordinator Statutory Planning (CSP).</p> <p><u>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i></u></p>	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s.61(1)(a) and (b)	power to determine permit application, either to decide to grant a permit, or to decide to grant a permit with conditions	CEO, DCP, MSTP and Specific Statutory Planning Officers		<p>The following guidelines apply to all further delegations under section 61(1)(a) and (b)</p> <p>Compliance with the objectives of the Boroondara Planning Scheme and adopted Council Policies.</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i></p>
s.61(1)(a) and (b)	power to determine permit application, either to decide to grant a permit, or to decide to grant a permit with conditions	CEO, DCP, MSTP and Specific Statutory Planning Officers	<p>The following conditions, limitations and guidelines apply to all further delegations under section 61(1)(a) and (b)</p> <p>For the following classes of use or development:</p> <ul style="list-style-type: none"> A liquor licence associated with an existing or approved restaurant, tavern or food and drink premises (café), subject to the hours/days sought being in accordance with an existing permit for a restaurant, tavern or food and drink premises, or, the hours/days are not greater than the standard hours nominated in this Instrument [see also Boroondara Planning Scheme Clause 52.27 in this Instrument]; Advertising signs; 	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
			<ul style="list-style-type: none"> • Subdivision that is generally consistent with a development approval; the exercise of this power is limited to the following circumstances: <ul style="list-style-type: none"> i. CEO, DCP, MSTP and Specific Statutory Planning Officers if there has been no objections received, or, if there has been between one (1) and five (5) objections received, inclusive; ii. CEO, DCP, MSTP and Supervising Statutory Planning Officers if there has been six (6) or more objections received. <p>For the following classes of use or development:</p> <ul style="list-style-type: none"> • 3-storey or 3+ storey dwelling/s or 3-storey or 3+ storey residential buildings within the General Residential Zone (excluding residentially-zoned land located within the boundaries of an activity centre); • Buildings that exceed the applicable preferred maximum overall building height described in Design and Development Overlay Schedule 17 (DDO17); <p>the exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> i. CEO, DCP, MSTP and Supervising Statutory Planning Officers if there has been no objections received; ii. There has been between one (1) and 12 objections received, inclusive, the Director City Planning (DCP) or Supervising Statutory Planning Officers may make a decision after consulting with and considering the views of the Statutory Planning Advisory Committee (SPAC). <p>For the following classes of use or development:</p> <ul style="list-style-type: none"> • Any other application not specifically listed above; 	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
			<p>the exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> i. There has been no objections received, or, if there has been between one (1) and five (5) objections received, inclusive; or ii. There has been between six (6) and 12 objections received, inclusive, the Director City Planning (DCP) or Supervising Statutory Planning Officers may make a decision after consulting with and considering the views of the Statutory Planning Advisory Committee (SPAC). <p>Before exercising their delegation, the Coordinator Statutory Planning (CSP), Statutory Planning Appeals Coordinator (PAC) and Principal Planner (PP) must consult with the Director City Planning (DCP) and/or the Manager Statutory Planning (MSP).</p> <p>Before exercising their delegation, the Senior Statutory Planner (SSP), Statutory Planner (SP), Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director City Planning (DCP), and/or the Manager Statutory Planning (MSP) and/or the Coordinator Statutory Planning (CSP).</p>	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
Boroondara Planning Scheme Clause 13-19.03, 21-21.14, 22.01-22.16-3, 32.04-32.09, 34.01-34.02, 36.01-36.04, 37.01-37.06, 42.01-42.03, 43.01-43.02, 43.04, 44.04-44.05, 45.01, 45.03, 45.07, 45.09, 52.01-52.05, 52.07-52.26, 52.28-52.39, 52.42-52.48, 56.01-56.09, 62-66.	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions	CEO, DCP, MSTP and Specific Statutory Planning Officers	<p>Delegates must comply with any conditions or limitations imposed by Council where the action involves exercising a power, duty or function delegated under the <i>Planning and Environment Act 1987</i> or regulations under that Act.</p> <p>Before exercising their delegation, the Coordinator Statutory Planning (CSP), Statutory Planning Appeals Coordinator (PAC) and Principal Planner (PP) must consult with the Director City Planning (DCP) and/or the Manager Statutory Planning (MSP).</p> <p>Before exercising their delegation, the Senior Statutory Planner (SSP), Statutory Planner (SP), Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director City Planning (DCP), and/or the Manager Statutory Planning (MSP) and/or the Coordinator Statutory Planning (CSP).</p>	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
Boroondara Planning Scheme Clause 52.06-3	<ul style="list-style-type: none"> Power to reduce or waive car parking. Power to decide on an adequate number of car spaces to be provided for uses which are not specified in the table at Clause 52.06-5. 	CEO, DCP, MSTP and Specific Statutory Planning Officers	<p>Reducing or waiving car parking requirements</p> <p>Delegates may only approve a reduction or waiver of car parking on land within a residential zone (excluding residentially-zoned land located within the boundaries of an activity centre) when:</p> <ul style="list-style-type: none"> There is surplus car parking capacity available to accommodate the reduction or waiver sought; and/or There is surplus car parking deficiency (also known as car parking credit) available associated with the existing use of the land. <p>Delegates may only approve a reduction or waiver of car parking on land within a commercial zone or located within the boundaries of an activity centre when:</p> <ul style="list-style-type: none"> There is surplus car parking capacity available within existing Council car parks or on-street (not including on-street parking located adjacent to land zoned and used for residential purposes, excluding residentially zoned land located within the boundaries of an activity centre, or, more than 400m from the subject site) to accommodate the reduction sought; and/or There is surplus car parking deficiency available associated with the existing use of the land. <p>Where there is between one (1) and 12 objections received, inclusive, for an application and there is no surplus car parking capacity and/or no surplus car parking deficiency, the Director City Planning (DCP) or Senior Statutory Planning Officers may make a decision after consulting with and considering the views of the Statutory Planning Advisory Committee (SPAC).</p>	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
Boroondara Planning Scheme Clause 52.27	<ul style="list-style-type: none"> Power to use land to sell or consume liquor. 	CEO, DCP, MSTP and Specific Statutory Planning Officers	<p>Restaurant and Food and Drink Premises (café) Liquor Licence</p> <p>Delegates may determine an application for a liquor licence associated with an existing or approved restaurant, tavern or food and drink premises (café) where objections have been received when:</p> <ul style="list-style-type: none"> The hours approved are in accordance with those specified on any existing permit for a restaurant, tavern or food and drink premises (café); or In the event any existing permit does not specify hours of operation or the use of the land does not require a planning permit, the following standard hours are sought: <p>Monday-Saturday (excl. ANZAC Day and Good Friday) 7:00am to 11:00pm Sunday 10:00am to 11:00pm ANZAC Day and Good Friday 12 noon to 11:00pm.</p> <p>Where there is between one (1) and 12 objections received, inclusive, for an application and the above hours are sought to be varied, the Director City Planning (DCP) or Supervising Statutory Planning Officers may make a decision after consulting with and considering the views of the Statutory Planning Advisory Committee (SPAC).</p>	
Boroondara Planning Scheme Clause 67		CEO, DCP, MSTP and Specific Statutory Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_61(2)	D uty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_61(2A)	P power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, DCP, MSTP and Specific Statutory Planning Officers	<p>The Coordinator Statutory Planning (CSP), Statutory Planning Appeals Coordinator (PAC) and Principal Planner (PP) must consult with the Director City Planning (DCP) and/or the Manager Statutory Planning (MSP) before exercising their delegation to refuse an application solely based on the objection of a recommending referral authority.</p> <p>The Senior Statutory Planner (SSP), Statutory Planner (SP), Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director City Planning (DCP) and/or the Manager Statutory Planning (MSP) and/or the Coordinator Statutory Planning (CSP) before exercising their delegation to refuse an application solely based on the objection of a recommending referral authority.</p>	Non-compliance with the Boroondara Planning Scheme.
s_61(3)(a)	D uty not to decide to grant a permit to use coastal Crown land without Minister's consent	Not delegated		
s_61(3)(b)	D uty to refuse to grant the permit without the Minister's consent	CEO, DCP, MSTP and Specific Statutory Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_61(4)	D uty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_62(1)	D uty to include certain conditions in deciding to grant a permit	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_62(2)	P power to include other conditions	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_62(4)	D uty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_62(5)(a)	p Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_62(5)(b)	P power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_62(5)(c)	power -Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, DCP, MSTP and Specific Statutory Planning Officers		

| Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 57 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_62(6)(a)	<u>D</u> uty 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)	CEO, DCP, MSTP and Supervising Statutory Planning Officers		
s_62(6)(b)	<u>D</u> uty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in section 62(1)(a)	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_63	<u>D</u> uty to issue the permit where made a decision in favour of the application (if no one has objected)	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_64(1)	<u>D</u> uty to give notice of decision to grant a permit to applicant and objectors	CEO, DCP, MSTP and Specific Statutory Planning Officers		<u>T</u> his provision applies also to a decision to grant an amendment to a permit - see section 75

