

7.9 Instruments of Delegation - Council to Council Staff

Executive Summary

Purpose

The purpose of this report is for Council to review under the provisions of the Local Government Act 2020 (the Act):

- the Instrument of Delegation to the Chief Executive Officer
- the Instrument of Delegation to Members of Council Staff.

Background

Council is empowered by section 11 of the Act to delegate its powers, duties or functions with some strategic exemptions such as the setting of rates, borrowing funds, adopting a planning scheme amendment and adopting a budget.

Delegations are necessary to facilitate effective functioning of councils as they enable day-to-day decisions to be made in relation to routine administrative and operational matters.

Key Issues

Council subscribes to the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments and template instruments.

The Instrument of Delegation to the Chief Executive Officer has been amended and includes changes to reflect the Procurement Policy 2021-25 and to accord with legislative changes regarding the sale, transfer or discontinuance of a road or reserve.

The Instrument of Delegation to Members of Council Staff includes a range of legislative amendments and the inclusion of changes to staff titles and delegates.

Next Steps

The Instruments will be circulated to officers following adoption so that the organisation is aware of any changes to delegations.

Officers refresh the Instruments biannually to ensure any new legislative or staff changes are captured. Officers expect another report to be presented to Council in mid-late 2022 to reflect this.

Officers' recommendation

1. In the exercise of the power conferred by section 11(1)(b) of the Local Government Act 2020 (the Act), Boroondara City Council (Council) resolves that:
 - a. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer (annexed to the minutes as **Attachment 2**), subject to the conditions and limitations specified in that Instrument.
 - b. The instrument comes into force immediately the common seal of Council is affixed to the instrument
 - c. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
 - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
2. In the exercise of the powers conferred by the legislation referred to in the instrument of delegation, Boroondara City Council (Council) resolves:
 - a. There be delegated to the 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 (annexed to the minutes as **Attachment 4**), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
 - b. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
 - c. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
 - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Responsible director: Phillip Storer, Chief Executive Officer

1. Purpose

The purpose of this report is for Council to review under the provisions of the Local Government Act 2020 (the Act):

- the Instrument of Delegation to the Chief Executive Officer
- the Instrument of Delegation to Members of Council Staff.

The proposed revised Instrument of Delegation to the Chief Executive Officer with changes tracked is at Attachment 1 and a clean copy is at Attachment 2.

The proposed revised Instrument of Delegation to Members of Council Staff with changes tracked is at Attachment 3 and a clean copy is at Attachment 4.

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

Reviewing the Instruments of Delegations from Council to the Chief Executive Officer and to Council staff relates to Priority Theme 7: Leadership and Governance in the Boroondara Community Plan 2021-2031.

The Instrument is also consistent with Strategic Objective 7.1: Decision making is transparent and accountable through open governance processes with timely communication and reporting.

3. Background

Council is empowered by section 11 of the Act to delegate its powers, duties or functions with some strategic exemptions such as the setting of rates, borrowing funds, adopting a planning scheme amendment and adopting a budget.

Delegations are necessary to facilitate effective functioning of councils as they enable day-to-day decisions to be made in relation to routine administrative and operational matters.

In granting delegations, Council is not granting unfettered power to Council staff or relinquishing its own powers. A delegate must comply with the conditions of delegation as well as any policies of Council and any legislative framework.

Council can still exercise any delegated power, duty or functions itself by resolution in the Chamber.

The attached Instruments are recommended for the effective and efficient operations of Council's activities, as well as to enable routine and administrative tasks to be carried out with consistency and certainty.

4. Outline of key issues/options

Changes to the instruments are as follows:

Instrument of Delegation to the Chief Executive Officer

- Amendments have been made to the Table of Conditions and Limitations to accord with the Procurement Policy 2021-25.
- Amendments have been made to Schedule 2 to accord with legislation charges regarding the sale, transfer or discontinuance of a road or reserve.

Instrument of Delegation to Members of Council Staff

- Sections 19EA(3), 19N(2), 38G(2), 39(2) and 43 of the Food Act 1984 (Food Act) have been inserted pursuant to the Food Amendment Act 2020. Section 39A has also been amended to reflect the new power to register or renew the registration of a food premises. These provisions are in force.
- Sections 19IA(1) and (2), 39A(6), 40(1) and 40E of the Food Act have been inserted.
- Section 45AC of the Food Act has been inserted to enable a delegate to authorise a person for the purposes of bringing proceedings.
- Section 38G(4) of the Food Act has been amended to reference the correct provision.
- Section 12A of the Planning and Environment Act 1987 (P&E Act) has been removed as it has been repealed.
- Section 113(2) of the P&E Act has been inserted pursuant to the Planning and Environment Amendment Act 2021. It relates to the power to request the Minister for a declaration for land to be proposed to be reserved for public purposes.
- Sections 91ZU, 91ZZC, 91ZZE, 142D, 142G, 142I, 206AZA, 207ZE, 311A and 317ZDA of the Residential Tenancies Act 1997 (RT Act) have been removed from this Instrument and placed into the Instrument of Sub-delegation from the Chief Executive Officer to Council Staff. This is because the specific power of delegation provided under the RT Act only applies to Part 14 and regulations under this part. Therefore, the delegation of other powers and functions under the RT Act comes from the Local Government Act 2020.
- Section 96 of the Road Management Act 2004 has been inserted to enable a delegate to authorise a person for the purpose of instituting legal proceedings.
- The Residential Tenancies Regulations 2021 have been removed.
- Changes to staff titles.

5. Consultation/communication

Council subscribes to the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments and template instruments.

Consultation with the senior leadership team of the organisation has taken place in the preparation of the proposed revised instruments.

6. Financial and resource implications

The costs to prepare and adopt the revised Instruments are minimal and will be met within the current Governance and Legal departmental budget.

7. Governance issues

No member of Council staff involved in advising or in preparing this report has declared a material or general conflict of interest in relation to the matter of the report. The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities Act 2006 (the Charter). The proposed amendments to the Instruments of Delegation is not considered to infringe unreasonably upon any prescribed human right, freedom or responsibility contained in the Charter.

8. Social and environmental issues

Effective and efficient delegations will reinforce public confidence in the integrity of Council's decision making processes and in the Council's ability to ensure good corporate governance within the municipality.

Manager: Adele Thyer, Acting Manager Governance and Legal

Report officer: Elizabeth Manou, Senior Governance Officer



Boroondara City Council

Instrument of Delegation

to

the Chief Executive Officer

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Instrument of Delegation

In exercise of the power conferred by section 11(1) of the *Local Government Act 2020* (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 Schedules to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a resolution of Council passed on 28 ~~June 2021~~February 2022;
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 Schedules;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts;
 - 2.4 remains in force until Council resolves to vary or revoke it; and

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

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

..... **Mayor**

..... **Date**

SCHEDULE 1

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:

1. if the issue, action, act or thing is an issue, action, act or thing which involves:
 - 1.1 awarding a contract or approving a purchase or payment exceeding the value of \$500,000 (excluding GST), unless the contract, purchase or payment has been previously approved by resolution of Council or a Delegated committee; ¹
 - 1.2 awarding a contract or approving a purchase or payment exceeding the value of \$500,000 (excluding GST) unless the contract, purchase or payment relates to statutory charges such as superannuation, taxation, the Fire Rescue Victoria levy and insurance charges generally consistent with the approved or revised budget;
 - 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 1.4 election of a Mayor or Deputy Mayor;
 - 1.5 granting of a reasonable request for leave under section 35 of the Act;
 - 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - 1.7 approval or amendment of the Council Plan;
 - 1.8 adoption or amendment of any policy that Council is required to adopt under the Act;
 - 1.9 adoption or amendment of the Governance Rules;
 - 1.10 appointment of the chair or the members of a delegated committee;
 - 1.11 making, amending or revoking a local law;
 - 1.12 approval of the Budget or a Revised Budget;
 - 1.13 borrowing money unless provided for in the adopted budget or revised budget;
 - 1.14 subject to section 181(H)(1)(b) of the *Local Government Act* 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges; or

¹ The Services Delegated Committee has a delegation of \$20,000 (inc GST)

- 2 if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
- 3 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;
- 4 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:
 - 4.1 policy; or
 - 4.2 strategyadopted by Council; or
5. 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 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. 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 OF CONDITIONS AND LIMITATIONS

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 debts	\$20,000
Settlement of any claims and litigation (including WorkCare and WorkCover claims)	\$100,000 excluding GST
Awarding contracts for the acquisition of goods, works and services or approving expenditure	\$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 Delegated committee, or relates to statutory charges or other matters such as superannuation, taxation, the FRS levy, telecommunications, investments, street lighting, court and tribunal expenses, insurance charges generally consistent with the approved or revised 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><u>If the contract:</u></p> <ul style="list-style-type: none"> <u>has been entered into by the delegate in exercise of a power conferred by this Instrument of Delegation, and the cumulative value of the variations must not exceed \$500,000 excluding GST;</u> <u>has been entered into by Council, and the value of the contract is greater than \$500,000, the value of expenditure for the further term and the value of the variation) may not increase by more than or 20% or \$500,000 (excluding GST) whichever is greater.</u> <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 (excluding GST), 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 excluding GST, 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 excluding GST); and 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 (excluding GST) whichever is greater.

SCHEDULE 2

ROADS AND RESERVES: CONDITIONS AND LIMITATIONS

1. The power conferred by section 207 of and clause 3 of Schedule 10 to the *Local Government Act 1989* (LGA 1989) 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 powers and functions conferred by sections 207, 207A(a) and 223(1)(a) of the LGA 1989 of giving public notice of such proposal:
3. The power conferred by section 207 of, and clause 3 of Schedule 10 to, the LGA 1989 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 LGA 1989~~ 114 of the Local Government Act 2020 to propose that a reserve be sold.
6. The function conferred by sections ~~189 and 114 of the Local Government Act 2020~~ and 223(1) (a) of the LGA 1989 of giving public notice of such proposal to sell a reserve which has been the subject of a proposal under paragraph 5 of this Schedule.
7. The power conferred by section 114 of the Local Government Act 2020 ~~189 of the LGA 1989~~ 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 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.



Boroondara City Council

Instrument of Delegation

to

the Chief Executive Officer

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Instrument of Delegation

In exercise of the power conferred by section 11(1) of the *Local Government Act 2020* (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 Schedules to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a resolution of Council passed on 28 February 2022;
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 Schedules;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts;
 - 2.4 remains in force until Council resolves to vary or revoke it; and

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

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

..... **Mayor**

..... **Date**

SCHEDULE 1

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:

1. if the issue, action, act or thing is an issue, action, act or thing which involves:
 - 1.1 awarding a contract or approving a purchase or payment exceeding the value of \$500,000 (excluding GST), unless the contract, purchase or payment has been previously approved by resolution of Council or a Delegated committee; ¹
 - 1.2 awarding a contract or approving a purchase or payment exceeding the value of \$500,000 (excluding GST) unless the contract, purchase or payment relates to statutory charges such as superannuation, taxation, the Fire Rescue Victoria levy and insurance charges generally consistent with the approved or revised budget;
 - 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 1.4 election of a Mayor or Deputy Mayor;
 - 1.5 granting of a reasonable request for leave under section 35 of the Act;
 - 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - 1.7 approval or amendment of the Council Plan;
 - 1.8 adoption or amendment of any policy that Council is required to adopt under the Act;
 - 1.9 adoption or amendment of the Governance Rules;
 - 1.10 appointment of the chair or the members of a delegated committee;
 - 1.11 making, amending or revoking a local law;
 - 1.12 approval of the Budget or a Revised Budget;
 - 1.13 borrowing money unless provided for in the adopted budget or revised budget;
 - 1.14 subject to section 181(H)(1)(b) of the *Local Government Act* 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges; or

¹ The Services Delegated Committee has a delegation of \$20,000 (inc GST)

- 2 if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
- 3 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;
- 4 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:
 - 4.1 policy; or
 - 4.2 strategyadopted by Council; or
5. 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 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. 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 OF CONDITIONS AND LIMITATIONS

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 debts	\$20,000
Settlement of any claims and litigation (including WorkCare and WorkCover claims)	\$100,000 excluding GST
Awarding contracts for the acquisition of goods, works and services or approving expenditure	\$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 Delegated committee, or relates to statutory charges or other matters such as superannuation, taxation, the FRS levy, telecommunications, investments, street lighting, court and tribunal expenses, insurance charges generally consistent with the approved or revised 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, and the cumulative value of the variations must not exceed \$500,000 excluding GST; • has been entered into by Council, and the value of the contract is greater than \$500,000, the value of expenditure for the further term and the value of the variation) may not increase by more than or 20% or \$500,000 (excluding GST) whichever is greater.

SCHEDULE 2**ROADS AND RESERVES: CONDITIONS AND LIMITATIONS**

1. The power conferred by section 207 of and clause 3 of Schedule 10 to the *Local Government Act 1989* (LGA 1989) 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 powers and functions conferred by sections 207, 207A(a) and 223(1)(a) of the LGA 1989 of giving public notice of such proposal:
3. The power conferred by section 207 of, and clause 3 of Schedule 10 to, the LGA 1989 to:
 - 3.1 discontinue; and
 - 3.2 sell, transfer to the Crown or Council or retain on behalf of Councila 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 114 of the *Local Government Act 2020* to propose that a reserve be sold.
6. The function conferred by sections 114 of the *Local Government Act 2020* and 223(1) (a) of the LGA 1989 of giving public notice of such proposal to sell a reserve which has been the subject of a proposal under paragraph 5 of this Schedule.
7. The power conferred by section 114 of the *Local Government Act 2020* 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 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.



Boroondara City Council

Instrument of Delegation

to

Members of Council Staff

- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning & Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

Instrument of Delegation

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

- 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;
- record that references in the Schedule are as follows:

All Asset Management Staff	means	All staff in the Asset and Capital Planning Department
All Planning Officers	means	All staff in the Strategic and Statutory Planning Department
All Road and Path Maintenance Staff	means	All staff in the Road and Path Maintenance Team of the Facilities Waste and Infrastructure Department
All Traffic and Transport Staff	means	All staff in the Traffic and Transport Department
AP&P	means	All staff in Asset Protection and Permits Team
CCO	means	Chief Customer Officer
CEO	means	Chief Executive Officer
DCS	means	Director Community Support
DCT	means	Director Customer and Transformation
DPS	means	Director Places & Spaces
DUL	means	Director Urban Living
AOHS	means	Authorised Officer Health Services
CDM&C	means	Coordinator Drainage Maintenance & Cleaning
CFO	means	Chief Financial Officer
CPA&PA	means	Coordinator Permits Appeals and Protection of Assets
CP	means	Counter Planner or Planning Liaison Officer
CHP&P	means	Coordinator Health, Projects & Prosecutions
CRPS	means	Coordinator Revenue and Property Services
CSP	means	Coordinator Statutory Planning
CSTRP	means	<u>Coordinator Strategic Planning</u>
CT	means	Coordinator Traffic
CTM	means	Coordinator Transport Management
EHO	means	Environmental Health Officer
EMPCD	means	Executive Manager People, Culture and Development
MACP	means	Manager Asset and Capital Planning
MBS	means	Manager Building Services
MCP	means	Manager Capital Projects
MCS	means	Manager Civic Services
MSSP	means	Manager Strategic and Statutory Planning
MT&T	means	Manager Traffic & Transport
MFW&I	means	Manager Facilities, Waste and Infrastructure
PAC	means	Planning Appeals Coordinator
PIO	means	Planning Investigations Officer
PP	means	Principal <u>Statutory</u> Planner
PSTRP	means	<u>Principal Strategic Planner</u>
PSO	means	Planning Support Officer, Para Planner, Public Notice Officer, Statutory Planning Administrative Officer, Team Leader Para Planning

SCTA	means	Senior Coordinator Transport Advocacy
SO	means	Subdivision Officer
SP	means	Statutory Planner or Planning Officer
SPP	means	Senior Project Planner
SSP	means	Senior Statutory Planner
SSTRP	means	Senior Strategic Planner
STP	means	Strategic Planner
TLHS	means	Team Leader Health Services
TLPP	means	Team Leader Para Planning
TLSPCSTRP	means	Coordinator Strategic Planning and Principle Strategic Planner
Specific Statutory Planning Officers	means	MSSP, CSP, PAC, PP, SSP, SP, SO and CP
Supervising Statutory Planning Officers	means	MSSP, CSP, PAC and PP

3. declares that:

- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on ~~28 June 2024~~28 February 2022 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;
 - 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; -
 - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
 - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

S6 Instrument of Delegation to Members of Council Staff

~~June 2024~~February
2022

- 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

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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog	CEO, DUL, DPS, DCT, <u>CHP&P,</u> <u>PRO & TLFS</u> & MCS	

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CEO, DUL, MCS, CHP&P, TLHS & EHO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CEO, DUL, MCS, CHP&P, TLHS & EHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CEO, DUL, MCS, CHP&P, TLHS & EHO	If s 19(1) applies Only in relation to temporary food premises or mobile food premises.
s 19(4)(a)	Power to direct that an order made under s 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, DUL, MCS, CHP&P, TLHS & EHO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with	CEO, DUL, MCS, CHP&P, TLHS & EHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of a revocation under s 19(6)(a) if satisfied that an order has been complied with	CEO, DUL, MCS, CHP&P, TLHS & EHO	If s 19(1) applies

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c)	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority. <i>Note – sub-sections (a) to (c) refer to issuing an order in relation to various matters including food, premises, equipment, vehicle and plant etc.</i>
s 19AA(4)(c)	Power to direct, in an order made under s19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	CEO, DUL, MCS, CHP&P, TLHS & EHO	Note: the power to direct the matters under s19AA(4)(a) and (b) is not capable of delegation and so such directions must be made by a prior Council resolution
s 19AA(7)	Duty to revoke an order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority.
s 19CB(4)(b)	Power to request a copy of records	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority. <i>Refers to records of the proprietor of the food premises.</i>
s 19E(1)(d)	Power to request a copy of the food safety program	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority.
<u>s 19EA(3)</u>	<u>Power to request a Function of receiving copy of revised food safety program</u>	<u>CEO, DUL, MCS, CHP&P, TLHS & EHO</u>	<u>Where Council is the registration authority</u>
s 19GB	Power to request the proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority.

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<u>s19IA(1)</u>	<u>Power to form opinion that the food safety requirements or program are non-compliant.</u>	<u>CEO, DUL, MCS, CHP&P, TLHS & EHO</u>	<u>Where Council is the registration authority</u>
<u>s 19IA(2)</u>	<u>Duty to give written notice to the proprietor of the premises</u>	<u>CEO, DUL, MCS, CHP&P, TLHS & EHO</u>	<u>Where Council is the registration authority</u> <u>Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))</u>
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority. Proprietors of food premises generally engage private companies or individuals to conduct food safety audits, although councils still have the power to do so.
<u>s 19N(2)</u>	<u>Function of receiving notice from the auditor</u>	<u>CEO, DUL, MCS, CHP&P, TLHS & EHO</u>	<u>Where Council is the registration authority</u>

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19NA(1)	Power to request food safety audit reports	CEO, DUL, MCS, CHP&P, TLHS, EHO & AOHS	Where Council is the registration authority.
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	CEO, DUL, MCS, CHP&P & TLHS	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CEO, DUL, MCS, CHP&P, TLHS & EHO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39. Fees are determined in the Council's annual budget process.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CEO, DUL, MCS, CHP&P, TLHS & EHO, <u>AOHS</u>	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority
	<u>Power to register, or renew or transfer the registration of a food premises</u> Power to register, renew or transfer registration	CEO, DUL, MCS, CHP&P, TLHS & EHO	<u>Where Council is the registration authority</u> Refusal to grant/ or renew/transfer the registration of a food premises must be ratified by Council or the CEO (see s 58A(2)) <u>Where Council is the registration authority.</u> Refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2)).

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 36A	Power to accept an application for registration or notification using an online portal.	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier.
s 36B	Duty to pay the charge for use of an online portal.	CEO, DUL, MCS CHP&P, TLHS & EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier.
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority.
s 38A(4)	Power to request a copy of a completed food safety program template	CEO, DUL, MCS CHP&P, TLHS, EHO & AOHS	Where Council is the registration authority.
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	CEO, DUL, MCS CHP&P, TLHS & EHO	Where Council is the registration authority.
s 38B(1)(b)	Duty to ensure the proprietor has complied with the requirements of s 38A	CEO, DUL, MCS CHP&P, TLHS & EHO	Where Council is the registration authority.
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CEO, DUL, MCS CHP&P, TLHS & EHO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	CEO, DUL, MCS CHP&P, TLHS & EHO	Where Council is the registration authority

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	CEO, DUL, MCS, CHP&P, TLHS, EHO & AOHS	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority; not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 38F(3)(b)	Power to require the proprietor to comply with the requirements of this Act	CEO, DUL, MCS, CHP&P, TLHS & EHO, <u>AOHS</u>	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier.
<u>s 38G(2)</u>	<u>Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises</u>	<u>CEO, DUL, MCS, CHP&P, TLHS & EHO</u>	<u>Where Council is the registration authority</u>
s 38(G)(2)	Power to require the proprietor of the food premises to comply with any requirement of the Act	CEO, DUL, MCS, CHP&P, TLHS & EHO, <u>AOHS</u>	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier.

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<u>s 39(2)</u>	<u>Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed</u>	<u>CEO, DUL, MCS, CHP&P, TLHS & EHO, AOHS</u>	<u>Where Council is the registration authority</u>
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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 39A	Power to register, or renew the registration of a or transfer food premises despite minor defects Power to register, renew or transfer food premises despite minor defects	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority. Only if satisfied of matters in s 39A(2)(a)-(c).
<u>s 39A (6)</u>	<u>Duty to comply with a direction of the Secretary</u>	<u>CEO, DUL, MCS, CHP&P, TLHS & EHO</u>	
<u>s 40(1)</u>	<u>Duty to give the person in whose name the premises is to be registered a certificate of registration</u>	<u>MCS, CHP&P</u>	<u>Where Council is the registration authority</u>
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	CEO, DUL, MCS, CHP&P, TLHS & EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority.
s 40D(1)	Power to suspend or revoke the registration of food premises	CEO, DUL, MCS, CHP&P	Where Council is the registration authority. Subject to the prior approval of the MCS.
<u>s 40E</u>	<u>Duty to comply with direction of the Secretary</u>	<u>CEO, DUL, MCS, CHP&P, TLHS & EHO</u>	
s 40F	Power to cancel the registration of food premises	CEO, DUL, MCS, CHP&P & TLHS.	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier. Subject to the prior approval of the MCS. The deletion to the TLHA only applies in the absence of the CHP&P.

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<u>s 43</u>	<u>Duty to maintain records of registration</u>	<u>CEO, DUL, MCS, CHP&P, TLHS & EHO</u>	<u>Where Council is the registration authority</u>
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing the registration of a component of a food business	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet the requirements in Division 3 and the power to refuse to register the components that do not meet the requirements	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority
<u>s 45AC</u>	<u>Power to bring proceedings</u>	<u>CEO, DUL, MCS, CHP&P, TLHS & EHO</u>	

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, DUL, MCS, CHP&P, <u>EHO</u> & TLHS	Where Council is the registration authority

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HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate the Executive Director's functions, duties or powers	CEO, DUL	<p>Must first obtain the Executive Director's written consent.</p> <p>Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation.</p>

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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	
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 4B	Power to prepare an amendment to the Victorian Planning Provisions (VPP)	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, STP, TLSPCSTRP, SPP, SSTRP	If authorised by the Minister	In accordance with a prior Council resolution
s 4G	Function of receiving prescribed documents and a copy of the VPP from the Minister	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP		
s 4H	Duty to make amendments to the VPP available	CEO, DUL, MSSP, SSTRP, CSTRP, PSTRP, STRPCEO, DUL, MSSP, SSTRP, TLSPCSTRP, SPP, STP		
s 4I	Duty to keep the VPP and other documents available for inspection	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP		
s 8A(2)	Power to prepare amendments to the planning scheme where the Minister has given consent under s.8A	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP		
s 8A(3)	Power to apply to the Minister to prepare an amendment to the planning scheme	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP		
s 8A(5)	Function of receiving notice of the Minister's decision	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO,		

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		DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP		
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PLANNING AND ENVIRONMENT ACT 1987				
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP</u>		
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP</u>		
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP</u>		
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the Planning and Environment (Planning Schemes) Act 1996)	CEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP		In accordance with a prior Council resolution
s 12B(1)	Duty to review the planning scheme	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP</u>		

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		SPP, SSTRP , STP		
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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 the planning scheme at the direction of the Minister	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRP CEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP		
s 12B(5)	Duty to report the findings of a review of the planning scheme to the Minister without delay	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRP CEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP		
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	CEO, DUL, All Planning Officers		
s 17(1)	Duty of giving a copy of amendments to the planning scheme	CEO, DUL, All Planning Officers		
s 17(2)	Duty of giving a copy of a s 173 agreement	CEO, DUL, All Planning Officers		
s 17(3)	Duty of giving a copy of an amendment, explanatory report and relevant documents to the Minister at least 10 business days before it (the Council) first gives a required notice of the amendment	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRP CEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP		
s 18	Duty to make amendments etc. available	CEO, DUL & all Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP</u>		
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP</u>	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.	
s 20(1)	Power to apply to the Minister for an exemption from the requirements of s 19	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP</u>		<u>Where Council is a planning authority</u>
s 21(2)	Duty to make submissions available	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SSTRP, SPP, STP</u>		
s 21A(4)	Duty to publish notices	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SSTRP, SPP, STP</u>		
s 22	Duty to consider all submissions	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SSTRP, SPP, STP</u>	Except submissions which request a change to the items in s 22(5)(a) and (b)	

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		DUL, MSSP, TLSPCSTRP, SSTRP, SPP, STP		
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PLANNING AND ENVIRONMENT ACT 1987				
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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, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPGEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP		
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPGEO, DUL, MSSP, TLSPCSTRP, SSTRP, SPP		
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s96D)	CEO, DUL & all Planning Officers		
s 26(1)	Power to make reports available for inspection	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPGEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP		
s 26(2)	Duty to keep reports of panels available for inspection	CEO, DUL & all Planning Officers CEO, DUL & all Planning Officers		
s 27(2)	Power to apply for exemption if the panel's report not received	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPGEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP		
s 28	Duty to notify the Minister if abandoning an amendment	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPGEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP	Note: The power to make a decision to abandon an amendment cannot be delegated	

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s 30(4)(a)	Duty to say if an amendment has lapsed	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRP CEO, DUL, MSSP, TLSP, CSTRP, SPP, SSTRP, STP		
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PLANNING AND ENVIRONMENT ACT 1987				
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 30(4)(b)	Duty to provide information in writing upon request	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP</u>		
s 31(1)	Duty to submit adopted amendments to the Minister	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP</u>		
s 32(2)	Duty to give more notice if required	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP</u>		
s 33(1)	Duty to give more notice of changes to an amendment	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP</u>		
s 36(2)	Duty to give notice of approval of amendments	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP</u>		
s 38(5)	Duty to give notice of revocation of an amendment	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP</u>		
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with a determination by VCAT	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP</u>		

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s 40(1)	Function of lodging a copy of an approved amendment	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRP CEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP		
s 41	Duty to make approved amendment available	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRP CEO, DUL, MSSP, TLSPCSTRP, SPP, SSTRP, STP		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 42	Duty to make copy of the planning scheme available	CEO, DUL & all Planning Officers		
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to the 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, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRP CEO, DUL, MSSP, TLSPCSTRP, 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 46AW	Function of being consulted by the Minister	CEO, DUL, MSSP, CSTRP & Supervising Statutory Planning Officers CEO, DUL, MSSP, TLSPCSTRP & 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, DUL, MSSP, CSTRP & Supervising Statutory Planning Officers CEO, DUL, MSSP, TLSPCSTRP & Supervising Statutory Planning Officers	Where Council is a responsible public entity	

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s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	<u>CEO, DUL, MSSP, CSTRP</u> CEO, DUL, MSSP, TLSPCSTRP	Where Council is a responsible public entity	
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	<u>CEO, DUL, MSSP, CSTRP & Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP & Supervising Statutory Planning Officers	Where Council is a responsible public entity	
s46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency.	
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers		
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	<u>CEO, DUL, MSSP, CSTRP, and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP, and Supervising Statutory Planning Officers		
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers		
s 46GP	Function of receiving a notice under s 46GO	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers	Where Council is the collecting agency	

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s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers		
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GR(2)	Power to consider a late submission. Duty to consider a late submission if directed to do so by the Minister.	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers		
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers		
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers		
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers		
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers		
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers	Where Council is the collecting agency	
s 46GV(3)(b)	Power to enter into an agreement with the applicant	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers	Where Council is the collecting agency	
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	<u>CEO, DUL, MSSP, CSTRP, SO and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP, SO and Supervising Statutory Planning Officers	Where Council is the development agency	
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	<u>CEO, DUL, MSSP, CSTRP, SO and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP, SO and Supervising Statutory Planning Officers	Where Council is the collecting agency	

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s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers		
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	<u>CEO, DUL, MSSP, CSTRP & Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP & Supervising Statutory Planning Officers	Where Council is the collecting agency	
s 6GX(1)	Power to accept the works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	<u>CEO, DUL, MSSP, CSTRP & Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP & Supervising Statutory Planning Officers	Where Council is the collecting agency	
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s.46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	<u>CEO, DUL, MSSP, CSTRP & Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP & Supervising Statutory Planning Officers	Where Council is the collecting agency	
s 46GY(1)	Duty to keep proper and separate accounts and records	All Planning Officers	Where Council is the collecting agency	
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	All Planning Officers	Where Council is the collecting agency	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan. This duty does not apply where Council is that planning authority.	
s 46GZ(2)(a)	Function of receiving the monetary component	<u>CEO, DUL, MSSP, CSTRP, CFO, CCO and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP, CFO, CCO and Supervising Statutory Planning Officers	Where the Council is the planning authority. This duty does not apply where Council is also the collecting agency.	
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	<u>CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the relevant development agency.	
s 46GZ(2)(b)	Function of receiving the monetary component	<u>CEO, DUL, MSSP, CSTRP, CFO, CCO and Supervising Statutory Planning Officers</u> CEO, DUL, MSSP, TLSPCSTRP, CFO, CCO and Supervising Statutory Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the collecting agency.	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	CEO, DUL, MSSP, TLSPCSTRP & Supervising Statutory Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CEO, DUL, MSSP, TLSPCSTRP , CFO, CCO & Supervising Statutory Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency	
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CEO, DUL, MSSP, TLSPCSTRP 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	