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_64(3)	<u>D</u> uty not to issue a permit until after the specified period	CEO, DCP, MSTP and Specific Statutory Planning Officers		<u>T</u> his provision applies also to a decision to grant an amendment to a permit - see section 75
s_64(5)	<u>D</u> uty to give each objector a copy of an exempt decision	CEO, DCP, MSTP and Specific Statutory Planning Officers		<u>T</u> his provision applies also to a decision to grant an amendment to a permit - see section 75
s_64A	<u>D</u> uty 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	CEO, DCP, MSTP and Specific Statutory Planning Officers		<u>T</u> his provision applies also to a decision to grant an amendment to a permit - see section 75A
s_65(1)	<u>D</u> uty to give notice of refusal to grant permit to applicant and person who objected under section 57	CEO, DCP, MSTP and Specific Statutory Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_66(1)	D Duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	CEO, DCP, MSTP , Specific Statutory Planning Officers, TLPP and PSO		
s_66(2)	D Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, DCP, MSTP , Specific Statutory Planning Officers, TLPP and PSO		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)	D Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, DCP, MSTP , Specific Statutory Planning Officers, TLPP and PSO		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

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_66(6)	d Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	CEO, DCP, MSTP , Specific Statutory Planning Officers, TLPP and PSO		If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s_69(1)	F function of receiving application for extension of time of permit	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_69(1A)	F function of receiving application for extension of time to complete development	CEO, DCP, MSTP and Specific Statutory Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_69(2)	P power to extend time	CEO, DCP, MSTP and Specific Statutory Planning Officers	The delegate may only make a decision to extend time when the following is satisfied: <ul style="list-style-type: none"> Whether the time originally allowed was reasonable; or Whether there have been any intervening circumstances which may have rendered it unreasonable to hold an applicant to the originally fixed time; or Whether there has been any change in zoning or planning policy that would mitigate against the grant of a permit; or The probability that a fresh application, if made, would be granted. 	
s_70	D uty to make copy permit available for inspection	CEO, DCP, MSTP , Specific Statutory Planning Officers, TLPP and PSO		
s_71(1)	P power to correct certain mistakes	CEO, DCP, MSTP and Supervising Statutory Planning Officers		
s_71(2)	D uty to note corrections in register	CEO, DCP, MSTP , Specific Statutory Planning Officers, TLPP and PSO		
s_73	P power to decide to grant amendment subject to conditions	CEO, DCP, MSTP and Specific Statutory Planning Officers As per clause 61(1)	The delegate may only determine to grant amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument, where:	Compliance with the Boroondara Planning Scheme and adopted Council Policies.

Instrument of Delegation to Members of Council Staff

August 2018 February 2019

Page 62 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
			<p>1. The original application was determined by an officer under delegation and the delegate would have had the power to determine the application, had it been made under Section 61(1); or</p> <p>2. The original application was:</p> <ul style="list-style-type: none"> a. determined by the Urban Planning Special Committee; or b. subject to consultation with the Statutory Planning Advisory Committee; or c. a permit was issued at the direction of VCAT; <p>and there are:</p> <ul style="list-style-type: none"> • no objections to the application for amendment; or • between one (1) and 12 objections received, inclusive, to the application for amendment. <p>Where there is between one (1) and five (5) objections received, inclusive, to the application for amendment, the Senior Statutory Planner (SSP), Statutory Planner (SP), Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Manager Statutory Planning (MSP) and/or Coordinator Statutory Planning (CSP) before exercising their delegation.</p> <p>Where there is between six (6) and 12 objections received, inclusive, to the amendment application, the Director City Planning (DCP) or Supervising Statutory</p>	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
			Planning Officers may make a decision after consulting with and considering the views of the Statutory Planning Advisory Committee (SPAC).	
s_74	D Duty to issue amended permit to applicant if no objectors	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_76	D Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CEO, DCP, MSTP and Specific Statutory Planning Officers <u>and</u> <u>PSO</u>		
s_76A(1)	D Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, DCP, MSTP , Specific Statutory Planning Officers, TLPP and PSO		
s_76A(2)	D Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, DCP, MSTP , Specific Statutory Planning Officers, TLPP and PSO	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)	D Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, DCP, MSTP , Specific Statutory Planning Officers, TLPP and PSO	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	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_76A(6)	D e uty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76	CEO, DCP, MSTP , Specific Statutory Planning Officers, TLPP and PSO	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	D e uty to comply with direction of Minister to issue amended permit	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_83	F u nction of being respondent to an appeal	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_83B	D e uty to give or publish notice of application for review	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_84(1)	P p ower to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, DCP, MSTP , Supervising Statutory Planning Officers and SSP	The delegate may only determine to approve or refuse an application in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument	
s_84(2)	D e uty 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	CEO, DCP, MSTP , Supervising Statutory Planning Officers and SSP		
s_84(3)	d e 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	CEO, DCP, MSTP and Specific Statutory Planning Officers		

Instrument of Delegation to Members of Council Staff

~~August 2018~~ February 2019

Page 65 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_84(6)	D uty to issue permit on receipt of advice within 3 working days	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_84AB	P power to agree to confining a review by the Tribunal	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_86	D uty to issue a permit at order of Tribunal within 3 working days	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_87(3)	P power to apply to VCAT for the cancellation or amendment of a permit	CEO, DCP, MSTP and Supervising Statutory Planning Officers		
s_90(1)	F unction of being heard at hearing of request for cancellation or amendment of a permit	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_91(2)	D uty to comply with the directions of VCAT	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_92	d Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	CEO, DCP, MSTP , Supervising Statutory Planning Officers and SSP		
s_93(2)	D uty to give notice of VCAT order to stop development	CEO, DCP, MSTP and Supervising Statutory Planning Officers		