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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, DUL, MSSP, TLSPCSTRPCSTRP , CFO, MCP SMCP , 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, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency	
s 46GZ(9)	Function of receiving the fee simple in the land	CEO, DUL, MSSP, TLSPCSTRP , CFO, MCP SMCP , CRPS, CCO and Supervising Statutory Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency	
s 46GZA(1)	Duty to keep proper and separate accounts and records	All Planning Officers	Where Council is a development agency under an approved infrastructure contributions plan	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers	Where Council is a development agency under an approved infrastructure contributions plan	
s 46GZB(3)	Duty to follow the steps set out in s.46GZB(3)(a) – (c)	CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers	Where Council is a development agency under an approved infrastructure contributions plan	
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CEO, DUL, MSSP TLSPCSTRP and Supervising Statutory Planning Officers	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan	
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CEO, DUL, MSSP TLSPCSTRP and Supervising Statutory Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan	
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	CEO, DUL, MSSP TLSPCSTRP and Supervising Statutory Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	

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s 4646GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency	
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	CEO, DUL, MSSP TLSPCSTRP , CFO, MCP SMCP , CRPS, SO and Supervising Statutory Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency	

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s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZE(3)(a) and (b)	CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	CEO, DUL, MSSP TLSPCSTRP , CFO, CRPS and Supervising Statutory Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan	
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	CEO, DUL, MSSP TLSPCSTRP , CFO, CRPS and Supervising Statutory Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan	
s 46GZF(3)(a)	Function of receiving proceeds of a sale	CFO, MCPSMCP , CRPS	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency	

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s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	CFO, MCPSMCP , CRPS	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	CFO, MCPSMCP , CRPS	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CFO, MCPSMCP , CRPS	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers	Where Council is a collecting agency or development agency	
s.46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	MCPSMCP , CRPS	Where Council is a collecting agency or development agency	

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s.46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	CFO, MCP SMCP , CRPS		
s 46N(1)	Duty to include conditions in a permit regarding payment of development infrastructure levy	CEO, DUL & Specific Statutory Planning Officers		
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, DUL & Supervising Statutory Planning Officers		
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, DUL & Supervising Statutory Planning Officers		
s 46O(1)(a) & (2)(a)	Power to ensure that the community infrastructure levy is paid, or agreement is in place, prior to issuing a building permit	CEO, DUL & Supervising Statutory Planning Officers		

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s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, DUL and Supervising Statutory Planning Officers		
s 46P(1)	Power to require payment of an amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, DUL and Supervising Statutory Planning Officers		
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, DUL and Supervising Statutory Planning Officers		
s 46Q(1)	Duty to keep proper accounts of levies paid	CEO, DUL, CFO and Supervising Statutory Planning Officers		
s 46Q(1A)	Duty to forward to a 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, DUL and Supervising Statutory Planning Officers		

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s 46Q(2)	Duty to apply the 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, DUL and Supervising Statutory Planning Officers		
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO, DUL and MSSP	Only applies when levy is paid to Council as a 'development agency'	
s 46Q(4)(c)	Duty to pay an amount to the 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, DUL and MSSP	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister	
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CEO, DUL, TLSP SPCSTRP , MSSP, TLSP and Supervising Statutory Planning Officers	Must be done in accordance with Part 3	
s 46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, DUL and MSSP	With the consent of, and in the manner approved by, the Minister	

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s 46QC	Power to recover any amount of levy payable under Part 3B	CEO, DUL and MSSP		
s 46QD	Duty to prepare report and give a report to the Minister	CEO, DUL and Supervising Statutory Planning Staff	Where Council is a collecting agency or development agency	
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	CEO and DUL		
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CEO and DUL		
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, DUL & Supervising Statutory Planning Officers		
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, DUL, Specific Statutory Planning Officers, TLPP & PSO		
s 49(2)	Duty to make the Register available for inspection	CEO, DUL, Specific Statutory Planning Officers, TLPP and PSO		

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s 50(4)	Duty to amend applications	CEO, DUL & Specific Statutory Planning Officers		
s 50(5)	Power to refuse to amend applications	CEO, DUL & Specific Statutory Planning Officers		
s 50(6)	Duty to make note of amendments to applications in the Register	CEO, DUL & Specific Statutory Planning Officers, TLPP & PSO		
s 50A(1)	Power to make amendments to applications	CEO, DUL & Specific Statutory Planning Officers		
s 50A(3)	Power to require an applicant to notify the owner and make a declaration that notice has been given	CEO, DUL & Specific Statutory Planning Officers		
s 50A(4)	Duty to note amendments to applications in the Register	CEO, DUL & Specific Statutory Planning Officers, TLPP & PSO		
s 51	Duty to make copies of applications available for inspection	CEO, DUL, Specific Statutory Planning Officers, TLPP and PSO		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CEO, DUL & Specific Statutory Planning Officers		
s 52(1)(b)	Duty to give notice of the application to other municipal Councils where appropriate	CEO, DUL & Specific Statutory Planning Officers		
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, DUL & Specific Statutory Planning Officers		
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if it may result in breach of covenant	CEO, DUL & Specific Statutory Planning Officers		
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CEO, DUL & Specific Statutory Planning Officers		

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected	CEO, DUL and Specific Statutory Planning Officers		
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, DUL and Specific Statutory Planning Officers		
s 52(3)	Power to give any further notice of an application where appropriate	CEO, DUL and Specific Statutory Planning Officers		
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, DUL and Specific Statutory Planning Officers		
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO, DUL and Specific Statutory Planning Officers		
s 54(1)	Power to require the applicant to provide more information	CEO, DUL and Specific Statutory Planning Officers		
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CEO, DUL and Specific Statutory Planning Officers		

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 54(1B)	Duty to specify the lapse date for an application	CEO, DUL and Specific Statutory Planning Officers		
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, DUL, MSSP and Specific Statutory Planning Officers	Power to refuse to extend time is limited to CEO, DUL, MSSP and Supervising Statutory Planning Officers	
s 54A(4)	Duty to give written notice of a decision to extend or refuse to extend time under s 54A(3)	CEO, DUL and Specific Statutory Planning Officers		
s 55(1)	Duty to give copies of applications, together with the prescribed information to every referral authority specified in the planning scheme	CEO, DUL, Specific Statutory Planning Officers		
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DUL and Supervising Statutory Planning Officers		
s 57(3)	Function of receiving the name and address of persons to whom notice of decision is to go	CEO, DUL and Specific Statutory Planning Officers		
s 57(5)	Duty to make available for inspection a copy of all objections	CEO, DUL, Specific Statutory Planning Officers, TLPP and PSO		

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 57A(4)	Duty to amend applications in accordance with applicant's request, subject to s57A(5)	CEO, DUL and Specific Statutory Planning Officers		
s 57A(5)	Power to refuse to amend applications	CEO, DUL and Specific Statutory Planning Officers		
s 57A(6)	Duty to note amendments to application in the Register	CEO, DUL and Specific Statutory Planning Officers, TLPP and PSO		
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, DUL and Specific Statutory Planning Officers		
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, DUL and Specific Statutory Planning Officers		
s 57C(1)	Duty to give a copy of an amended application to the referral authority	CEO, DUL and Specific Statutory Planning Officers, TLPP and PSO		
s 58	Duty to consider every application for a permit	CEO, DUL and Specific Statutory Planning Officers		
s 58A	Power to request advice from the Planning Application Committee	CEO, DUL and MSSP	<i>Planning Application Committee means a Planning Application Committee established by the Minister pursuant to section 97MA.</i>	

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 60	Duty to consider certain matters	CEO, DUL and Specific Statutory Planning Officers		
s 60(1A)	Duty to consider certain matters	CEO, DUL and Specific Statutory Planning Officers		

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 60(1B)	Duty to consider the number of objectors in considering whether the use or development may have significant social effects	CEO, DUL and Specific Statutory Planning Officers		
s 61(1)(c)	Power to determine permit applications and to decide to refuse a permit application	CEO, DUL 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"> a) the application is contrary to law; or b) the application is inconsistent with policy; or c) a referral authority has objected to the grant of the permit on any specified ground; or d) the applicant has failed to carry out a direction pursuant to the Planning Scheme or Act. <p>Before exercising their delegation, the Coordinator Statutory Planning (CSP), Statutory Planning Appeals Coordinator (PAC) and Principal Planner (PP) must consult with the Director Urban Living (DUL) and/or the Manager Strategic and Statutory Planning (MSSP).</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 Urban Living (DUL), and/or the Manager Strategic and Statutory Planning (MSSP) and/or the Coordinator Statutory Planning (CSP) <u>and/or Planning Appeals Coordinator (PAC).</u></p> <p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i></p>	

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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 applications and either to decide to grant a permit, or to decide to grant a permit with conditions	CEO, DUL, 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>

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s 61(1)(a) and (b)	Power to determine permit applications and either to decide to grant a permit, or to decide to grant a permit with conditions	CEO, DUL 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> <p>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];</p> <p>a) advertising signs;</p> <p>b) Subdivision that is generally consistent with a development approval;</p> <p>the exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> • CEO, DUL, MSSP 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; • CEO, DPC, MSSP 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> <p>a) 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);</p> <p>b) Buildings that exceed the applicable preferred maximum overall building height described in Design and Development Overlay Schedule 17 (DDO17);</p> <p>the exercise of this power is limited to the following circumstances:</p> <p>a) CEO, DUL, MSSP and Supervising Statutory Planning Officers if there has been no objections received;</p>
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			<p>b) There has been between one (1) and 12 objections received, inclusive, the Director Urban Living (DUL) or Supervising Statutory Planning Officers may make a decision after consulting with and considering the views of the Statutory Planning Advisory Committee (SPAC).</p> <p>For the following classes of use or development:</p> <p>e) Any other application not specifically listed above;</p> <p>the exercise of this power is limited to the following circumstances:</p> <p>i. There has been no objections received, or, if there has been between one (1) and five (5) objections received, inclusive; or</p> <p>ii. There has been between six (6) and 12 objections received, inclusive, the Director Urban Living (DUL) or Supervising Statutory Planning Officers may make a decision after consulting with and considering the views of the Statutory Planning Advisory Committee (SPAC).</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 Urban Living (DUL) and/or the Manager Strategic and Statutory Planning (MSSP).</p>
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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
			<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 Urban Living (DUL), and/or the Manager Strategic and Statutory Planning (MSSP) and/or the Coordinator Statutory Planning (CSP) <u>and/or Planning Appeals Co-ordinator (PAC).</u></p> <p><u>The exercise of this power is limited to the following circumstances:</u></p> <p><u>i. There has been no objections received, or twelve (12) or less objections received, or</u></p> <p><u>CEO, DUL, and Specific Statutory Planning Officers for any Council application under Clause 67.</u></p>	

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<p><u>All</u> Boroondara Planning Scheme <u>Provisions -</u> <u>Clause 13-</u> <u>19.03, 21-</u> <u>21.14,</u> <u>22.01-</u> <u>22.16-3,</u> <u>32.04-</u> <u>32.09,</u> <u>34.01-</u> <u>34.02,</u> <u>36.01-</u> <u>36.04,</u> <u>37.01-</u> <u>37.06,</u> <u>42.01-</u> <u>42.03,</u> <u>43.01-</u> <u>43.02,</u> <u>43.04,</u> <u>44.04-</u> <u>44.05-</u> <u>45.01,</u> <u>45.03,</u> <u>45.07,</u> <u>45.09,</u> <u>52.01-</u> <u>52.05-</u> <u>52.07-</u> <u>52.26-</u></p>	<p>Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions</p>	<p>CEO, DUL, MSSP and Specific Statutory Planning Officers</p>	<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 Urban Living (DUL) and/or the Manager Strategic Statutory Planning (MSSP).</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 Urban Living (DUL), and/or the Manager Strategic and Statutory Planning (MSSP) and/or the Coordinator Statutory Planning (CSP) <u>and/or Planning Appeals Coordinator (PAC).</u></p>
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<p>52.28-</p> <p>52.39,</p> <p>52.42-</p> <p>52.48,</p> <p>56.01-</p> <p>56.09, 62-</p> <p>66.</p>			
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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
Boroondara Planning Scheme Clause 52.06-3	d) Power to reduce or waive car parking. <u>e)d) 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.</u>	CEO, DUL, MSSP 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> <p>a) there is surplus car parking capacity available to accommodate the reduction or waiver sought; and/or</p> <p>b) there is surplus car parking deficiency (also known as car parking credit) available associated with the existing use of the land.</p> <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> <p>e) 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</p> <p>d) there is surplus car parking deficiency available associated with the existing use of the land.</p> <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 Urban Living (DUL) or Senior Statutory Planning Officers may make a decision after consulting with and considering the views of the Statutory Planning Advisory Committee (SPAC).</p>	

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
Boroondara Planning Scheme Clause 52.27	e) Power to use land to sell or consume liquor.	CEO, DUL, MSSP and Specific Statutory Planning Officers	<p>Restaurant and Café Liquor Licence, or other type of 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> <p>a) The hours approved are in accordance with those specified on any existing permit for a restaurant, tavern or food and drink premises (café); or</p> <p>b) <u>a)</u> 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
			Where between one (1) and 12 objections are received, inclusive, for an application and the above hours are sought to be varied, the Director Urban Living (DUL) or Supervising Statutory Planning Officers may make a decision after consulting with and considering the views of the Statutory Planning Advisory Committee (SPAC).	

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
Boroondara Planning Scheme Clause 67		CEO, DUL, MSSP and Specific Statutory Planning Officers		
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, DUL and Specific Statutory Planning Officers		
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, DUL, MSSP 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 Urban Living (DUL) and/or the Manager Strategic and Statutory Planning (MSSP) 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 Urban Living (DUL) and/or the Manager Strategic and Statutory Planning (MSSP) and/or the Coordinator Statutory Planning (CSP) <u>and/or Planning Appeals Co-ordinator (PAC)</u> 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)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent			

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, DUL and Specific Statutory Planning Officers		
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, DUL and Specific Statutory Planning Officers		
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, DUL and Specific Statutory Planning Officers		
s62(2)	Power to include other conditions	CEO, DUL and Specific Statutory Planning Officers		
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, DUL and Specific Statutory Planning Officers		
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, DUL and Specific Statutory Planning Officers		
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	CEO, DUL and Specific Statutory Planning Officers		

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, DUL and Specific Statutory Planning Officers		
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	CEO, DUL and Supervising Statutory Planning Officers		
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	CEO, DUL and Specific Statutory Planning Officers		
s 63	Duty to issue the permit where a decision is made in favour of the application (if no one has objected)	CEO, DUL and Specific Statutory Planning Officers		
s 64(1)	Duty to give notice of decision to grant a permit to the applicant and objectors	CEO, DUL and Specific Statutory Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see section 75

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 64(3)	Duty not to issue a permit until after the specified period	CEO, DUL and Specific Statutory Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	CEO, DUL and Specific Statutory Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CEO, DUL and Specific Statutory Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s57	CEO, DUL and Specific Statutory Planning Officers		
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CEO, DUL, Specific Statutory Planning Officers, TLPP and PSO		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, DUL, 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)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, DUL, 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

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	CEO, DUL, 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)	Function of receiving applications for extensions of time of permits	CEO, DUL and Specific Statutory Planning Officers		
s 69(1A)	Function of receiving applications for extensions of time to complete development	CEO, DUL, MSSP and Specific Statutory Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 69(2)	Power to extend time	CEO, DUL and Specific Statutory Planning Officers	<p>The delegate may only make a decision to extend time when the following is satisfied:</p> <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	Duty to make copies of permits available for inspection	CEO, DUL, Specific Statutory Planning Officers, TLPP and PSO		
s 71(1)	Power to correct certain mistakes	CEO, DUL and Supervising Statutory Planning Officers		
s 71(2)	Duty to note corrections in the Register	CEO, DUL, Specific Statutory Planning Officers, TLPP and PSO		
s 73	Power to decide to grant amendments subject to conditions	CEO, DUL, MSSP and Specific Statutory Planning Officers	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.

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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> <p>a. determined by the Urban Planning Delegated Committee; or</p> <p>b. subject to consultation with the Statutory Planning Advisory Committee; or</p> <p>c.b. a permit was issued at the direction of VCAT;</p> <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 Strategic and Statutory Planning (MSSP) and/or Coordinator Statutory Planning (CSP) <u>and/or Planning Appeals Co-ordinator (PAC)</u> before exercising their delegation.</p>	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
			Where there is between six (6) and 12 objections received, inclusive, to the amendment application, the Director Urban Living (DUL) or Supervising Statutory Planning Officers may make a decision after consulting with and considering the views of the Statutory Planning Advisory Committee (SPAC).	
s 74	Duty to issue an amended permit to the applicant if there no objectors	CEO, DUL and Specific Statutory Planning Officers		
s 76	Duty to give applicants and objectors notice of a decision to refuse to grant an amendment to a permit	CEO, DUL, Specific Statutory Planning Officers and PSO		
s 76A(1)	Duty to give relevant determining referral authorities copies of amended permits and copies of notices	CEO, DUL, Specific Statutory Planning Officers, TLPP and PSO		
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, DUL, 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)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, DUL, 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	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CEO, DUL, 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	Duty to comply with a direction of the Minister to issue amended permit	CEO, DUL and Specific Statutory Planning Officers		
s 83	Function of being the respondent to an appeal	CEO, DUL and Specific Statutory Planning Officers		
s 83B	Duty to give or publish notice of an application for review	CEO, DUL and Specific Statutory Planning Officers		
s 84(1)	Power to decide on an application at any time after an appeal is lodged against the failure to grant a permit	CEO, DUL and Specific Statutory Planning Officers	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)	Duty not to issue a permit or notice of decision or refusal after an application is made for a review of a failure to grant a permit	CEO, DUL, Supervising Statutory Planning Officers and SSP		
s 84(3)	Duty to tell the Principal Registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	CEO, DUL, and Specific Statutory Planning Officers, TLPP and PSO	<i>Note – “Principal Registrar” means the Principal Registrar of VCAT.</i>	

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PLANNING AND ENVIRONMENT ACT 1987				
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 84(6)	Duty to issue permits on receipt of advice within 3 working days	CEO, DUL and Specific Statutory Planning Officers		
s 84AB	Power to agree to confining a review by the Tribunal	CEO, DUL and Specific Statutory Planning Officers	The delegate may only confine a review in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument	
s 86	Duty to issue a permit at the order of the Tribunal within 3 working days	CEO, DUL and Specific Statutory Planning Officers		
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, DUL and Supervising Statutory Planning Officers		
s 90(1)	Function of being heard at hearing of a request for cancellation or amendment of a permit	CEO, DUL and Specific Statutory Planning Officers		
s 91(2)	Duty to comply with the directions of VCAT	CEO, DUL and Specific Statutory Planning Officers, TLPP and PSO		
s 91(2A)	Duty to issue an amended permit to owner if the Tribunal so directs	CEO, DUL and Specific Statutory Planning Officers		
s 92	Duty to give notice of the cancellation/amendment of a permit by VCAT to persons entitled to be heard under section 90	CEO, DUL, Specific Statutory Planning Officers TLPP and PSO		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 93(2)	Duty to give notice of a VCAT order to stop development	CEO, DUL and Supervising Statutory Planning Officers		
s 95(3)	Function of referring certain applications to the Minister	CEO, DUL and Supervising Statutory Planning Officers		
s 95(4)	Duty to comply with an order or direction	CEO, DUL and Supervising Statutory Planning Officers		
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, DUL and MSSP		
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, DUL, and MSSP		
s 96A(2)	Power to agree to consider an application for a permit concurrently with preparation of proposed amendment	CEO, DUL, MSSP, TLSP <u>CSTRP</u> and Supervising Statutory Planning Officers		
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRP and Specific Statutory Planning Officers</u> CEO, DUL, MSSP, TLSP, SPP, SSTRP, STP and Specific Statutory Planning Officers		
s 96F	Duty to consider the panel's report under s 96E	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRP and Specific Statutory Planning Officers</u> CEO, DUL, MSSP, TLSP, SPP,		

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		SSTRP, STP and Specific Statutory Planning Officers		
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRP and Specific Statutory Planning Officers</u> CEO, DUL, MSSP, TLSP, SPP, SSTRP, STP and Specific Statutory Planning Officers		
s 96H(3)	Power to give notice in compliance with the Minister's direction	<u>CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRP and Specific Statutory Planning Officers</u> CEO, DUL, MSSP, TLSP, SPP, SSTRP, STP and Specific Statutory Planning Officers		
s 96J	Power to issue permits as directed by the Minister	<u>CEO, DUL, MSSP, CSTRP and Specific Statutory Planning Officers</u> CEO, DUL, MSSP, TLSP and Specific Statutory Planning Officers		
s 96K	Duty to comply with direction of the Minister to give notice of refusal	<u>CEO, DUL, MSSP, CSTRP and Specific Statutory Planning Officers</u> CEO, DUL, MSSP, TLSP and Specific Statutory Planning Officers		

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s 96Z	Duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate	CEO, DUL and MSSP		
s 97C	Power to request the Minister to decide the application	CEO, DUL, and MSSP		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 97D(1)	Duty to comply with directions of the Minister to supply any document or assistance relating to an application	CEO, DUL, MSSP and Specific Statutory Planning Officers		
s 97G(3)	Function of receiving from the Minister a copy of a notice of refusal to grant a permit or copy of any permit granted by the Minister	CEO, DUL, MSSP and Specific Statutory Planning Officers		
s 97G(6)	Duty to make a copy of permits issued under s97F available for inspection	CEO, DUL, MSSP, Specific Statutory Planning Officers, TLPP and PSO		
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, DUL, MSSP, Specific Statutory Planning Officers, TLPP and PSO		
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, DUL and MSSP		
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CEODUL & MSSP		
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, DUL and MSSP		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 97P(3)	Duty to comply with the directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, DUL, MSSP and Specific Statutory Planning Officers		
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, DUL, MSSP and Specific Statutory Planning Officers		
s 97Q(4)	Duty to comply with directions of VCAT	CEO, DUL, MSSP and Specific Statutory Planning Officers		
s 97R	Duty to keep register of all applications for certificates of compliance and related decisions	CEO, DUL, MSSP, Specific Statutory Planning Officers, TLPP and PSO		
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, DUL, MSSP and Specific Statutory Planning Officers		
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DUL and MSSP		
s 101	Function of receiving claims for expenses in conjunction with claim	CEO, DUL and MSSP		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 103	Power to reject a claim for compensation in certain circumstances	CEO, DUL and MSSP	<i>Note – refers to small claims, ie:</i> a) \$500 or any greater amount prescribed by the Regulations; or b) 0.1% of the value that the land had not been affected by any circumstance set out in section 98(1) or (2) or section 107.	
s 107(1)	Function of receiving claims for compensation	CEO, DUL and MSSP		
s 107(3)	Power to agree to extend the time for making claim	CEO, DUL and MSSP		
<u>s 113(2)</u>	<u>Power to request a declaration for land to be proposed to be reserved for public purposes</u>	<u>CEO</u>		
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, DUL, MSSP and Supervising Statutory Planning Officers		
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, DUL, MSSP, Supervising Statutory Planning Officers, SSP and PIO		
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DUL, MSSP and Supervising Statutory Planning Officers		
s 123(1)	Power to carry out work required by an enforcement order and recover costs	CEO, DUL, MSSP and Supervising Statutory Planning Officers		

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s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s123(1)	CEO, DUL	Except Crown Land	
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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 129	Function of recovering penalties	CEO, DUL and MSSP		
s 130(5)	Power to allow person served with an infringement notice further time	CEO, DUL and MSSP, Supervising Statutory Planning Officers		
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, DUL, MSSP and Supervising Statutory Planning Officers		
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CEO, DUL, MSSP and Supervising Statutory Planning Officers		
s 156	Duty to pay fees and allowances (including a payment to the Crown under a s 156(2A)) agreement and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) and power to ask for contributions under s 156(3) and power to abandon amendment or part of it under s 156(4)	CEO, DUL, MSSP, SSP, SSTRP & STRP	Where council is the relevant planning authority	
s 171(2)(f)	Power to carry out studies and commission reports	CEO, DUL, MSSP, MACP		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 171(2)(g)	Power to grant and reserve easements	CEO, DUL, MSSP, MACP		
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO, DUL, DPS	Where Council is a development agency specified in an approved infrastructure contributions plan	
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	CEO, DUL, DPS	Where Council is a collecting agency specified in an approved infrastructure contributions plan	
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	CEO, DUL, DPS	Where Council is the development agency specified in an approved infrastructure contributions plan	
s 173(1)	Power to enter into an agreement covering matters set out in s 174	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, and MCS	Subject to a prior Council resolution.	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	CEO, DUL, DCS, MSSP, Supervising Statutory Planning Officers	Where Council is the relevant responsible authority and subject to a prior Council resolution.	
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CDM&C and Supervising Statutory Planning Officers		
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CDM&C and Supervising Statutory Planning Officers		
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS and CDM&C		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178	Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, and CDM&C		
s 178A(1)	Function of receiving an application to amend or end an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, TLSPCSTRP , CDM&C, Specific Statutory Planning Officers, TLPP and PSO		
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, TLSPCSTRP , CDM&C and Supervising Statutory Planning Officers		
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, TLSPCSTRP , CDM&C and Specific Statutory Planning Officers		
s 178A(5)	Power to propose to amend or end an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, TLSPCSTRP , CDM&C and Supervising Statutory Planning Officers		

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s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, TLSPCSTRP , CDM&C, SPP, STRPPSTRP , STRP and Specific Statutory Planning Officers		
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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, TLSP, CSTRP , CDM&C, PSTRPP , STRP, STP and Specific Statutory Planning Officers		
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C, PSTRP, SSTRP, STRP and Specific Statutory Planning Officers CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C, PSTRP, SSTRP, STRP and Specific Statutory Planning Officers		
s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C and Supervising Statutory Planning Officers CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C and Supervising Statutory Planning Officers		
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C and Specific Statutory Planning Officers CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C and Specific Statutory Planning Officers		

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		DCT, DCS, DPS, MACP, MSSP, MCS, SSP, TLSP, CDM&C and Specific Statutory Planning Officers		
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory Planning Officers CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, TLSP, CDM&C and Supervising Statutory Planning Officers	Where there are between 1 and no more than 125 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

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, TLSPCSTRP , CDM&C and Supervising Statutory Planning Officers	<u>Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.</u> 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 SPAC.	Must consider matters in s.178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, TLSPCSTRP , CDM&C and Supervising Statutory Planning Officers	<u>Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.</u> 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 SPAC.	Must consider matters in s.178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, TLSPCSTRP , CDM&C and Supervising Statutory Planning Officers	<u>Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.</u> 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 SPAC.	After considering objections, submissions and matters in s.178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, TLSPCSTRP , CDM&C and Supervising Statutory Planning Officers	<u>Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.</u> 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 SPAC.	After considering objections, submissions and matters in s.178B

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			consult with and consider the views of the SPAC.	
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, TLSPCSTRP , CDM&C and Supervising Statutory Planning Officers	<u>Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.</u> Where there are 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 SPAC.	After considering objections, submissions and matters in s.178B

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, TLSP, CSTRP , CDM&C and Supervising Statutory Planning Officers	Where there are se between 1 and no more than 5-12 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 SPAC.	After considering objections, submissions and matters in s.178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C, PSTRP, SSTRP, STRP and Supervising Statutory Planning Officers CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, TLSP, CDM&C, SPP, SSTRP, STP and Supervising Statutory Planning Officers		
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C, PSTRP, SSTRP, STRP and Supervising Statutory Planning Officers CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, TLSP, CDM&C, SPP, SSTRP, STP and Supervising Statutory Planning Officers		

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s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	<u>CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP,</u> <u>CDM&C and Supervising Statutory Planning Officers</u> CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, TLSP, CDM&C and Supervising Statutory Planning Officers		
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, TLSP <u>CSTRP</u> , CDM&C and Supervising Statutory Planning Officers		

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MSSP, MCS and CDM&C		
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	<u>CEO, DUL, DCT, DCS, DPS, MSSP, MCS, CSTRP, CDM&C, PSTRP,</u> <u>SSTRP, STRP and Supervising Statutory Planning Officers</u> CEO, DUL, DCT, DCS, DPS, MSSP, MCS, TLSP, CDM&C, SPP, SSTRP, STP and Supervising Statutory Planning Officers		
s 179(2)	Duty to make available for inspection copy agreement	<u>CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, PSTRP,</u> <u>SSTRP, STRP, CDM&C, Specific Statutory Planning Officers, TLPP and PSO</u> CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, TLSP, SPP, SSTRP, STP, CDM&C, Specific Statutory Planning Officers, TLPP and PSO		
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	CEO, DUL, DCT, DCS, DPS, MACP MSSP, MSSP and MCS		

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s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	<u>CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CDM&C, CSTRP, and Supervising Statutory Planning Officers</u> CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CDM&C, TLSP, and Supervising Statutory Planning Officers		
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	<u>CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CDM&C, CSTRP, and Supervising Statutory Planning Officers</u> CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CDM&C, TLSP, and Supervising Statutory Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 182	Power to enforce an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CDM&C, Supervising Statutory Planning Officers and PIO		
s 183	Duty to tell the Registrar of Titles of ending/amendment of agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CDM&C and Specific Statutory Planning Officers		
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, DUL, DCT, DCS, DPS, MSSP, MSSP and MCS		
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, DUL, DCT, DCS, DPS, MSSP, MSSP and MCS		
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	CEO, DUL, DCT, DCS, DPS, MSSP, MCS, CSTRP, PSTRP, SSTRP, STRP, Supervising Statutory Planning Officers, SSP and SO CEO, DUL, DCT, DCS, DPS, MSSP, MCS, TLSP, SPP, SSTRP, STP, Supervising Statutory Planning Officers, SSP and SO		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	<u>CEO, DUL, DCT, DCS, DPS, MSSP, MCS, CSTRP, PSTRP, SSTRP,</u> <u>STRP, Supervising Statutory Planning Officers, SSP and SO</u> CEO, DUL, DCT, DCS, DPS, MSSP, MCS, TLSP, SPP, SSTRP, STP, Supervising Statutory Planning Officers, SSP and SO		
s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, DUL, DCT, DCS, DPS, MSSP, MCS, Supervising Statutory Planning Officers, SSP and SO		
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, DUL, DCT, DCS, DPS, MSSP, MCS, Supervising Statutory Planning Officers, SSP and SO		
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, DUL, MSSP and Specific Statutory Planning Officers		
S 201(3)	Duty to make declaration	CEO, DUL, MSSP and Specific Statutory Planning Officers		

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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, DUL, MSSP 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 Delegated Committee, can only be exercised if, in the opinion of DUL, MSSP 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 s 61(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, DUL, MSSP and Supervising Statutory Planning Officers if there are no objector parties; • CEO, DUL, MSSP 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 Delegated Committee, can only be exercised if, in the opinion of DUL, MSSP 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. 	