Instrument of Delegation to Members of Council Staff

August 2018 February 2019

Page 66 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_95(3)	F unction of referring certain applications to the Minister	CEO, DCP, MSTP and Supervising Statutory Planning Officers		
s_95(4)	D uty to comply with an order or direction	CEO, DCP, MSTP and Supervising Statutory Planning Officers		
s_96(1)	D uty to obtain a permit from the Minister to use and develop its land	CEO, DCP, MSP and MSTP		
s_96(2)	F unction of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, DCP, MSP and MSTP		
s_96A(2)	P ower to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, DCP, MSTP, TLSP and Supervising Statutory Planning Officers		
s_96C	P ower to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	CEO, DCP, MSTP, TLSPSP, SSTRP, STP and Specific Statutory Planning Officers		
s_96F	D uty to consider the panel's report under section 96E	CEO, DCP, MSTP, TLSP_SPP, SSTRP, STP and Specific Statutory Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_96G(1)	P Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the Planning and Environment (Planning Schemes) Act 1996)	CEO, DCP, MSTP, TLSP, SPP , SSTRP, STP and Specific Statutory Planning Officers		
s_96H(3)	P power to give notice in compliance with Minister's direction	CEO, DCP, MSTP, TLSP, SPP, SSTRP, STP and Specific Statutory Planning Officers		
s_96J	P power to issue permit as directed by the Minister	CEO, DCP, MSTP, TLSP and Specific Statutory Planning Officers		
s_96K	D uty to comply with direction of the Minister to give notice of refusal	CEO, DCP, MSTP, TLSP and Specific Statutory Planning Officers		
s_96Z	D uty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate	CEO, DCP, MSTP and MSP		
s_97C	P power to request Minister to decide the application	CEO, DCP, MSTP and MSP		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_97D(1)	D Duty to comply with directions of Minister to supply any document or assistance relating to application	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_97G(3)	F unction of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_97G(6)	D uty to make a copy of permits issued under section 97F available for inspection	CEO, DCP, MSTP, Specific Statutory Planning Officers, TLPP and PSO		
s_97L	D uty to include Ministerial decisions in a register kept under section 49	CEO, DCP, MSTP, Specific Statutory Planning Officers, TLPP and PSO		
s_97MH	D uty to provide information or assistance to the Planning Application Committee	CEO, DCP, MSTP and MSP		
s_97MI	D uty to contribute to the costs of the Planning Application Committee or subcommittee	CEO and DCP		
s_97O	D uty to consider application and issue or refuse to issue certificate of compliance	CEO, DCP, MSTP and MSP		

| Instrument of Delegation to Members of Council Staff

~~August 2018~~ February 2019

Page 69 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_97P(3)	D Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_97Q(2)	F function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_97Q(4)	D uty to comply with directions of VCAT	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_97R	D uty to keep register of all applications for certificate of compliance and related decisions	CEO, DCP, MSTP, Specific Statutory Planning Officers, TLPP and PSO		
s_98(1)&(2)	F function of receiving claim for compensation in certain circumstances	CEO, DCP, MSTP and Specific Statutory Planning Officers		
s_98(4)	D uty to inform any person of the name of the person from whom compensation can be claimed	CEO, DCP, MSTP and MSP		
s_101	F function of receiving claim for expenses in conjunction with claim	CEO, DCP, MSTP and MSP		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_103	p Power to reject a claim for compensation in certain circumstances	CEO, DCP, MSTP and MSP		
s_107(1)	F unction of receiving claim for compensation	CEO, DCP, MSTP and MSP		
s_107(3)	P power to agree to extend time for making claim	CEO, DCP, MSTP and MSP		
s_114(1)	P power to apply to the VCAT for an enforcement order	CEO, DCP, MSTP and Supervising Statutory Planning Officers		
s_117(1)(a)	F unction of making a submission to the VCAT where objections are received	CEO, DCP, MSTP, Supervising Statutory Planning Officers, SSP and PIO		
s_120(1)	P power to apply for an interim enforcement order where section 114 application has been made	CEO, DCP, MSTP and Supervising Statutory Planning Officers		
s_123(1)	P power to carry out work required by enforcement order and recover costs	CEO, DCP, MSTP and Supervising Statutory Planning Officers		
s_123(2)	P power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	CEO, DCP, MSTP and MSP	Except Crown Land	
s_129	F unction of recovering penalties	CEO, DCP, MSTP and MSP		

| Instrument of Delegation to Members of Council Staff

~~August 2018~~ February 2019

Page 71 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_130(5)	<u>P</u> power to allow person served with an infringement notice further time	CEO, DCP, MSTP, MSP, Supervising Statutory Planning Officers		
s_149A(1)	<u>P</u> power to refer a matter to the VCAT for determination	CEO, DCP, MSTP and Supervising Statutory Planning Officers		
s_149A(1A)	<u>P</u> power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CEO, DCP, MSTP and Supervising Statutory Planning Officers		
s_156	<u>D</u> uty to pay fees and allowances (including a payment to the Crown under <u>subsection 156(2A)</u>), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under <u>subsection 156(2B)</u> power to ask for contribution under <u>subsection 156(3)</u> and power to abandon amendment or part of it under <u>subsection 156(4)</u>	CEO, DCP, MSTP, MSP, SSP, SSTRP, STP	<u>W</u> here council is the relevant planning authority	
s_171(2)(f)	<u>P</u> power to carry out studies and commission reports	CEO, DCP, MSTP, MSP, MAM, TLD		
s_171(2)(g)	<u>p</u> Power to grant and reserve easements	CEO, DCP, MSTP, MSP, MAM, TLD		

Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 72 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_172C	P power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO, DCP, DEI	W where Council is a development agency specified in an approved infrastructure contributions plan	
s_172D(1)	P 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)	CEO, DCP, DEI	W where Council is a collecting agency specified in an approved infrastructure contributions plan	
s_172D(2)	P 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)	CEO, DCP, DEI	W where Council is the development agency specified in an approved infrastructure contributions plan	
s_173(1)	P power to enter into agreement covering matters set out in section 174	CEO, DCP, DCEBTDCXBT , DCD, DEI, MAM, MSP, MSTP and MLL		
s_173(1A)	P power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	CEO, DCP, DCD, MSP, MSTP, Supervising Statutory Planning Officers	W where Council is the relevant responsible authority	

Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 73 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
---	<p>pPower to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority</p>	CEO, DCP, DCEB DCXBT , DCD, DEI, MAM, MSP, MSTP, MLL and TLD		
---	<p>Ppower to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority</p>	CEO, DCP, DCEB DCXBT , DCD, DEI, MAM, MSP, MSTP, MLL and TLD		
s. 177(2)	<p>pPower to end a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9</p>	CEO, DCP, DCEB DCXBT , DCD, DEI, MAM, MSP, MSTP, MLL and TLD		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_178	P 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	CEO, DCP, DCEB DCXBT , DCD, DEI, MAM, MSP, MSTP, MLL, and TLD		
s_178A(1)	F function of receiving application to amend or end an agreement	CEO, DCP, DCEB DCXBT , DCD, DEI, MAM, MSTP, MLL, TLSP, TLD, Specific Statutory Planning Officers, TLPP and PSO		
s_178A(3)	F function of notifying the owner as to whether it agrees in principle to the proposal under s_178A(1)	CEO, DCP, DCEB DCXBT , DCD, DEI, MAM, MSTP, MLL, TLSP, TLD and Supervising Statutory Planning Officers		
s_178A(4)	F function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, DCP, DCEB DCXBT , DCD, DEI, MAM, MSTP, MLL, TLSP, TLD and Specific Statutory Planning Officers		
s_178A(5)	P power to propose to amend or end an agreement	CEO, DCP, DCEB DCXBT , DCD, DEI, MAM, MSTP, MLL, TLSP, TLD and Supervising Statutory Planning Officers		
s_178B(1)	D duty to consider certain matters when considering proposal to amend an agreement	CEO, DCP, DCEB DCXBT , DCD, DEI, MAM, MSTP, MLL, SSP, TLSP, TLD, SPP, STRP, STP and Specific Statutory Planning Officers		

| Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 75 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_178B(2)	D uty to consider certain matters when considering proposal to end an agreement	CEO, DCP, DCEB DCXBT , DCD, DEI, MAM, MSTP, MLL, SSP, TLSP, TLD, SPP, STRP, STP and Specific Statutory Planning Officers		
s_178C(2)	D uty 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	CEO, DCP, DCEB DCXBT , DCD, DEI, MAM, MSTP, MLL, SSP, TLSP, TLD, SPP, STRP, STP and Specific Statutory Planning Officers		
s_178C(4)	F unction of determining how to give notice under s_178C(2)	CEO, DCP, DCEB DCXBT , DCD, DEI, MAM, MSTP, MLL, SSP, TLSP, TLD and Supervising Statutory Planning Officers		
s_178E(1)	D uty not to make decision until after 14 days after notice has been given	CEO, DCP, DCEB DCXBT , DCD, DEI, MAM, MSTP, MLL, SSP, TLSP, TLD and Specific Statutory Planning Officers		
s_178E(2)(a)	P power to amend or end the agreement in accordance with the proposal	CEO, DCP, DCEB DCXBT , DCD, DEI, MAM, MSTP, MLL, TLSP, TLD and Supervising Statutory Planning Officers	Where there is between 1 and no more than 5 objections received (under s. 178D) the delegate in Column 3 may make a decision. Before making a decision the delegate must consult with and consider the views of the Statutory Planning Advisory Committee (SPAC).	Must consider matters in s.178B