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
-	Power to determine that a matter be considered at a mediation or compulsory conference before VCAT	CEO, DUL, MSSP, TLSPCSTRP and Supervising Statutory Planning Officers		
-	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	CEO, DUL, MSSP, TLSPCSTRP , Specific Statutory Planning Officers and PIO		
-	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, DUL, MSSP, TLSPCSTRP and Specific Statutory Planning Officers	The delegates may only determine amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument.	
-	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, DUL, MSSP, TLSPCSTRP and Specific Statutory Planning Officers	The delegates may only determine amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument.	
-	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, DUL, MSSP, TLSPCSTRP , Supervising Statutory Planning Officers and SSP		
s 201UAB(1)	Function of providing the Victorian Planning Authority with information relating to any land within municipal district	CEO, DUL, MSSP and Supervising Statutory Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s.201UAB(2)	Duty to provide the Victorian Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, DUL, MSSP, TLSPCSTRP & Supervising Statutory Planning Officers		

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RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 91ZU(1)	Power to give a renter a notice to vacate rented premises		Where Council is a public statutory authority engaged in the provision of housing. Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises		Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes. Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises		Where Council is a public statutory authority engaged in the provision of housing. Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing		Where Council is a public statutory authority engaged in the provision of housing. Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier

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RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 142D	Function of receiving notice regarding an unregistered rooming house	CEO, DUL, MCS, CHP&P, TLHS, EHO & AOHS	
s 142G(1)	Duty to enter the required information in the Rooming House Register for each rooming house in municipal district	CEO, DUL, MCS, CHP&P, TLHS, EHO & AOHS	
s 142G(2)	Power to enter certain information in the Rooming House Register	CEO, DUL, MCS, CHP&P, TLHS, EHO & AOHS	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CEO, DUL, MCS, CHP&P, TLHS, EHO & AOHS	
s 206AZA(2)	Function of receiving written notification	CEO, DUL, MCS, CHP&P, TLHS, EHO & AOHS	Note: this function is not yet in force and will commence on 27 April 2021, unless proclaimed earlier. Part 4A (sections 206B to 215 B) refer of the Act refer to site agreements and tenant owned dwellings.
s 207ZE(2)	Function of receiving written notification	CEO, DUL, MCS, CHP&P, TLHS, EHO & AOHS	Note: this function is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CEO, DUL, MCS, MSSP & MBS	
s 522(1)	Power to give a compliance notice to a person	CEO, DUL, MCS, MSSP & MBS	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO, DUL, MCS, MSSP & MBS	
s 525(4)	Duty to issue identity cards to authorised officers	CEO, DUL, MCS, MSSP & MBS	

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s 526(5)	Duty to keep a record of entry by authorised officers under s 526	CEO, DUL, MCS, MSSP & MBS	
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RESIDENTIAL TENANCIES ACT 1997			
s 526A(3)	Function of receiving reports of inspections	CEO, DUL, MCS, MSSP & MBS CHP&P, TLHS and EHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO, DUL, MCS, MSSP & MBS	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CEO, DPS, MCP, MT&T, MACP	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CEO, DPS, MCP, MT&T, MACP	Subject to a prior Council resolution naming the road.
s 11(9)(b)	Duty to advise Registrar	CEO, DPS, MCP, MT&T, MACP	
s 11(10)	Duty to inform the Secretary to the Department of Environment, Land, Water and Planning (DELWP) of the declaration etc.	CEO, DPS, MCP, MT&T, MACP	Clause subject to s 11(10A)
s 11(10A)	Duty to inform the Secretary to DELWP or nominated person	CEO, DPS, MACP, MT&T, MCP	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	CEO, DPS, MACP, MT&T, MCP	Where Council is the coordinating road authorityc
s 12(4)	Power to publish, and provide copies of notices of proposed discontinuances	CEO, DPS, DCT, MACP, MCP, MT&T	Power of the coordinating road authority where it is the discontinuing body unless s 12(11) applies.
s 12(5)	Duty to consider written submissions received within 28 days of notice		Duty of the coordinating road authority where it is the discontinuing body unless s 12(11) applies. The duty remains with the Council. Submissions would be considered by the Council or the Services Delegated Committee.
s 12(6)	Function of hearing a person in support of their written submission		Function of the coordinating road authority where it is the discontinuing body unless s 12(11) applies. The duty remains with the Council. Submissions would be considered by the Council or the Services Delegated Committee.

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12(7)	Duty to fix day, time and place of the meeting under subsection (6) and to give notice		Duty of the coordinating road authority where it is the discontinuing body unless s 12(11) applies.
s 12(10)	Duty to notify of decision made	CEO, DPS, MCP, MT&T, MACP	Duty of the coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in the Victoria Government Gazette	CEO, DPS, MCP, MT&T, MACP	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	CEO, DPS, MT&T, MACP, MWI	
s 14(7)	Power to appeal against a decision of the Head, Transport for Victoria	CEO, DPS, MCP, MWI, MT&T, MACP	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CEO, DPS, MCP, MWI, MT&T, MACP	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CEO, DPS, MCP, MWI, MT&T, MACP	
s 15(2)	Duty to include details of an arrangement in the public roads register	CEO, DPS, MT&T, MACP	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 16(7)	Power to enter into an arrangement under section 15	CEO, DPS, MCP MWI, MT&T, MACP	
s 16(8)	Duty to enter details of determinations in the public roads register	CEO, DPS, MCP, MT&T, MACP	
s 17(2)	Duty to register public roads in the public roads register	CEO, DPS, MACP	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CEO, DPS, MCP, MT&T, MACP	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in the public roads register	CEO, DPS, MCP, MT&T, MACP	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use		Where Council is the coordinating road authority. The power remains with the Council.
s 17(4)	Duty to remove a road no longer reasonably required for general public use from the public roads register	CEO, DPS, MCP, MT&T, MACP	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary areas	CEO, DPS, MT&T, MACP	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s18(2)
s 18(3)	Duty to record designations in the public roads register	CEO, DPS, MT&T, MACP	Where Council is the coordinating road authority
s 19(1)	Duty to keep a register of public roads in respect of which it is the coordinating road authority	CEO, DPS, MT&T, MACP	
s 19(4)	Duty to specify details of discontinuances in the public roads register	CEO, DPS, CRPS, MACP	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(5)	Duty to ensure the public roads register is available for public inspection	CEO, DPS, MT&T, MACP	
s 21	Function of replying to requests for information or advice	CEO, DPS, MCP, MT&T, MACP, MCS, CPA&PA, <u>SCTA, CTM, CT</u> and All AP&P Staff	Obtain consent in circumstances specified in schedule 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, DPS, MCP, MT&T, MACP, MCS, CPA&PA and All AP&P Staff	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report	CEO, DPS, MCP, MT&T, MACP	
s 22(5)	Duty to give effect to a direction under s 22	CEO, DPS, MCP, MT&T, MACP	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(1)	Duty to inspect, maintain and repair a public road.	CEO, DPS, MT&T, MCP, MFW&I, MACP, All Asset Management Staff, All Planning Officers, All Road and Path Maintenance Staff, All Traffic and Transport Staff, All AP&P Staff	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CEO, DPS, MT&T, MCP, MACP, MFW&I	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CEO, DPS, MT&T, MCP, MACP, MFW&I	
s 42(1)	Power to declare a public road as a controlled access road	CEO, DPS, MT&T, MCP, MACP, MFW&I	Power of coordinating road authority and Schedule 2 also applies. <i>Note - "controlled access road" means a public road in respect of which a declaration is in force under section 42.</i>
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CEO, DPS, MT&T, MCP, MACP, MFW&I	Power of coordinating road authority and Schedule 2 also applies

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 42A(3)	Duty to consult with the Head, Transport for Victoria and the Minister for Local Government before road is specified	CEO, DPS, MT&T, MCP, MACP, MFW&I	Where Council is the coordinating road authority if road is a municipal road or part thereof. <i>Note - "specified road" means a road or part of a road which is specified under section 42A to be a specified road in respect of which a mode of transport is to have priority.</i>
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	CEO, DPS, MT&T, MCP, MACP, MFW&I	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. <i>Note – section 42A (4) provides that If a road or part of a road which is to be a specified freight road is a municipal road, the Minister must obtain the approval of the municipal council which is the coordinating road authority before the road or part of the road can be specified to be a specified freight road.</i>
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	CEO, DPS, MT&T, MCP, MACP, MFW&I	Where Council is the responsible road authority
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	CEO, DPS, MT&T, MCP, MACP, MFW&I, <u>All Traffic and Transport Staff</u>	<i>Note – the section refers to bus stopping points and bus stop infrastructure.</i>
s 49	Power to develop and publish a road management plan	CEO, DPS, MCP, MACP	
s 51	Power to determine standards by incorporating the standards in a road management plan	CEO, DPS, MCP, MACP	

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s 53(2)	Power to cause notice to be published in the Victoria Government Gazette of amendment etc of document in road management plan	CEO, DPS, MCP, MACP	
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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54(2)	Duty to give notice of a proposal to make a road management plan	CEO, DPS, MCP, MACP	
s 54(5)	Duty to conduct a review of the road management plan at prescribed intervals	CEO, DPS, MCP, MACP	
s 54(6)	Power to amend a road management plan	CEO, DPS, MCP, MACP	
s 54(7)	Duty to incorporate the amendments into the road management plan	CEO, DPS, MCP, MACP	
s 55(1)	Duty to cause notice of road management plan to be published in the Victoria Government Gazette and newspaper	CEO, DPS, MCP, MACP	
s 63(1)	Power to consent to conduct of works on road	CEO, DPS, MCP, MT&T, MACP, CT, CTM, <u>SCTA</u> & All Traffic and Transport Staff, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CEO, DPS, MCP, MT&T, MACP, CT, CTM, MCS, CPA&PA, All AP&P staff	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CEO, DPS, MCP, MT&T & MACP	Where Council is the infrastructure manager or works manager. <i>Schedule 7 relates to infrastructure and works on roads. Clause 13 of Schedule 7 requires the works manager to give notice the relevant coordinating authority of the completion of works</i>

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 66(1)	Power to consent to structures etc	CEO, DPS, MCP, MACP	Where Council is the coordinating road authority. Sections 66 to 79 refer to advertising signs on roads.
s 67(2)	Function of receiving the name and address of the person responsible for distributing the sign or bill	CEO, DPS, MCP, MACP, MCS	Where Council is the coordinating road authority. <i>Note – the section refers to a person who commissions the making of an advertising sign or bill that is placed on or over a road or on a pole, bus shelter, traffic sign or other object or infrastructure on a road reserve.</i>
s 67(3)	Power to request information	CEO, DPS, MCP, MACP, MCS	Where Council is the coordinating road authority.
s 68(2)	Power to request information	CEO, DPS, MCP, MACP, MCS	Where Council is the coordinating road authority.
s 71(3)	Power to appoint an authorised officer	CEO, DPS, DUL, CFO, EMPCD	
s 72	Duty to issue an identity card to each authorised officer	EMPCD	
s 85	Function of receiving reports from authorised officers	CEO, DPS, MCP, MACP, MT&T & MCS	
s 86	Duty to keep a register regarding s 85 matters	CEO, DPS, MCP, MT&T, MACP & MCS	
s 87(1)	Function of receiving complaints	CEO, DPS, MACP, MCP, MT&T & MCS	
s 87(2)	Duty to investigate complaints and provide reports	CEO, DPS, MCP, MT&T, MACP & MCS	
<u>s 96</u>	<u>Power to authorise a person for the purpose of instituting legal proceedings</u>	<u>CEO, DPS, MCP, MT&T, MACP & MCS</u>	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 112(2)	Power to recover damages in court	CEO, DPS, MCP, MT&T, MACP & MCS	<i>Note – the section applies if a road authority incurs extraordinary expenses in repairing a road that has been damaged as a result of the passage of extraordinary traffic or excessive mass along the road.</i>
s 116	Power to cause or carry out inspection	CEO, DPS, MCP, MT&T & MACP	
s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO, DPS, MACP, MT&T & MCP	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	CEO, DPS, MCP, & MACP	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	CEO, DPS, MCP, & MACP	
s 121(1)	Power to enter into an agreement in respect of works	CEO, DPS, MCP, & MACP	
s 122(1)	Power to charge and recover fees	CEO, DPS, MACP & MCP	<i>Note – fees may be charged if authorised under the Road Management (General) Regulations 2016. The Regulations express the fees in terms of “fee units” which are indexed annually. In 2020/21, a fee unit is \$14.81.</i>
s 123(1)	Power to charge for any service	CEO, DPS, MACP & MCP	<i>Note:</i> <ul style="list-style-type: none"> a) <i>fees must not be inconsistent with the relevant Regulations. Fees are fixed by Council in the annual budget process; and</i> b) <i>the charge can include costs relating to</i> <ul style="list-style-type: none"> • <i>supplying a service, product or commodity; or</i> c) <i>giving information.</i>

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	CEO, DPS, MCP, & MACP	<i>Note – “controlled access road” means a public road in respect of which a declaration is in force under section 42.</i>
sch 2 cl 3(1)	Duty to make policy about controlled access roads	CEO, DPS	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	CEO, DPS	
sch 2 cl 4	Function of receiving details of proposals from the Head, Transport for Victoria	CEO, DPS, MCP, & MACP	
sch 2 cl 5	Duty to publish notice of declaration	CEO, DPS, MCP, & MACP	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CEO, DPS, MCP, & MACP	Where Council is the infrastructure manager or works manager
sch 7 Clause 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CEO, DPS, MCP, & MACP	Where Council is the infrastructure manager or works manager

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CEO, DPS, MCP, & MACP	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	CEO, DPS, MCP, & MACP	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CEO, DPS, MCP, & MACP	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify the relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	CEO, DPS, MCP, & MACP	Where Council is the works manager

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 13(2)	Power to vary notice period	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
sch 7, cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	CEO, DPS, MCP, & MACP	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority
sch 7 cl16(6)	Power to set reasonable conditions on consent	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 18(1)	Power to enter into an agreement	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require the removal, relocation, replacement or upgrade of existing non-road infrastructure	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	CEO, DPS, MCP, & MACP, <u>MT&T,</u> <u>CTM, CT, All</u> <u>Traffic and</u> <u>Transport Staff</u>	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	CEO, DPS, MCP, & MACP	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	CEO, DPS, MCP, & MACP	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4	CEO, DPS, MCP & MACP	Duty of Council as the responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

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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 s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CEO, DUL & MSSP	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 the responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act	CEO, DUL, MSSP, CSP, PAC, SSP, CP, PSP, PO & SP	
r 25(a)	Duty to make copies of matters considered under s 60(1A)(g) available for inspection free of charge	CEO, DUL & MSSP	Where Council is the responsible authority
r 25(b)	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	CEO, DUL & MSSP	Where Council is not the responsible authority but the relevant land is within Council's municipal district
r 42	Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CEO, DUL & MSSP	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.

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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, DUL & MSSP, CSTRP	Where Council is the planning authority. <i>Note – the grounds for waiving or rebating a fee include:</i> a) where the application is withdrawn and a new application is submitted; b) the amendment combines separate items from multiple requests for an amendment; and c) the amendment is intended to remove anomalies in the planning scheme.
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, DUL, MSSP, CSP, PAC and PSP	<i>Note – the grounds for waiving or rebating a fee include:</i> a) where the application is withdrawn and a new application is submitted; b) the application relates to land used for charitable purposes; and c) the fee is not warranted due to the minor nature of the application.
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, DUL, MSSP, CSTRP , PSP , PP, PAC & CSP	Where Council is the responsible authority or planning authority.

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ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 8(1)	Duty to conduct reviews of road management plan	CEO, DPS, MCP, & MACP	
r 9(2)	Duty to produce a written report of the review of the road management plan and make the report available	CEO, DPS, MCP, & MACP	
r 9(3)	Duty to give notice where a road management review is completed and no amendments will be made (or no amendments for which notice is required)	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
r 10	Duty to give notice of amendments which relate to the standard of construction, inspection, maintenance or repair under s 41 of the Act	CEO, DPS, MCP, & MACP	
r 13(1)	Duty to publish notice of amendments to the road management plan	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
r 13(3)	Duty to record on the road management plan the substance and date of effect of amendment	CEO, DPS, MCP, & MACP	
r 16 (3)	Power to issue permits	CEO, DPS, MCP, MT&T, & MACP	Where Council is the coordinating road authority
r 18(1)	Power to give written consent regarding damage to roads	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
r 23(2)	Power to make submissions to the Tribunal	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority

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ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 23(4)	Power to charge a fee for an application under s 66(1) of the Road Management Act	CEO, DPS, MCP & MACP	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CEO, DPS, MCP, MACP & MCS	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	CEO, DPS	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, DPS, MCP & MACP	

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ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 15	Power to exempt a person from q requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	CEO, DPS, MCP & MACP	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive the whole or part of a fee in certain circumstances	CEO, DPS, MCP & MACP	Where Council is the coordinating road authority

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Boroondara City Council

Instrument of Delegation

to

Members of Council Staff

- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning & Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

Instrument of Delegation

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

- 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;
- record that references in the Schedule are as follows:

All Asset Management Staff	means	All staff in the Asset and Capital Planning Department
All Planning Officers	means	All staff in the Strategic and Statutory Planning Department
All Road and Path Maintenance Staff	means	All staff in the Road and Path Maintenance Team of the Facilities Waste and Infrastructure Department
All Traffic and Transport Staff	means	All staff in the Traffic and Transport Department
AP&P	means	All staff in Asset Protection and Permits Team
CCO	means	Chief Customer Officer
CEO	means	Chief Executive Officer
DCS	means	Director Community Support
DCT	means	Director Customer and Transformation
DPS	means	Director Places & Spaces
DUL	means	Director Urban Living
AOHS	means	Authorised Officer Health Services
CDM&C	means	Coordinator Drainage Maintenance & Cleaning
CFO	means	Chief Financial Officer
CPA&PA	means	Coordinator Permits Appeals and Protection of Assets
CP	means	Counter Planner or Planning Liaison Officer
CHP&P	means	Coordinator Health, Projects & Prosecutions
CRPS	means	Coordinator Revenue and Property Services
CSP	means	Coordinator Statutory Planning
CSTRP	means	Coordinator Strategic Planning
CT	means	Coordinator Traffic
CTM	means	Coordinator Transport Management
EHO	means	Environmental Health Officer
EMPCD	means	Executive Manager People, Culture and Development
MACP	means	Manager Asset and Capital Planning
MBS	means	Manager Building Services
MCP	means	Manager Capital Projects
MCS	means	Manager Civic Services
MSSP	means	Manager Strategic and Statutory Planning
MT&T	means	Manager Traffic & Transport
MFW&I	means	Manager Facilities, Waste and Infrastructure
PAC	means	Planning Appeals Coordinator
PIO	means	Planning Investigations Officer
PP	means	Principal Statutory Planner
PSTRP	means	Principal Strategic Planner
PSO	means	Planning Support Officer, Para Planner, Public Notice Officer, Statutory Planning Administrative Officer, Team Leader Para Planning

SCTA	means	Senior Coordinator Transport Advocacy
SO	means	Subdivision Officer
SP	means	Statutory Planner or Planning Officer
SSP	means	Senior Statutory Planner
SSTRP	means	Senior Strategic Planner
STP	means	Strategic Planner
TLHS	means	Team Leader Health Services
TLPP	means	Team Leader Para Planning
Specific Statutory Planning Officers	means	MSSP, CSP, PAC, PP, SSP, SP, SO and CP
Supervising Statutory Planning Officers	means	MSSP, CSP, PAC and PP

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 28 February 2022 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;

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; -

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or

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

- 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

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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog	CEO, DUL, DPS, DCT, CHP&P, PRO & TLFS & MCS	

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CEO, DUL, MCS, CHP&P, TLHS & EHO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CEO, DUL, MCS, CHP&P, TLHS & EHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CEO, DUL, MCS, CHP&P, TLHS & EHO	If s 19(1) applies Only in relation to temporary food premises or mobile food premises.
s 19(4)(a)	Power to direct that an order made under s 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, DUL, MCS, CHP&P, TLHS & EHO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with	CEO, DUL, MCS, CHP&P, TLHS & EHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of a revocation under s 19(6)(a) if satisfied that an order has been complied with	CEO, DUL, MCS, CHP&P, TLHS & EHO	If s 19(1) applies

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c)	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority. <i>Note – sub-sections (a) to (c) refer to issuing an order in relation to various matters including food, premises, equipment, vehicle and plant etc.</i>
s 19AA(4)(c)	Power to direct, in an order made under s19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	CEO, DUL, MCS, CHP&P, TLHS & EHO	Note: the power to direct the matters under s19AA(4)(a) and (b) is not capable of delegation and so such directions must be made by a prior Council resolution
s 19AA(7)	Duty to revoke an order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority.
s 19CB(4)(b)	Power to request a copy of records	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority. <i>Refers to records of the proprietor of the food premises.</i>
s 19E(1)(d)	Power to request a copy of the food safety program	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority.
s 19EA(3)	Function of receiving copy of revised foodsafety program	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority
s 19GB	Power to request the proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority.

s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority. Proprietors of food premises generally engage private companies or individuals to conduct food safety audits, although councils still have the power to do so.
s 19N(2)	Function of receiving notice from the auditor	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19NA(1)	Power to request food safety audit reports	CEO, DUL, MCS, CHP&P, TLHS, EHO & AOHS	Where Council is the registration authority.
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	CEO, DUL, MCS, CHP&P & TLHS	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CEO, DUL, MCS, CHP&P, TLHS& EHO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39. Fees are determined in the Council' s annual budget process.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CEO, DUL, MCS, CHP&P, TLHS& EHO, AOHS	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CEO, DUL, MCS, CHP&P, TLHS& EHO	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority
	Power to register, or renew the registration of a food premises	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority Refusal to grant/or renew/ the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 36A	Power to accept an application for registration or notification using an online portal.	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier.
s 36B	Duty to pay the charge for use of an online portal.	CEO, DUL, MCS CHP&P, TLHS & EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier.
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority.
s 38A(4)	Power to request a copy of a completed food safety program template	CEO, DUL, MCS CHP&P, TLHS, EHO & AOHS	Where Council is the registration authority.
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	CEO, DUL, MCS CHP&P, TLHS & EHO	Where Council is the registration authority.
s 38B(1)(b)	Duty to ensure the proprietor has complied with the requirements of s 38A	CEO, DUL, MCS CHP&P, TLHS & EHO	Where Council is the registration authority.
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CEO, DUL, MCS CHP&P, TLHS & EHO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	CEO, DUL, MCS CHP&P, TLHS & EHO	Where Council is the registration authority

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	CEO, DUL, MCS, CHP&P, TLHS, EHO & AOHS	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority; not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority
s 38F(3)(b)	Power to require the proprietor to comply with the requirements of this Act	CEO, DUL, MCS, CHP&P, TLHS & EHO, AOHS	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier.
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority
s 38(G)(2)	Power to require the proprietor of the food premises to comply with any requirement of the Act	CEO, DUL, MCS, CHP&P, TLHS & EHO, AOHS	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier.

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s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	CEO, DUL, MCS, CHP&P, TLHS & EHO, AOHS	Where Council is the registration authority
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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 39A	Power to register, or renew the registration of a food premises despite minor defects	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority. Only if satisfied of matters in s 39A(2)(a)-(c).
s 39A (6)	Duty to comply with a direction of the Secretary	CEO, DUL, MCS, CHP&P, TLHS & EHO	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	MCS, CHP&P	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	CEO, DUL, MCS, CHP&P, TLHS & EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CEO, DUL, MCS, CHP&P, TLHS, EHO	Where Council is the registration authority.
s 40D(1)	Power to suspend or revoke the registration of food premises	CEO, DUL, MCS, CHP&P	Where Council is the registration authority. Subject to the prior approval of the MCS.
s 40E	Duty to comply with direction of the Secretary	CEO, DUL, MCS, CHP&P, TLHS & EHO	
s 40F	Power to cancel the registration of food premises	CEO, DUL, MCS, CHP&P & TLHS.	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier. Subject to the prior approval of the MCS. The deletion to the TLHA only applies in the absence of the CHP&P.

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s 43	Duty to maintain records of registration	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, or renewing the registration of a component of a food business	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet the requirements in Division 3 and the power to refuse to register the components that do not meet the requirements	CEO, DUL, MCS, CHP&P, TLHS & EHO	Where Council is the registration authority
s 45AC	Power to bring proceedings	CEO, DUL, MCS, CHP&P, TLHS & EHO	

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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, DUL, MCS, CHP&P, EHO & TLHS	Where Council is the registration authority

HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate the Executive Director's functions, duties or powers	CEO, DUL	<p>Must first obtain the Executive Director's written consent.</p> <p>Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation.</p>

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	
s 185L(4)	Power to declare and levy a cladding rectification 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	Power to prepare an amendment to the Victorian Planning Provisions (VPP)	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP	If authorised by the Minister	In accordance with a prior Council resolution
s 4G	Function of receiving prescribed documents and a copy of the VPP from the Minister	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 4H	Duty to make amendments to the VPP available	CEO, DUL, MSSP, SSTRP, CSTRP, PSTRP, STRPCSTRP		
s 4I	Duty to keep the VPP and other documents available for inspection	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 8A(2)	Power to prepare amendments to the planning scheme where the Minister has given consent under s.8A	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 8A(3)	Power to apply to the Minister to prepare an amendment to the planning scheme	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 8A(5)	Function of receiving notice of the Minister's decision	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 12B(1)	Duty to review the planning scheme	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		

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 the planning scheme at the direction of the Minister	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 12B(5)	Duty to report the findings of a review of the planning scheme to the Minister without delay	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	CEO, DUL, All Planning Officers		
s 17(1)	Duty of giving a copy of amendments to the planning scheme	CEO, DUL, All Planning Officers		
s 17(2)	Duty of giving a copy of a s 173 agreement	CEO, DUL, All Planning Officers		
s 17(3)	Duty of giving a copy of an amendment, explanatory report and relevant documents to the Minister at least 10 business days before it (the Council) first gives a required notice of the amendment	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 18	Duty to make amendments etc. available	CEO, DUL & all Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.	
s 20(1)	Power to apply to the Minister for an exemption from the requirements of s 19	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		Where Council is a planning authority
s 21(2)	Duty to make submissions available	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 21A(4)	Duty to publish notices	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 22	Duty to consider all submissions	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP	Except 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, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s96D)	CEO, DUL & all Planning Officers		
s 26(1)	Power to make reports available for inspection	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 26(2)	Duty to keep reports of panels available for inspection	CEO, DUL & all Planning Officers		
s 27(2)	Power to apply for exemption if the panel's report not received	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 28	Duty to notify the Minister if abandoning an amendment	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP	Note: The power to make a decision to abandon an amendment cannot be delegated	
s 30(4)(a)	Duty to say if an amendment has lapsed	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		

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)	Duty to provide information in writing upon request	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 31(1)	Duty to submit adopted amendments to the Minister	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 32(2)	Duty to give more notice if required	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 33(1)	Duty to give more notice of changes to an amendment	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 36(2)	Duty to give notice of approval of amendments	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 38(5)	Duty to give notice of revocation of an amendment	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with a determination by VCAT	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 40(1)	Function of lodging a copy of an approved amendment	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		
s 41	Duty to make approved amendment available	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP		

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 the planning scheme available	CEO, DUL & all Planning Officers		
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to the 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, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRPCSTRP	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 46AW	Function of being consulted by the Minister	CEO, DUL, MSSP, CSTRP & Supervising Statutory Planning Officers, CSTRP	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, DUL, MSSP, CSTRP & Supervising Statutory Planning Officers, CSTRP	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)	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, DUL, MSSP, CSTRPCSTRP	Where Council is a responsible public entity	
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CEO, DUL, MSSP, CSTRP & Supervising Statutory Planning Officers, CSTRP	Where Council is a responsible public entity	
s46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency.	
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CEO, DUL, MSSP, CSTRP, and Supervising Statutory Planning Officers, CSTRP		
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		
s 46GP	Function of receiving a notice under s 46GO	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP	Where Council is the collecting agency	
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GR(2)	Power to consider a late submission. Duty to consider a late submission if directed to do so by the Minister.	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP	Where Council is the collecting agency	
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP	Where Council is the collecting agency	
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, DUL, MSSP, CSTRP, SO and Supervising Statutory Planning Officers, CSTRP	Where Council is the development agency	
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	CEO, DUL, MSSP, CSTRP, SO and Supervising Statutory Planning Officers, CSTRP	Where Council is the collecting agency	
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CEO, DUL, MSSP, CSTRP & Supervising Statutory Planning Officers, CSTRP	Where Council is the collecting agency	
s 6GX(1)	Power to accept the works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CEO, DUL, MSSP, CSTRP & Supervising Statutory Planning Officers, CSTRP	Where Council is the collecting agency	
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s.46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CEO, DUL, MSSP, CSTRP & Supervising Statutory Planning Officers, CSTRP	Where Council is the collecting agency	
s 46GY(1)	Duty to keep proper and separate accounts and records	All Planning Officers	Where Council is the collecting agency	
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	All 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 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP	Where Council is the collecting agency under an approved infrastructure contributions plan. This duty does not apply where Council is that planning authority.	
s 46GZ(2)(a)	Function of receiving the monetary component	CEO, DUL, MSSP, CSTRP, CFO, CCO and Supervising Statutory Planning Officers, CSTRP	Where the Council is the planning authority. This duty does not apply where Council is also the collecting agency.	
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers, CSTRP	Where Council is the collecting agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the relevant development agency.	
s 46GZ(2)(b)	Function of receiving the monetary component	CEO, DUL, MSSP, CSTRP, CFO, CCO and Supervising Statutory Planning Officers, CSTRP	Where Council is the development agency under an 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(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	CEO, DUL, MSSP, CSTRP & Supervising Statutory Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CEO, DUL, MSSP, CSTRP, CFO, CCO & Supervising Statutory Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency	
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CEO, DUL, MSSP, CSTRP 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, DUL, MSSP, CSTRP, CFO, MCP, 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, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency	
s 46GZ(9)	Function of receiving the fee simple in the land	CEO, DUL, MSSP, CSTRP, CFO, MCP, CRPS, CCO and Supervising Statutory Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency	
s 46GZA(1)	Duty to keep proper and separate accounts and records	All Planning Officers	Where Council is a development agency under an approved infrastructure contributions plan	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers	Where Council is a development agency under an approved infrastructure contributions plan	
s 46GZB(3)	Duty to follow the steps set out in s.46GZB(3)(a) – (c)	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers	Where Council is a development agency under an approved infrastructure contributions plan	
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CEO, DUL, MSSP CSTRP and Supervising Statutory Planning Officers	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan	
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CEO, DUL, MSSP CSTRP and Supervising Statutory Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan	
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	CEO, DUL, MSSP CSTRP and Supervising Statutory Planning Officers	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
s 4646GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency	
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	CEO, DUL, MSSP CSTRP, CFO, MCP, CRPS, SO and Supervising Statutory Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZE(3)(a) and (b)	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	CEO, DUL, MSSP CSTRP, CFO, CRPS and Supervising Statutory Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan	
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	CEO, DUL, MSSP CSTRP, CFO, CRPS and Supervising Statutory Planning Officers	Where Council is the development agency under an approved infrastructure contributions plan	
s 46GZF(3)(a)	Function of receiving proceeds of a sale	CFO, MCP, CRPS	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	CFO, MCP, CRPS	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	CFO, MCP, CRPS	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CFO, MCP, CRPS	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers	Where Council is a collecting agency or development agency	
s.46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	MCP, CRPS	Where Council is a collecting agency or development agency	