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_178E(2)(b)	P power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DCP, DCEBTD DCXBT , DCD, DEI, MAM, MSTP, MLL, TLSP, TLD and Supervising Statutory Planning Officers	Where there is between 1 and no more than 5 objections received (under s. 178D) the delegate in Column 3 may make a decision. Before making a decision the delegate must consult with and consider the views of the Statutory Planning Advisory Committee (SPAC).	Must consider matters in s.178B
s_178E(2)(c)	P power to refuse to amend or end the agreement	CEO, DCP, DCEBTD DCXBT , DCD, DEI, MAM, MSTP, MLL, TLSP, TLD and Supervising Statutory Planning Officers	Where there is between 1 and no more than 5 objections received (under s. 178D) the delegate in Column 3 may make a decision. Before making a decision the delegate must consult with and consider the views of the Statutory Planning Advisory Committee (SPAC).	Must consider matters in s.178B
s_178E(3)(a)	P power to amend or end the agreement in accordance with the proposal	CEO, DCP, DCEBTD DCXBT , DCD, DEI, MAM, MSTP, MLL, TLSP, TLD and Supervising Statutory Planning Officers	Where there is between 1 and no more than 5 objections received (under s. 178D) the delegate in Column 3 may make a decision. Before making a decision the delegate must consult with and consider the views of the Statutory Planning Advisory Committee (SPAC).	After considering objections, submissions and matters in s.178B
s_178E(3)(b)	P power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DCP, DCEBTD DCXBT , DCD, DEI, MAM, MSTP, MLL, TLSP, TLD and Supervising Statutory Planning Officers	Where there is between 1 and no more than 5 objections received (under s. 178D) the delegate in Column 3 may make a decision. Before making a decision the delegate must consult with and consider the views of the Statutory Planning Advisory Committee (SPAC).	After considering objections, submissions and matters in s.178B

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s. 178E(3)(c)	P Power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DCP, DCEBTD DCXBT, DCD, DEI, MAM, MSTP, MLL, TLSP, TLD and Supervising Statutory Planning Officers	Where there is between 1 and no more than 5 objections received (under s. 178D) the delegate in Column 3 may make a decision. Before making a decision the delegate must consult with and consider the views of the Statutory Planning Advisory Committee (SPAC).	After considering objections, submissions and matters in s.178B
s. 178E(3)(d)	P power to refuse to amend or end the agreement	CEO, DCP, DCEBTD DCXBT, DCD, DEI, MAM, MSTP, MLL, TLSP, TLD and Supervising Statutory Planning Officers	Where there is between 1 and no more than 5 objections received (under s. 178D) the delegate in Column 3 may make a decision. Before making a decision the delegate must consult with and consider the views of the Statutory Planning Advisory Committee (SPAC).	After considering objections, submissions and matters in s.178B
s. 178F(1)	D duty to give notice of its decision under s. 178E(3)(a) or (b)	CEO, DCP, DCEBTD DCXBT, DCD, DEI, MAM, MSTP, MLL, SSP, TLSP, TLD, SPP, SSTRP, STP and Supervising Statutory Planning Officers		
s. 178F(2)	D duty to give notice of its decision under s. 178E(2)(c) or (3)(d)	CEO, DCP, DCEBTD DCXBT, DCD, DEI, MAM, MSTP, MLL, SSP, TLSP, TLD, SPP, SSTRP, STP and Supervising Statutory Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_178F(4)	D uty 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	CEO, DCP, DCEBTD CXBT , DCD, DEI, MAM, MSTP, MLL, TLSP, TLD and Supervising Statutory Planning Officers		
s_178G	D uty to sign amended agreement and give copy to each other party to the agreement	CEO, DCP, DCEBTD CXBT , DCD, DEI, MAM, MSTP, MLL, TLSP, TLD and Supervising Statutory Planning Officers		
s_178H	P 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	CEO, DCP, DCEBTD CXBT , DCD, DEI, MAM, MSP, MSTP, MLL and TLD		
s_178I(3)	D uty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, DCP, DCEBTD CXBT , DCD, DEI, MSTP, MLL, TLSP, TLD, SPP, SSTRP, STP and Supervising Statutory Planning Officers		
s_179(2)	D uty to make available for inspection copy agreement	CEO, DCP, DCEBTD CXBT , DCD, DEI, MAM, MSTP, MLL, TLSP, SPP, SSTRP, STP, TLD, Specific Statutory Planning Officers, TLPP and PSO		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_181	D uty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	CEO, DCP, DCEBTDCXBT , DCD, DEI, MAM MSP, MSTP and MLL		
s_181(1A)(a)	P power to apply to the Registrar of Titles to record the agreement	CEO, DCP, DCEBTDCXBT , DCD, DEI, MAM, MSTP, MLL, SSP, TLD, TLSP, and Supervising Statutory Planning Officers		
s_181(1A)(b)	D uty to apply to the Registrar of Titles, without delay, to record the agreement	CEO, DCP, DCEBTDCXBT , DCD, DEI, MAM, MSTP, MLL, SSP, TLD, TLSP, and Supervising Statutory Planning Officers		
s_182	P power to enforce an agreement	CEO, DCP, DCEBTDCXBT , DCD, DEI, MAM, MSTP, MLL, TLD, Supervising Statutory Planning Officers and PIO		
s_183	D uty to tell Registrar of Titles of ending/amendment of agreement	CEO, DCP, DCEBTDCXBT , DCD, DEI, MAM, MSTP, MLL, TLD and Specific Statutory Planning Officers		
s_184F(1)	P 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	CEO, DCP, DCEBTDCXBT , DCD, DEI, MSP, MSTP and MLL		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_184F(2)	<u>D</u> eputy 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	CEO, DCP, DCEB DCXBT , DCD, DEI, MSP, MSTP and MLL		
s_184F(3)	<u>D</u> eputy 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	CEO, DCP, DCEB DCXBT , DCD, DEI, MSTP, MLL, TLSP, SPP, SSTRP, STP, Supervising Statutory Planning Officers, SSP and SO		
s_184F(5)	<u>F</u> unction of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	CEO, DCP, DCEB DCXBT , DCD, DEI, MSTP, MLL, TLSP, SPP, SSTRP, STP, Supervising Statutory Planning Officers, SSP and SO		
s_184G(2)	<u>D</u> eputy to comply with a direction of the Tribunal	CEO, DCP, DCEB DCXBT , DCD, DEI, MSTP, MLL, Supervising Statutory Planning Officers, SSP and SO		
s_184G(3)	<u>D</u> eputy to give notice as directed by the Tribunal	CEO, DCP, DCEB DCXBT , DCD, DEI, MSTP, MLL, Supervising Statutory Planning Officers, SSP and SO		