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s.46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	CFO, MCP, CRPS		
s 46N(1)	Duty to include conditions in a permit regarding payment of development infrastructure levy	CEO, DUL & Specific Statutory Planning Officers		
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, DUL & Supervising Statutory Planning Officers		
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, DUL & Supervising Statutory Planning Officers		
s 46O(1)(a) & (2)(a)	Power to ensure that the community infrastructure levy is paid, or agreement is in place, prior to issuing a building permit	CEO, DUL & 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)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, DUL and Supervising Statutory Planning Officers		
s 46P(1)	Power to require payment of an amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, DUL and Supervising Statutory Planning Officers		
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, DUL and Supervising Statutory Planning Officers		
s 46Q(1)	Duty to keep proper accounts of levies paid	CEO, DUL, CFO and Supervising Statutory Planning Officers		
s 46Q(1A)	Duty to forward to a 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, DUL 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(2)	Duty to apply the 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, DUL and Supervising Statutory Planning Officers		
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO, DUL and MSSP	Only applies when levy is paid to Council as a 'development agency'	
s 46Q(4)(c)	Duty to pay an amount to the 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, DUL and MSSP	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister	
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CEO, DUL, CSTRP, MSSP, and Supervising Statutory Planning Officers	Must be done in accordance with Part 3	
s 46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, DUL and MSSP	With the consent of, and in the manner approved by, the Minister	

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 46QC	Power to recover any amount of levy payable under Part 3B	CEO, DUL and MSSP		
s 46QD	Duty to prepare report and give a report to the Minister	CEO, DUL and Supervising Statutory Planning Staff	Where Council is a collecting agency or development agency	
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	CEO and DUL		
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CEO and DUL		
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, DUL & Supervising Statutory Planning Officers		
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, DUL, Specific Statutory Planning Officers, TLPP & PSO		
s 49(2)	Duty to make the Register available for inspection	CEO, DUL, Specific Statutory Planning Officers, TLPP and PSO		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 50(4)	Duty to amend applications	CEO, DUL & Specific Statutory Planning Officers		
s 50(5)	Power to refuse to amend applications	CEO, DUL & Specific Statutory Planning Officers		
s 50(6)	Duty to make note of amendments to applications in the Register	CEO, DUL & Specific Statutory Planning Officers, TLPP & PSO		
s 50A(1)	Power to make amendments to applications	CEO, DUL & Specific Statutory Planning Officers		
s 50A(3)	Power to require an applicant to notify the owner and make a declaration that notice has been given	CEO, DUL & Specific Statutory Planning Officers		
s 50A(4)	Duty to note amendments to applications in the Register	CEO, DUL & Specific Statutory Planning Officers, TLPP & PSO		
s 51	Duty to make copies of applications available for inspection	CEO, DUL, 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 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CEO, DUL & Specific Statutory Planning Officers		
s 52(1)(b)	Duty to give notice of the application to other municipal Councils where appropriate	CEO, DUL & Specific Statutory Planning Officers		
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, DUL & Specific Statutory Planning Officers		
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if it may result in breach of covenant	CEO, DUL & Specific Statutory Planning Officers		
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CEO, DUL & Specific Statutory Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected	CEO, DUL and Specific Statutory Planning Officers		
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, DUL and Specific Statutory Planning Officers		
s 52(3)	Power to give any further notice of an application where appropriate	CEO, DUL and Specific Statutory Planning Officers		
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, DUL and Specific Statutory Planning Officers		
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO, DUL and Specific Statutory Planning Officers		
s 54(1)	Power to require the applicant to provide more information	CEO, DUL and Specific Statutory Planning Officers		
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CEO, DUL 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 54(1B)	Duty to specify the lapse date for an application	CEO, DUL and Specific Statutory Planning Officers		
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, DUL, MSSP and Specific Statutory Planning Officers	Power to refuse to extend time is limited to CEO, DUL, MSSP and Supervising Statutory Planning Officers	
s 54A(4)	Duty to give written notice of a decision to extend or refuse to extend time under s 54A(3)	CEO, DUL and Specific Statutory Planning Officers		
s 55(1)	Duty to give copies of applications, together with the prescribed information to every referral authority specified in the planning scheme	CEO, DUL, Specific Statutory Planning Officers		
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DUL and Supervising Statutory Planning Officers		
s 57(3)	Function of receiving the name and address of persons to whom notice of decision is to go	CEO, DUL and Specific Statutory Planning Officers		
s 57(5)	Duty to make available for inspection a copy of all objections	CEO, DUL, Specific Statutory Planning Officers, TLPP and PSO		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 57A(4)	Duty to amend applications in accordance with applicant's request, subject to s57A(5)	CEO, DUL and Specific Statutory Planning Officers		
s 57A(5)	Power to refuse to amend applications	CEO, DUL and Specific Statutory Planning Officers		
s 57A(6)	Duty to note amendments to application in the Register	CEO, DUL and Specific Statutory Planning Officers, TLPP and PSO		
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, DUL and Specific Statutory Planning Officers		
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, DUL and Specific Statutory Planning Officers		
s 57C(1)	Duty to give a copy of an amended application to the referral authority	CEO, DUL and Specific Statutory Planning Officers, TLPP and PSO		
s 58	Duty to consider every application for a permit	CEO, DUL and Specific Statutory Planning Officers		
s 58A	Power to request advice from the Planning Application Committee	CEO, DUL and MSSP	<i>Planning Application Committee means a Planning Application Committee established by the Minister pursuant to section 97MA.</i>	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 60	Duty to consider certain matters	CEO, DUL and Specific Statutory Planning Officers		
s 60(1A)	Duty to consider certain matters	CEO, DUL 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)	Duty to consider the number of objectors in considering whether the use or development may have significant social effects	CEO, DUL and Specific Statutory Planning Officers		
s 61(1)(c)	Power to determine permit applications and to decide to refuse a permit application	CEO, DUL 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"> a) the application is contrary to law; or b) the application is inconsistent with policy; or c) a referral authority has objected to the grant of the permit on any specified ground; or d) the applicant has failed to carry out a direction pursuant to the Planning Scheme or Act. <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 Urban Living (DUL), and/or the Manager Strategic and Statutory Planning (MSSP) and/or the Coordinator Statutory Planning (CSP) and/or Planning Appeals Co-ordinator (PAC).</p> <p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i></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 applications and either to decide to grant a permit, or to decide to grant a permit with conditions	CEO, DUL, 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 applications and either to decide to grant a permit, or to decide to grant a permit with conditions	CEO, DUL 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>a)</p>
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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
			<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 Urban Living (DUL), and/or the Manager Strategic and Statutory Planning (MSSP) and/or the Coordinator Statutory Planning (CSP) and/or Planning Appeals Co-ordinator (PAC).</p> <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 twelve (12) or less objections received, or <p>CEO, DUL, and Specific Statutory Planning Officers for any Council application under Clause 67.</p>	

All Boroondara Planning Scheme Provisions .	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions	CEO, DUL, 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 Senior Statutory Planner (SSP), Statutory Planner (SP), Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL), and/or the Manager Strategic and Statutory Planning (MSSP) and/or the Coordinator Statutory Planning (CSP) and/or Planning Appeals Co-ordinator (PAC).</p>
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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, DUL and Specific Statutory Planning Officers		
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, DUL, MSSP and Specific Statutory Planning Officers	The Senior Statutory Planner (SSP), Statutory Planner (SP), Subdivision Officer (SO) and Counter Planner or Planning Liaison Officer (CP) must consult with the Director Urban Living (DUL) and/or the Manager Strategic and Statutory Planning (MSSP) and/or the Coordinator Statutory Planning (CSP) and/or Planning Appeals Co-ordinator (PAC) before exercising their delegation to refuse an application solely based on the objection of a recommending referral authority.	Non-compliance with the Boroondara Planning Scheme.
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent			

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, DUL and Specific Statutory Planning Officers		
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, DUL and Specific Statutory Planning Officers		
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, DUL and Specific Statutory Planning Officers		
s62(2)	Power to include other conditions	CEO, DUL and Specific Statutory Planning Officers		
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, DUL and Specific Statutory Planning Officers		
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, DUL and Specific Statutory Planning Officers		
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	CEO, DUL and Specific Statutory Planning Officers		

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, DUL and Specific Statutory Planning Officers		
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	CEO, DUL and Supervising Statutory Planning Officers		
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	CEO, DUL and Specific Statutory Planning Officers		
s 63	Duty to issue the permit where a decision is made in favour of the application (if no one has objected)	CEO, DUL and Specific Statutory Planning Officers		
s 64(1)	Duty to give notice of decision to grant a permit to the applicant and objectors	CEO, DUL and Specific Statutory Planning Officers		This 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)	Duty not to issue a permit until after the specified period	CEO, DUL and Specific Statutory Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	CEO, DUL and Specific Statutory Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CEO, DUL and Specific Statutory Planning Officers		This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s57	CEO, DUL and Specific Statutory Planning Officers		
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CEO, DUL, Specific Statutory Planning Officers, TLPP and PSO		

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, DUL, 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)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, DUL, 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)	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, DUL, 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)	Function of receiving applications for extensions of time of permits	CEO, DUL and Specific Statutory Planning Officers		
s 69(1A)	Function of receiving applications for extensions of time to complete development	CEO, DUL, MSSP 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)	Power to extend time	CEO, DUL and Specific Statutory Planning Officers	<p>The delegate may only make a decision to extend time when the following is satisfied:</p> <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	Duty to make copies of permits available for inspection	CEO, DUL, Specific Statutory Planning Officers, TLPP and PSO		
s 71(1)	Power to correct certain mistakes	CEO, DUL and Supervising Statutory Planning Officers		
s 71(2)	Duty to note corrections in the Register	CEO, DUL, Specific Statutory Planning Officers, TLPP and PSO		
s 73	Power to decide to grant amendments subject to conditions	CEO, DUL, MSSP and Specific Statutory Planning Officers	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.

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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 Delegated Committee; or b. 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 Strategic and Statutory Planning (MSSP) and/or Coordinator Statutory Planning (CSP) and/or Planning Appeals Co-ordinator (PAC) before exercising their delegation.</p>	

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
			Where there is between six (6) and 12 objections received, inclusive, to the amendment application, the Director Urban Living (DUL) or Supervising Statutory Planning Officers may make a decision.	
s 74	Duty to issue an amended permit to the applicant if there no objectors	CEO, DUL and Specific Statutory Planning Officers		
s 76	Duty to give applicants and objectors notice of a decision to refuse to grant an amendment to a permit	CEO, DUL, Specific Statutory Planning Officers and PSO		
s 76A(1)	Duty to give relevant determining referral authorities copies of amended permits and copies of notices	CEO, DUL, Specific Statutory Planning Officers, TLPP and PSO		
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, DUL, 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)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, DUL, 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	

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CEO, DUL, 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	Duty to comply with a direction of the Minister to issue amended permit	CEO, DUL and Specific Statutory Planning Officers		
s 83	Function of being the respondent to an appeal	CEO, DUL and Specific Statutory Planning Officers		
s 83B	Duty to give or publish notice of an application for review	CEO, DUL and Specific Statutory Planning Officers		
s 84(1)	Power to decide on an application at any time after an appeal is lodged against the failure to grant a permit	CEO, DUL and Specific Statutory Planning Officers	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)	Duty not to issue a permit or notice of decision or refusal after an application is made for a review of a failure to grant a permit	CEO, DUL, Supervising Statutory Planning Officers and SSP		
s 84(3)	Duty to tell the Principal Registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	CEO, DUL, and Specific Statutory Planning Officers, TLPP and PSO	<i>Note – “Principal Registrar” means the Principal Registrar of VCAT.</i>	

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Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 84(6)	Duty to issue permits on receipt of advice within 3 working days	CEO, DUL and Specific Statutory Planning Officers		
s 84AB	Power to agree to confining a review by the Tribunal	CEO, DUL and Specific Statutory Planning Officers	The delegate may only confine a review in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument	
s 86	Duty to issue a permit at the order of the Tribunal within 3 working days	CEO, DUL and Specific Statutory Planning Officers		
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, DUL and Supervising Statutory Planning Officers		
s 90(1)	Function of being heard at hearing of a request for cancellation or amendment of a permit	CEO, DUL and Specific Statutory Planning Officers		
s 91(2)	Duty to comply with the directions of VCAT	CEO, DUL and Specific Statutory Planning Officers, TLPP and PSO		
s 91(2A)	Duty to issue an amended permit to owner if the Tribunal so directs	CEO, DUL and Specific Statutory Planning Officers		
s 92	Duty to give notice of the cancellation/amendment of a permit by VCAT to persons entitled to be heard under section 90	CEO, DUL, Specific Statutory Planning Officers TLPP and PSO		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 93(2)	Duty to give notice of a VCAT order to stop development	CEO, DUL and Supervising Statutory Planning Officers		
s 95(3)	Function of referring certain applications to the Minister	CEO, DUL and Supervising Statutory Planning Officers		
s 95(4)	Duty to comply with an order or direction	CEO, DUL and Supervising Statutory Planning Officers		
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, DUL and MSSP		
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, DUL, and MSSP		
s 96A(2)	Power to agree to consider an application for a permit concurrently with preparation of proposed amendment	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers		
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRP and Specific Statutory Planning Officers		
s 96F	Duty to consider the panel's report under s 96E	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRP 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)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRP and Specific Statutory Planning Officers		
s 96H(3)	Power to give notice in compliance with the Minister's direction	CEO, DUL, MSSP, CSTRP, PSTRP, SSTRP, STRP and Specific Statutory Planning Officers		
s 96J	Power to issue permits as directed by the Minister	CEO, DUL, MSSP, CSTRP and Specific Statutory Planning Officers		
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, DUL, MSSP, CSTRP and Specific Statutory Planning Officers		
s 96Z	Duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate	CEO, DUL and MSSP		
s 97C	Power to request the Minister to decide the application	CEO, DUL, and MSSP		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 97D(1)	Duty to comply with directions of the Minister to supply any document or assistance relating to an application	CEO, DUL, MSSP and Specific Statutory Planning Officers		
s 97G(3)	Function of receiving from the Minister a copy of a notice of refusal to grant a permit or copy of any permit granted by the Minister	CEO, DUL, MSSP and Specific Statutory Planning Officers		
s 97G(6)	Duty to make a copy of permits issued under s97F available for inspection	CEO, DUL, MSSP, Specific Statutory Planning Officers, TLPP and PSO		
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, DUL, MSSP, Specific Statutory Planning Officers, TLPP and PSO		
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, DUL and MSSP		
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CEODUL & MSSP		
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, DUL and MSSP		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 97P(3)	Duty to comply with the directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, DUL, MSSP and Specific Statutory Planning Officers		
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, DUL, MSSP and Specific Statutory Planning Officers		
s 97Q(4)	Duty to comply with directions of VCAT	CEO, DUL, MSSP and Specific Statutory Planning Officers		
s 97R	Duty to keep register of all applications for certificates of compliance and related decisions	CEO, DUL, MSSP, Specific Statutory Planning Officers, TLPP and PSO		
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, DUL, MSSP and Specific Statutory Planning Officers		
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DUL and MSSP		
s 101	Function of receiving claims for expenses in conjunction with claim	CEO, DUL and MSSP		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 103	Power to reject a claim for compensation in certain circumstances	CEO, DUL and MSSP	<i>Note – refers to small claims, ie:</i> a) \$500 or any greater amount prescribed by the Regulations; or b) 0.1% of the value that the land had not been affected by any circumstance set out in section 98(1) or (2) or section 107.	
s 107(1)	Function of receiving claims for compensation	CEO, DUL and MSSP		
s 107(3)	Power to agree to extend the time for making claim	CEO, DUL and MSSP		
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	CEO		
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, DUL, MSSP and Supervising Statutory Planning Officers		
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, DUL, MSSP, Supervising Statutory Planning Officers, SSP and PIO		
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DUL, MSSP and Supervising Statutory Planning Officers		
s 123(1)	Power to carry out work required by an enforcement order and recover costs	CEO, DUL, MSSP and Supervising Statutory Planning Officers		