| Instrument of Delegation to Members of Council Staff

~~August 2018~~ February 2019

Page 81 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s_198(1)	F unction to receive application for planning certificate	CEO, DCP and Specific Statutory Planning Officers		
s_199(1)	D uty to give planning certificate to applicant	CEO, DCP and Specific Statutory Planning Officers		
s_201(1)	F unction of receiving application for declaration of underlying zoning	CEO, DCP, MSTP and Specific Statutory Planning Officers		
S_201(3)	D uty to make declaration	CEO, DCP, MSTP and Specific Statutory Planning Officers		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
-	Power to make a decision relating to the conduct of a mediation or compulsory conference before VCAT, including a decision to settle the mediation or compulsory conference	CEO, DCP, MSTP and Specific Statutory Planning Officer	<p>In the event that a decision made under s61(a) or (b) (decision to grant a permit or decision to grant a permit subject to conditions) results in an application for review through the Victorian Civil and Administrative Tribunal (VCAT), the exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> • There are no objector parties; • All objector parties consent (either conditionally, or otherwise) either through a written consent order or mediation/compulsory conference; • If the matter has previously been subject to a determination by the Urban Planning Special Committee, can only be exercised if, in the opinion of DCP, MSTP or Supervising Statutory Planning Officers the matter being mediated/settled is of a minor nature and the intent of the Council's decision is not compromised. <p>In the event that a decision made under s61(c) (decision to refuse to grant a permit) results in an application for review through VCAT, the exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> • CEO, DCP, MSTP and Supervising Statutory Planning Officers if there are no objector parties; • CEO, DCP, MSTP and Supervising Statutory Planning Officers if all objector parties consent (either conditionally, or otherwise) either through a written consent order or mediation/compulsory conference. • If the matter has previously been subject to a determination by the Urban Planning Special Committee, can only be exercised if, in the opinion of DCP, MSTP or Supervising Statutory Planning Officers the matter being mediated/settled is of a minor nature and the intent of the Council's decision is not compromised. 	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
-	Determine that a matter be considered at a mediation or compulsory conference before VCAT	CEO, DCP, MSTP and Supervising Statutory Planning Officers		
-	P 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	CEO, DCP, MSTP, Specific Statutory Planning Officers and PIO		
-	P 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	CEO, DCP, MSTP, TLSP and Specific Statutory Planning Officers		
-	P 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	CEO, DCP, MSTP, TLSP and Specific Statutory Planning Officers		
-	P power to give written authorisation in accordance with a provision of a planning scheme	CEO, DCP, MSTP, TLSP, Supervising Statutory Planning Officers and SSP		
s. 201UAB(1)	F unction of providing the Victorian Planning Authority with information relating to any land within municipal district	CEO, DCP, MSTP and Supervising Statutory Planning Officers		

Instrument of Delegation to Members of Council Staff

~~August 2018~~ February 2019

Page 84 of 107

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s.201UAB(2)	D e uty to provide the Victorian Planning Authority with information requested under subsection 201UAB (1) as soon as possible	CEO, DCP, MSTP and Supervising Statutory Planning Officers		

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s_33	D uty to comply with a direction of the Safety Director under this sections 33	CEO, DEI, GMPI, MP&S, MAM	W here Council is a utility under section 3
s_33A	D uty to comply with a direction of the Safety Director to give effect to arrangements under this sections 33A	CEO, DEI, GMPI, MP&S, MAM	D uty of Council as a road authority under the <i>Road Management Act 2004</i>
s_34	D uty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)	CEO, DEI, GMPI, MP&S, MAM	W here Council is a utility under section 3
s_34C(2)	F unction of entering into safety interface agreements with rail infrastructure manager	CEO, DEI, MT&T, GMPI	W here Council is the relevant road authority
s_34D(1)	F unction of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	CEO, DEI & MT&T, GMPI	W here Council is the relevant road authority
s_34D(2)	F unction of receiving written notice of opinion	CEO, DEI & MT&T	W here Council is the relevant road authority
s_34D(4)	F unction of entering into safety interface agreement with infrastructure manager	CEO, DEI, MT&T, GMPI	W here Council is the relevant road authority
s_34E(1)(a)	D uty to identify and assess risks to safety	CEO, DEI, MT&T, GMPI, CT, CTM	W here Council is the relevant road authority
s_34E(1)(b)	D uty to determine measures to manage any risks identified and assessed having regard to items set out in section s 34E(2)(a)-(c)	CEO, DEI & MT&T, GMPI	W here Council is the relevant road authority

Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 86 of 107

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s. 34E(3)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	CEO, DEI & MT&T, GMPI	Where Council is the relevant road authority
s. 34F(1)(a)	Duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	CEO, DEI & MT&T, GMPI	Where Council is the relevant road authority
s. 34F(1)(b)	Duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	CEO, DEI & MT&T, GMPI	Where Council is the relevant road authority
s. 34F(2)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	CEO, DEI & MT&T, GMPI	Where Council is the relevant road authority
s. 34H	Power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections 34H(a)-(c)	CEO, DEI & MT&T, GMPI	Where Council is the relevant road authority
s. 34I	Function of entering into safety interface agreements	CEO, DEI & MT&T, GMPI	Where Council is the relevant road authority
s. 34J(2)	Function of receiving notice from Safety Director	CEO, DEI & MT&T	Where Council is the relevant road authority
s. 34J(7)	Duty to comply with a direction of the Safety Director given under section 34J(5)	CEO, DEI & MT&T, GMPI	Where Council is the relevant road authority
s. 34K(2)	Duty to maintain a register of items set out in subsections 34K(a)-(b)	CEO, DEI & MT&T, GMPI	Where Council is the relevant road authority

Instrument of Delegation to Members of Council Staff

August 2018 February 2019

Page 87 of 107

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s_142D	<u>F</u> unction of receiving notice regarding an unregistered rooming house	CEO, DCD, MHAADS, CPH TLHS, EHO & AOHS	
s_142G(1)	<u>D</u> uty to enter required information in Rooming House Register for each rooming house in municipal district	CEO, DCD, MHAADS, CPH TLHS, EHO & AOHS	
s_142G(2)	<u>P</u> ower to enter certain information in the Rooming House Register	CEO, DCD, MHAADS, CPH TLHS, EHO & AOHS	
s_142I(2)	<u>P</u> ower to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CEO, DCD, MHAADS, CPH TLHS, EHO & AOHS	
s_252	<u>P</u> ower to give tenant a notice to vacate rented premises if <u>subsection 252</u> (1) applies	CEO, DCD , DEI, DCP	<u>W</u> here Council is the landlord
s_262(1)	<u>P</u> ower to give tenant a notice to vacate rented premises	CEO, DCD , DEI, DCP	<u>W</u> here Council is the landlord
s_262(3)	<u>P</u> ower to publish its criteria for eligibility for the provision of housing by Council	CEO, DCD , DEI, DCP	
s_518F	<u>P</u> ower to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CEO, DCD , DEI, DCP, <u>MHAADS, CPH, TLHS, EHO & AOHS</u>	
s_522(1)	<u>P</u> ower to give a compliance notice to a person	CEO, DCP, MSP & MBS	

Instrument of Delegation to Members of Council Staff

August 2018 February 2019

Page 88 of 107

RESIDENTIAL TENANCIES ACT 1997			
s._525(2)	power Power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	CEO, DCP, MSP & MBS	
s._525(4)	D uty to issue identity card to authorised officers	CEO, DCP, MSP & MBS	
s._526(5)	D uty to keep record of entry by authorised officer under section 526	CEO, DCP, MSP & MBS	
s._526A(3)	F unction of receiving report of inspection	CEO, DCD, MHAADS, CPH TLHS and EHO	
s._527	P power to authorise a person to institute proceedings (either generally or in a particular case)	CEO, DCP, MSP & MBS	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s_11(1)	P power to declare a road by publishing a notice in the Government Gazette	CEO, DEI, MP&S, MT&T, MAM	e Obtain consent in circumstances specified in section 11(2)
s_11(8)	P power to name a road or change the name of a road by publishing notice in Government Gazette	CEO, DEI, MP&S, MT&T, MAM	
s_11(9)(b)	D duty to advise Registrar	CEO, DEI, MP&S, MT&T, MAM	
s_11(10)	d Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CEO, DEI, MP&S, MT&T, MAM	e Clause subject to section 11(10A)
s_11(10A)	D duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CEO, DEI, MAM, MT&T, MP&S,	W where Council is the coordinating road authority
s_12(2)	P power to discontinue road or part of a road	CEO, DEI, MAM, MT&T, MP&S,	W where Council is the coordinating road authority
s_12(4)	P power to publish, and provide copy, notice of proposed discontinuance	CEO, DEI, DCEBTDCXBT , MAM, MP&S, MT&T	P power of coordinating road authority where it is the discontinuing body unless subsection 12(11) applies
s_12(5)	D duty to consider written submissions received within 28 days of notice	CEO, DEI, MAM, MT&T, MP&S,	D duty of coordinating road authority where it is the discontinuing body unless subsection- 12(11) applies
s_12(6)	F function of hearing a person in support of their written submission	CEO, DEI, MAM, MT&T, MP&S,	F function of coordinating road authority where it is the discontinuing body unless subsection 12(11) applies
s_12(7)	D duty to fix day, time and place of meeting under subsection (6) and to give notice	CEO, DEI, MAM, MT&T, MP&S,	d Duty of coordinating road authority where it is the discontinuing body unless subsection 12(11) applies

Instrument of Delegation to Members of Council Staff

August 2018 February 2019

Page 90 of 107

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s_12(10)	D uty to notify of decision made	CEO, DEI, DCEBTDCXBT , MP&S, MT&T, MAM	D uty of coordinating road authority where it is the discontinuing body d Does not apply where an exemption is specified by the regulations or given by the Minister
s_13(1)	P power to fix a boundary of a road by publishing notice in Government Gazette	CEO, DEI, DCEBTDCXBT , MP&S, MT&T, MAM	P power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s_14(4)	F unction of receiving notice from VicRoads	CEO, DEI, MT&T, MAM, GMPI	
s_14(7)	P power to appeal against decision of VicRoads	CEO, DEI, MP&S, GMPI, MT&T, MAM	
s_15(1)	P power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CEO, DEI, MP&S, GMPI, MT&T, MAM	
s_15(1A)	P power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CEO, DEI, MP&S, GMPI, MT&T, MAM	
s_15(2)	D uty to include details of arrangement in public roads register	CEO, DEI, MAM	
s_16(7)	P power to enter into an arrangement under section -15	CEO, DEI, MP&S, GMPI, MT&T, MAM	

Instrument of Delegation to Members of Council Staff

August 2018 February 2019

Page 91 of 107

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s_16(8)	D uty to enter details of determination in public roads register	CEO, DEI, MP&S, MT&T, MAM	
s_17(2)	D uty to register public road in public roads register	CEO, DEI, MAM	W here Council is the coordinating road authority
s_17(3)	P power to decide that a road is reasonably required for general public use	CEO, DEI, MP&S, MT&T, MAM	W here Council is the coordinating road authority
s_17(3)	D uty to register a road reasonably required for general public use in public roads register	CEO, DEI, MP&S, MT&T, MAM	W here Council is the coordinating road authority
s_17(4)	P power to decide that a road is no longer reasonably required for general public use	CEO, DEI, MP&S, MT&T, MAM	W here Council is the coordinating road authority
s_17(4)	D uty to remove road no longer reasonably required for general public use from public roads register	CEO, DEI, MP&S, MT&T, MAM	W here Council is the coordinating road authority
s_18(1)	P power to designate ancillary area	CEO, DEI, MAM	W here Council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s_18(3)	D uty to record designation in public roads register	CEO, DEI, MAM	W here Council is the coordinating road authority
s_19(1)	D uty to keep register of public roads in respect of which it is the coordinating road authority	CEO, DEI, MAM	
s_19(4)	D uty to specify details of discontinuance in public roads register	CEO, DEI, MAM	

Instrument of Delegation to Members of Council Staff

August 2018 February 2019

Page 92 of 107

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s_19(5)	e Duty to ensure public roads register is available for public inspection	CEO, DEI, MAM	
s_21	F function of replying to request for information or advice	CEO, DEI, MP&S, GMPI, MT&T, MAM,	e Obtain consent in circumstances specified in section 11(2)
s_22(2)	F function of commenting on proposed direction	CEO, DEI, MP&S, MT&T, MAM,	
s_22(4)	D duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	CEO, DEI, DCEB DCXBT , MAM & MBD	
s_22(5)	e Duty to give effect to a direction under s 22 this section .	CEO, DEI, MT&T, MP&S, GMPI, MAM	
s_40(1)	D duty to inspect, maintain and repair a public road.	CEO, DEI, MT&T, MP&S, GMPI, MAM, All Asset Management Staff, All Road and Path Maintenance Staff, All Traffic and Transport Staff	
s_40(5)	p Power to inspect, maintain and repair a road which is not a public road	CEO, DEI, MT&T, MP&S, MAM, GMPI	

Instrument of Delegation to Members of Council Staff

August 2018 February 2019

Page 93 of 107

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 41(1)	P Power to determine the standard of construction, inspection, maintenance and repair	CEO, DEI, MP&S, GMPI, MT&T, MAM	
s. 42(1)	P power to declare a public road as a controlled access road	CEO, DEI, MP&S, MT&T, MAM	P power of coordinating road authority and Schedule 2 also applies
s. 42(2)	P power to amend or revoke declaration by notice published in Government Gazette	CEO, DEI, MP&S, MT&T, MAM, MP&S,	P power of coordinating road authority and Schedule 2 also applies
s. 42A(3)	D uty to consult with VicRoads before road is specified	CEO, DEI, MAM, MT&T	W where Council is the coordinating road authority if road is a municipal road or part thereof
s. 42A(4)	P power to approve Minister's decision to specify a road as a specified freight road	CEO, DEI, MAM, MT&T	W where Council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road
s. 48EA	D uty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	CEO, DEI, MAM, MT&T	W where Council is the responsible road authority, infrastructure manager or works manager
s. 48M(3)	F function of consulting with the relevant authority for purposes of developing guidelines under section 48M	CEO, DEI, MT&T	
s. 49	P power to develop and publish a road management plan	CEO, DEI, MAM	
s. 51	P power to determine standards by incorporating the standards in a road management plan	CEO, DEI, MAM, MP&S	
s. 53(2)	P power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CEO, DEI, MAM	

Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 94 of 107

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 54(2)	D e uty to give notice of proposal to make a road management plan	CEO, DEI, MAM	
s. 54(5)	D e uty to conduct a review of road management plan at prescribed intervals	CEO, DEI, MAM	
s. 54(6)	P e power to amend road management plan	CEO, DEI, MAM, MP&S	
s. 54(7)	D e uty to incorporate the amendments into the road management plan	CEO, DEI, MAM	
s. 55(1)	D e uty to cause notice of road management plan to be published in Government Gazette and newspaper	CEO, DEI, MAM	
s. 63(1)	P e power to consent to conduct of works on road	CEO, DEI, MP&S, GMPI, MT&T, MAM, CT, CTM, All Traffic and Transport Staff	W here Council is the coordinating road authority
s. 63(2)(e)	P e power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CEO, DEI, MP&S, GMPI, MT&T, MAM, CT, CTM	W here Council is the infrastructure manager
s. 64(1)	D e uty to comply with clause 13 of Schedule sch 7	CEO, DEI, MP&S, GMPI, MT&T, MAM	W here Council is the infrastructure manager or works manager
s. 66(1)	P e power to consent to structure etc	CEO, DEI, MP&S, GMPI, MT&T, MAM	W here Council is the coordinating road authority

Instrument of Delegation to Members of Council Staff

August 2018 February 2019

Page 95 of 107

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s_67(2)	F unction of receiving the name & address of the person responsible for distributing the sign or bill	CEO, DEI, DCP, MT&T, MLL	W here Council is the coordinating road authority
s_67(3)	P power to request information	CEO, DEI, MP&S, GMPI, MT&T, MAM, MLL, CT	W here Council is the coordinating road authority
s_68(2)	P power to request information	CEO, DEI, DCP, MT&T, MAM, MLL, CT	w here Council is the coordinating road authority
s_71(3)	p Power to appoint an authorised officer	CEO, DEI, DCP, MT&T, MLL	
s_72	D uty to issue an identity card to each authorised officer	CEO, DEI, DCP, MT&T, MLL	
s_85	F unction of receiving report from authorised officer	CEO, DEI, DCP, MT&T, MLL	
s_86	D uty to keep register re section 85 matters	CEO, DEI, DCP, MT&T, MAM, MLL	
s_87(1)	F unction of receiving complaints	CEO, DEI, MAM	
s_87(2)	d Duty to investigate complaint and provide report	CEO, DEI, MP&S, GMPI, MT&T, MAM	
s_112(2)	P power to recover damages in court	CEO, DEI, MAM, GMPI, MP&S	
s_116	P power to cause or carry out inspection	CEO, DEI, MP&S, GMPI, MT&T, MAM	

Instrument of Delegation to Members of Council Staff

August 2018 February 2019

Page 96 of 107

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s_119(2)	F function of consulting with VicRoads	CEO, DEI, MAM, MT&T, MP&S, GMPI, CT, CTM, All Traffic and Transport Staff	
s_120(1)	P power to exercise road management functions on an arterial road (with the consent of VicRoads)	CEO, DEI, MP&S, GMPI, MT&T, MAM, CT, r All Traffic and Transport Staff	
s_120(2)	D duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	CEO, DEI, MP&S, GMPI, MT&T, MAM, CT, CTM	
s_121(1)	P power to enter into an agreement in respect of works	CEO, DEI, MP&S, GMPI, MT&T, MAM, CT, CTM	
s_122(1)	P power to charge and recover fees	CEO, DEI, MT&T, GMPI, MAM, MP&S, CT	
s_123(1)	p Power to charge for any service	CEO, DEI, MT&T, GMPI, MAM, MP&S	
Schedule sch 2 Clause-cl 2(1)	P power to make a decision in respect of controlled access roads	CEO, DEI, MP&S, MT&T	

Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 97 of 107

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule sch 2 Clause-cl 3(1)	D uty to make policy about controlled access roads	CEO, DEI, MP&S, MT&T, MAM	
Schedule sch 2 Clause-cl 3(2)	P ower to amend, revoke or substitute policy about controlled access roads	CEO, DEI, MP&S, MT&T, MAM	
Schedule sch 2 Clause-cl 4	F unction of receiving details of proposal from VicRoads	CEO, DEI, MAM, MT&T, CT, CTM	
Schedule sch 2 Clause-cl 5	D uty to publish notice of declaration	CEO, DEI, MP&S, MT&T, MAM	
Schedule sch 7; Clause-cl 7(1)	d Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CEO, DEI, MP&S, MT&T, MAM	W here Council is the infrastructure manager or works manager
Schedule sch 7; Clause 8(1)	D uty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CEO, DEI, MP&S, GMPI, MT&T, MAM	W here Council is the infrastructure manager or works manager

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule sch 7; Clause-cl 9(1)	D e uty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CEO, DEI, MP&S, GMPI, MT&T, MAM	W w here Council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule sch 7; clClause 9(2)	d e uty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	CEO, DEI, MP&S, GMPI, MT&T, MAM	W w here Council is the infrastructure manager or works manager
Schedule sch 7; Clause-cl 10(2)	w w here schSchedule 7 Clause-cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CEO, DEI, MP&S, GMPI, MT&T, MAM	W w here Council is the infrastructure manager or works manager
Schedule sch 7 Clause-cl 12(2)	P p ower to direct infrastructure manager or works manager to conduct reinstatement works	CEO, DEI, MP&S, GMPI, MT&T, MAM, CT	W w here Council is the coordinating road authority
Schedule sch 7 Clause-cl 12(3)	p p ower to take measures to ensure reinstatement works are completed	CEO, DEI, MP&S, GMPI, MT&T, MAM	W w here Council is the coordinating road authority
Schedule sch 7 Clause-cl 12(4)	D e uty to ensure that works are conducted by an appropriately qualified person	CEO, DEI, MP&S, GMPI, MT&T, MAM	W w here Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule sch 7 cl Clause 12(5)	P power to recover costs	CEO, DEI, MP&S, GMPI, MT&T, MAM	W where Council is the coordinating road authority
Schedule sch 7, Clause-cl 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule sch 7, Clause-cl 13(2)	CEO, DEI, MP&S, GMPI, MT&T, MAM	W where Council is the works manager
Schedule sch 7 Clause-cl 13(2)	P power to vary notice period	CEO, DEI, MP&S, GMPI, MT&T, MAM	W where Council is the coordinating road authority
Schedule sch 7, Clause-cl 13(3)	D duty to ensure works manager has complied with obligation to give notice under Schedule sch 7, Clause-cl 13(1)	CEO, DEI, MP&S, GMPI, MT&T, MAM	w where Council is the infrastructure manager
Schedule sch 7 Clause-cl 16(1)	P power to consent to proposed works	CEO, DEI, MP&S, GMPI, MT&T, MAM, CT, CTM	W where Council is the coordinating road authority
Schedule sch 7 Clause-cl 16(4)	D duty to consult	CEO, DEI, MT&T, GMPI, MAM	W where Council is the coordinating road authority, responsible authority or infrastructure manager

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule sch 7 Clause cl 16(5)	P power to consent to proposed works	CEO, DEI, MT&T, GMPI, CT, MAM, TLWPTLAP&P , CTM	W where Council is the coordinating road authority
Schedule sch 7 Clause cl 16(6)	P power to set reasonable conditions on consent	CEO, DEI, MT&T, GMPI, CT, MAM, TLWPTLAP&P , CTM	W where Council is the coordinating road authority
Schedule sch 7 Clause cl 16(8)	P power to include consents and conditions	CEO, DEI, MT&T, GMPI, CT, MAM, TLWPTLAP&P , CTM	W where Council is the coordinating road authority
Schedule sch 7 Clause-cl 17(2)	p Power to refuse to give consent and duty to give reasons for refusal	CEO, DEI, MP&S, GMPI, MT&T, MAM, CT, TLWPTLAP&P , CTM	W where Council is the coordinating road authority
Schedule sch 7 Clause-cl 18(1)	P power to enter into an agreement	CEO, DEI, MP&S, GMPI, MT&T, MAM	W where Council is the coordinating road authority
Schedule sch 7 Clause-cl 19(1)	P power to give notice requiring rectification of works	CEO, DEI, MP&S, GMPI, MT&T, MAM	W where Council is the coordinating road authority

Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 101 of 107

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule sch 7 Clause cl 19(2) & (3)	P power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CEO, DEI, MP&S, GMPI, MT&T	W where Council is the coordinating road authority
Schedule sch 7 Clause-cl 20(1)	P power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CEO, DEI, MP&S, GMPI, MT&T, MAM	W where Council is the coordinating road authority
Schedule sch 7A Clause-cl 2	p Power to cause street lights to be installed on roads	CEO, DEI, MT&T, MAM, TLWP TLAP&P	P power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule sch 7A Clause-cl 3(1)(d)	D duty to pay installation and operation costs of street lighting - where road is not an arterial road	CEO, DEI, MT&T, MAM, TLWP TLAP&P	w where Council is the responsible road authority
Schedule sch 7A Clause-cl 3(1)(e)	D duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	CEO, DEI, MT&T, MAM, TLWP TLAP&P	W where Council is the responsible road authority
Schedule sch 7A Clause-cl (3)(1)(f)	d Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	CEO, DEI, MT&T, MAM, TLWP TLAP&P	D duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r_6	Function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CEO, DCP, MSTP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r_21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	CEO, DCP, MSTP, MSP, CSP, PAC, SSP, PP & SP	
r_25(a)	Duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	CEO, DCP, MSP & MSTP	Where Council is the responsible authority
r_25(b)	Function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	CEO, DCP, MSP & MSTP	Where Council is not the responsible authority but the relevant land is within Council's municipal district
r_42	Function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CEO, DCP, MSP & MSTP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, DCP & MSTP	where Council is the planning authority
r.20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, DCP, MSP & MSTP	
r.21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	CEO, DCP, DSP, MSP, MSTP, PP, PAC, CSP	where Council is the responsible authority or planning authority

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r_8(1)	D uty to conduct reviews of road management plan	CEO, DEI	
r_9(2)	D uty to produce written report of review of road management plan and make report available	CEO, DEI, MAM	
r_9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	CEO, DEI, MAM	W here Council is the coordinating road authority
r_10	D uty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	CEO, DEI, MAM, MP&S, MT&T, GMPI	
r_13(1)	Duty to publish notice of amendments to road management plan	CEO, DEI, MAM	W here Council is the coordinating road authority
r_13(3)	D uty to record on road management plan the substance and date of effect of amendment	CEO, DEI, MAM	
r_16 (3)	P power to issue permit	CEO, DEI, MAM, MT&T, MP&S, TLWP TLAP P , CT	W here Council is the coordinating road authority
r_18(1)	P Power to give written consent re damage to road	CEO, DEI, MT&T, MP&S, GMPI, MAM, CT	W here Council is the coordinating road authority

Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 105 of 107

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r_23(2)	P power to make submission to Tribunal	CEO, DEI	W where Council is the coordinating road authority
r_23(4)	P power to charge a fee for application under section_66 (1) Road Management Act	CEO, DEI	W where Council is the coordinating road authority
r_25(1)	P power to remove objects, refuse, rubbish or other material deposited or left on road	CEO, DEI, GMPI, MT&T, MAM, MP&S, MLL, CT, All Parks and Infrastructure staff	W where Council is the responsible road authority
r_25(2)	P power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	CEO, DEI, GMPI	W where Council is the responsible road authority
r_25(45)	P power to recover in the Magistrates' Court, expenses from person responsible	CEO, DEI	

| Instrument of Delegation to Members of Council Staff

~~August 2018~~February 2019

Page 106 of 107

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r_15	P power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	CEO, DEI, MT&T, MP&S, MIS, MAM	W where Council is the coordinating road authority and where consent given under section 63(1) of the Act
r_22(2)	P power to waive whole or part of fee in certain circumstances	CEO, DEI, MT&T, MP&S, MIS, MAM	W where Council is the coordinating road authority



Boroondara City Council

Instrument of Delegation

to

the Chief Executive Officer

This page intentionally left blank

Instrument of Delegation

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

AND declares that

- 1. this Instrument of Delegation is authorised by a Resolution of Council passed ~~27 August 2018~~ 25 February 2019;
- 2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.
- 3. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

The Common Seal of the Boroondara City Council was hereunto affixed in the presence of:

..... Mayor

..... Chief Executive Officer

..... Date

SCHEDULE

The power to

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

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

Conditions and Limitations

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

4. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 4.1 awarding a contract or approving a purchase or payment exceeding the value of \$500,000, unless the contract, purchase or payment has been previously approved by resolution of Council or a special committee;
 - 4.2 awarding a contract or approving a purchase or payment exceeding the value of \$500,000 unless the contract, purchase or payment relates to statutory charges such as superannuation, taxation, MFB levy and insurance charges generally consistent with the approved, revised or amended budget;
 - 4.3 making a local law under Part 5 of the Act;
 - 4.4 approval of the Council Plan under s.125 of the Act;
 - 4.5 adoption of the Strategic Resource Plan under s.126 of the Act;
 - 4.6 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 4.7 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 4.8 noting Declarations of Impartiality by Valuers pursuant to section 13DH(2) of the Valuation of Land Act 1960;
 - 4.9 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
 - 4.10 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
 - 4.11 appointment of councillor or community delegates or representatives to external organisations; or
 - 4.12 the return of the general valuation and any supplementary valuations;
 - 4.13 something inconsistent with, or prohibited by the Table at the foot of this schedule;
5. 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;

6. 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
- 6.1 policy; or
- 6.2 strategy
- adopted by Council; or
7. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
8. 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.

TABLE

Type of Expenditure or Item	Condition, Expenditure Limit for Individual or Prohibition
Acquisition or disposal of the fee-simple in any land	Prohibited - except where: <ul style="list-style-type: none"> the disposal results from a decision by the Chief Executive Officer not to challenge a claim for adverse possession. the disposal is in accordance with Schedule 2.
Acquisition or disposal of any other interest in land	\$500,000 excluding GST
Approval of the purchase or hire (other than taxi hire) of vehicles	\$500,000 excluding GST
Building and Capital Works - including repairs and alterations	\$500,000 excluding GST
Purchase or disposal of equipment and other fixed assets	\$500,000 excluding GST
Urgent repairs to buildings and equipment (including replacement of equipment)	\$500,000 excluding GST
Appointment or engagement of legal practitioners or external consultants	\$500,000 excluding GST
Leases or licences of land, buildings, vehicles or equipment	\$500,000 excluding GST
Provision, reduction or withdrawal of credit facilities provided by Council	\$5,000 excluding GST
Write off bad debt	\$20,000
Settlement of any claims and litigation (including WorkCare and WorkCover claims)	\$100,000 excluding GST
Enter into contracts for the acquisition of goods and services	\$500,000 excluding GST in respect of any one contract, unless the contract, purchase or payment has been previously approved by resolution of Council or a special committee, or relates to statutory charges such as superannuation, taxation, MFB levy and insurance charges generally consistent with the approved, revised or amended budget.

Type of Expenditure or Item	Condition, Expenditure Limit for Individual or Prohibition
<ul style="list-style-type: none"> • Extend the term of any contract which is lawfully capable of having its term extended • Authorise a variation to any contract 	<p>If the contract:</p> <ul style="list-style-type: none"> • has been entered into by the delegate in exercise of a power conferred by this Instrument of Delegation, the aggregate value of the contract (taking into account the value of expenditure for the further term and the value of the variation) must not then exceed \$500,000 excluding GST • has been entered into by Council, and the value of the contract is less than \$100,000, the aggregate value of the contract (taking into account the value of expenditure for the further term and the value of the variation) may not increase by more than twenty percent (20%). • has been entered into by Council, and the value of the contract is between \$100,000 and \$500,000, the aggregate value of the contract (taking into account the value of expenditure for the further term and the value of the variation) may not increase by more than \$50,000. • has been entered into by Council, and the value of the contract is greater than \$500,000, the aggregate value of the contract (taking into account the value of expenditure for the further term and the value of the variation) may not increase by more than or 10% or \$100,000 whichever is greater.

SCHEDULE 2

ROADS AND RESERVES

1. The power conferred by section 207 of, and clause 3 of Schedule 10 to, the Act to propose that a road or part of a road:
 - 1.1 be discontinued; and
 - 1.2 sold, transferred to the Crown or Council or retained by Council upon the discontinuance taking effect.
2. The function conferred by sections 207, 207A(a) and 223(1)(a) of the Act of giving public notice of such proposal:
3. The power conferred by section 207 of, and clause 3 of Schedule 10 to, the Act to:
 - 3.1 discontinue; and
 - 3.2 sell, transfer to the Crown or Council or retain on behalf of Council

a road or part of a road which has been the subject of a proposal under paragraph 1 of this Schedule.
4. The power conferred by section 24A(1) of the Subdivision Act 1988 to lodge at the Titles Office for registration a certified plan to do any of the things mentioned in that sub-section in relation to the whole or part of any drainage or sewerage reserve ("reserve").
5. The power conferred by section 189 of the Act to propose that a reserve be sold.
6. The function conferred by sections 189 and 223 (1) (a) of the Act of giving public notice of such proposal.
7. The power conferred by section 189 of the Act to sell a reserve which has been the subject of a proposal under paragraph 5 of this Schedule.

CONDITIONS AND LIMITATIONS

The powers described in paragraphs 3 and 7 of this Schedule must not be exercised if, after giving public notice of a proposal of the type described in paragraph 1 or 5 of this Schedule (as the case may be), Council receives a submission which:

- (a) is adverse to the proposal; or
- (b) contains comments which are adverse to the proposal.