s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s123(1)	CEO, DUL	Except Crown Land	
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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 129	Function of recovering penalties	CEO, DUL and MSSP		
s 130(5)	Power to allow person served with an infringement notice further time	CEO, DUL and MSSP, Supervising Statutory Planning Officers		
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, DUL, MSSP and Supervising Statutory Planning Officers		
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CEO, DUL, MSSP and Supervising Statutory Planning Officers		
s 156	Duty to pay fees and allowances (including a payment to the Crown under a s 156(2A)) agreement and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) and power to ask for contributions under s 156(3) and power to abandon amendment or part of it under s 156(4)	CEO, DUL, MSSP, SSP, SSTRP & STRP	Where council is the relevant planning authority	
s 171(2)(f)	Power to carry out studies and commission reports	CEO, DUL, MSSP, MACP		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 171(2)(g)	Power to grant and reserve easements	CEO, DUL, MSSP, MACP		
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO, DUL, DPS	Where Council is a development agency specified in an approved infrastructure contributions plan	
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	CEO, DUL, DPS	Where Council is a collecting agency specified in an approved infrastructure contributions plan	
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	CEO, DUL, DPS	Where Council is the development agency specified in an approved infrastructure contributions plan	
s 173(1)	Power to enter into an agreement covering matters set out in s 174	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, and MCS	Subject to a prior Council resolution.	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	CEO, DUL, DCS, MSSP, Supervising Statutory Planning Officers	Where Council is the relevant responsible authority and subject to a prior Council resolution.	
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CDM&C and Supervising Statutory Planning Officers		
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CDM&C and Supervising Statutory Planning Officers		
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS and CDM&C		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178	Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, and CDM&C		
s 178A(1)	Function of receiving an application to amend or end an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C, Specific Statutory Planning Officers, TLPP and PSO		
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory Planning Officers		
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C and Specific Statutory Planning Officers		
s 178A(5)	Power to propose to amend or end an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory Planning Officers		

s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C, SPP, PSTRP, STRP and Specific Statutory Planning Officers		
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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C, PSTRPP, STRP and Specific Statutory Planning Officers		
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C, PSTRP, SSTRP, STRP and Specific Statutory Planning Officers		
s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C and Supervising Statutory Planning Officers		
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C and Specific Statutory Planning Officers		
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory Planning Officers	Where there are between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	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)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	Must consider matters in s.178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	Must consider matters in s.178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	After considering objections, submissions and matters in s.178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	After considering objections, submissions and matters in s.178B
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory Planning Officers	Where there is between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	After considering objections, submissions and matters in s.178B

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory Planning Officers	Where there are between 1 and no more than 12 objections received (under s. 178D) the delegate in Column 3 may make a decision.	After considering objections, submissions and matters in s.178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C, PSTRP, SSTRP, STRP and Supervising Statutory Planning Officers		
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CSTRP, CDM&C, PSTRP, SSTRP, STRP and Supervising Statutory Planning Officers		
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory Planning Officers		
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, CDM&C and Supervising Statutory Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MSSP, MCS and CDM&C		
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, DUL, DCT, DCS, DPS, MSSP, MCS, CSTRP, CDM&C, PSTRP, SSTRP, STRP and SupervisingStatutory Planning Officers		
s 179(2)	Duty to make available for inspection copy agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CSTRP, PSTRP, SSTRP, STRP, CDM&C, Specific Statutory Planning Officers, TLPP and PSO		
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	CEO, DUL, DCT, DCS, DPS, MACP MSSP, MSSP and MCS		
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CDM&C, CSTRP, and SupervisingStatutory Planning Officers		

s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, SSP, CDM&C, CSTRP, and Supervising Statutory Planning Officers		
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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 182	Power to enforce an agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CDM&C, Supervising Statutory Planning Officers and PIO		
s 183	Duty to tell the Registrar of Titles of ending/amendment of agreement	CEO, DUL, DCT, DCS, DPS, MACP, MSSP, MCS, CDM&C and Specific Statutory Planning Officers		
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, DUL, DCT, DCS, DPS, MSSP, MSSP and MCS		
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, DUL, DCT, DCS, DPS, MSSP, MSSP and MCS		
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	CEO, DUL, DCT, DCS, DPS, MSSP, MCS, CSTRP, PSTRP, SSTRP, STRP, Supervising Statutory Planning Officers, SSP and SO		

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	CEO, DUL, DCT, DCS, DPS, MSSP, MCS, CSTRP, PSTRP, SSTRP, STRP, Supervising Statutory Planning Officers, SSP and SO		
s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, DUL, DCT, DCS, DPS, MSSP, MCS, Supervising Statutory Planning Officers, SSP and SO		
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, DUL, DCT, DCS, DPS, MSSP, MCS, Supervising Statutory Planning Officers, SSP and SO		
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, DUL, MSSP and Specific Statutory Planning Officers		
S 201(3)	Duty to make declaration	CEO, DUL, MSSP 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, DUL, MSSP 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 Delegated Committee, can only be exercised if, in the opinion of DUL, MSSP 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 s 61(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, DUL, MSSP and Supervising Statutory Planning Officers if there are no objector parties; • CEO, DUL, MSSP 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 Delegated Committee, can only be exercised if, in the opinion of DUL, MSSP 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
-	Power to determine that a matter be considered at a mediation or compulsory conference before VCAT	CEO, DUL, MSSP, CSTRP and Supervising Statutory Planning Officers		
-	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	CEO, DUL, MSSP, CSTRP, Specific Statutory Planning Officers and PIO		
-	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, DUL, MSSP, CSTRP and Specific Statutory Planning Officers	The delegates may only determine amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument.	
-	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, DUL, MSSP, CSTRP and Specific Statutory Planning Officers	The delegates may only determine amendments in accordance with the conditions, limitations and guidelines outlined under Section 61(1) in this Instrument.	
-	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, DUL, MSSP, CSTRP, Supervising Statutory Planning Officers and SSP		
s 201UAB(1)	Function of providing the Victorian Planning Authority with information relating to any land within municipal district	CEO, DUL, MSSP and Supervising Statutory Planning Officers		

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PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	IMPLEMENTATION GUIDELINES
s.201UAB(2)	Duty to provide the Victorian Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, DUL, MSSP, CSTRP & Supervising Statutory Planning Officers		

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CEO, DUL, MCS, MSSP & MBS	
s 522(1)	Power to give a compliance notice to a person	CEO, DUL, MCS, MSSP & MBS	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO, DUL, MCS, MSSP & MBS	
s 525(4)	Duty to issue identity cards to authorised officers	CEO, DUL, MCS, MSSP & MBS	
s 526(5)	Duty to keep a record of entry by authorised officers under s 526	CEO, DUL, MCS, MSSP & MBS	

RESIDENTIAL TENANCIES ACT 1997			
s 526A(3)	Function of receiving reports of inspections	CEO, DUL, MCS, MSSP & MBS CHP&P, TLHS and EHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO, DUL, MCS, MSSP & MBS	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CEO, DPS, MCP, MT&T, MACP	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CEO, DPS, MCP, MT&T, MACP	Subject to a prior Council resolution naming the road.
s 11(9)(b)	Duty to advise Registrar	CEO, DPS, MCP, MT&T, MACP	
s 11(10)	Duty to inform the Secretary to the Department of Environment, Land, Water and Planning (DELWP) of the declaration etc.	CEO, DPS, MCP, MT&T, MACP	Clause subject to s 11(10A)
s 11(10A)	Duty to inform the Secretary to DELWP or nominated person	CEO, DPS, MACP, MT&T, MCP	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	CEO, DPS, MACP, MT&T, MCP	Where Council is the coordinating road authorityc
s 12(4)	Power to publish, and provide copies of notices of proposed discontinuances	CEO, DPS, DCT, MACP, MCP, MT&T	Power of the coordinating road authority where it is the discontinuing body unless s 12(11) applies.
s 12(5)	Duty to consider written submissions received within 28 days of notice		Duty of the coordinating road authority where it is the discontinuing body unless s 12(11) applies. The duty remains with the Council. Submissions would be considered by the Council or the Services Delegated Committee.
s 12(6)	Function of hearing a person in support of their written submission		Function of the coordinating road authority where it is the discontinuing body unless s 12(11) applies. The duty remains with the Council. Submissions would be considered by the Council or the Services Delegated Committee.

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12(7)	Duty to fix day, time and place of the meeting under subsection (6) and to give notice		Duty of the coordinating road authority where it is the discontinuing body unless s 12(11) applies.
s 12(10)	Duty to notify of decision made	CEO, DPS, MCP, MT&T, MACP	Duty of the coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in the Victoria Government Gazette	CEO, DPS, MCP, MT&T, MACP	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	CEO, DPS, MT&T, MACP, MWI	
s 14(7)	Power to appeal against a decision of the Head, Transport for Victoria	CEO, DPS, MCP, MWI, MT&T, MACP	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CEO, DPS, MCP, MWI, MT&T, MACP	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CEO, DPS, MCP, MWI, MT&T, MACP	
s 15(2)	Duty to include details of an arrangement in the public roads register	CEO, DPS, MT&T, MACP	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 16(7)	Power to enter into an arrangement under section 15	CEO, DPS, MCP MWI, MT&T, MACP	
s 16(8)	Duty to enter details of determinations in the public roads register	CEO, DPS, MCP, MT&T, MACP	
s 17(2)	Duty to register public roads in the public roads register	CEO, DPS, MACP	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CEO, DPS, MCP, MT&T, MACP	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in the public roads register	CEO, DPS, MCP, MT&T, MACP	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use		Where Council is the coordinating road authority. The power remains with the Council.
s 17(4)	Duty to remove a road no longer reasonably required for general public use from the public roads register	CEO, DPS, MCP, MT&T, MACP	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary areas	CEO, DPS, MT&T, MACP	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s18(2)
s 18(3)	Duty to record designations in the public roads register	CEO, DPS, MT&T, MACP	Where Council is the coordinating road authority
s 19(1)	Duty to keep a register of public roads in respect of which it is the coordinating road authority	CEO, DPS, MT&T, MACP	
s 19(4)	Duty to specify details of discontinuances in the public roads register	CEO, DPS, CRPS, MACP	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(5)	Duty to ensure the public roads register is available for public inspection	CEO, DPS, MT&T, MACP	
s 21	Function of replying to requests for information or advice	CEO, DPS, MCP, MT&T, MACP, MCS, CPA&PA, SCTA, CTM, CT and All AP&P Staff	Obtain consent in circumstances specified in schedule 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, DPS, MCP, MT&T, MACP, MCS, CPA&PA and All AP&P Staff	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report	CEO, DPS, MCP, MT&T, MACP	
s 22(5)	Duty to give effect to a direction under s 22	CEO, DPS, MCP, MT&T, MACP	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(1)	Duty to inspect, maintain and repair a public road.	CEO, DPS, MT&T, MCP, MFW&I, MACP, All Asset Management Staff, All Planning Officers, All Road and Path Maintenance Staff, All Traffic and Transport Staff, All AP&P Staff	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CEO, DPS, MT&T, MCP, MACP, MFW&I	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CEO, DPS, MT&T, MCP, MACP, MFW&I	
s 42(1)	Power to declare a public road as a controlled access road	CEO, DPS, MT&T, MCP, MACP, MFW&I	Power of coordinating road authority and Schedule 2 also applies. <i>Note - "controlled access road" means a public road in respect of which a declaration is in force under section 42.</i>
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CEO, DPS, MT&T, MCP, MACP, MFW&I	Power of coordinating road authority and Schedule 2 also applies

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 42A(3)	Duty to consult with the Head, Transport for Victoria and the Minister for Local Government before road is specified	CEO, DPS, MT&T, MCP, MACP, MFW&I	Where Council is the coordinating road authority if road is a municipal road or part thereof. <i>Note - "specified road" means a road or part of a road which is specified under section 42A to be a specified road in respect of which a mode of transport is to have priority.</i>
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	CEO, DPS, MT&T, MCP, MACP, MFW&I	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. <i>Note – section 42A (4) provides that If a road or part of a road which is to be a specified freight road is a municipal road, the Minister must obtain the approval of the municipal council which is the coordinating road authority before the road or part of the road can be specified to be a specified freight road.</i>
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	CEO, DPS, MT&T, MCP, MACP, MFW&I	Where Council is the responsible road authority
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	CEO, DPS, MT&T, MCP, MACP, MFW&I, All Traffic and Transport Staff	<i>Note – the section refers to bus stopping points and bus stop infrastructure.</i>
s 49	Power to develop and publish a road management plan	CEO, DPS, MCP, MACP	
s 51	Power to determine standards by incorporating the standards in a road management plan	CEO, DPS, MCP, MACP	

s 53(2)	Power to cause notice to be published in the Victoria Government Gazette of amendment etc of document in road management plan	CEO, DPS, MCP, MACP	
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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54(2)	Duty to give notice of a proposal to make a road management plan	CEO, DPS, MCP, MACP	
s 54(5)	Duty to conduct a review of the road management plan at prescribed intervals	CEO, DPS, MCP, MACP	
s 54(6)	Power to amend a road management plan	CEO, DPS, MCP, MACP	
s 54(7)	Duty to incorporate the amendments into the road management plan	CEO, DPS, MCP, MACP	
s 55(1)	Duty to cause notice of road management plan to be published in the Victoria Government Gazette and newspaper	CEO, DPS, MCP, MACP	
s 63(1)	Power to consent to conduct of works on road	CEO, DPS, MCP, MT&T, MACP, CT, CTM, SCTA & All Traffic and Transport Staff, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CEO, DPS, MCP, MT&T, MACP, CT, CTM, MCS, CPA&PA, All AP&P staff	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CEO, DPS, MCP, MT&T & MACP	Where Council is the infrastructure manager or works manager. <i>Schedule 7 relates to infrastructure and works on roads. Clause 13 of Schedule 7 requires the works manager to give notice the relevant coordinating authority of the completion of works</i>

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 66(1)	Power to consent to structures etc	CEO, DPS, MCP, MACP	Where Council is the coordinating road authority. Sections 66 to 79 refer to advertising signs on roads.
s 67(2)	Function of receiving the name and address of the person responsible for distributing the sign or bill	CEO, DPS, MCP, MACP, MCS	Where Council is the coordinating road authority. <i>Note – the section refers to a person who commissions the making of an advertising sign or bill that is placed on or over a road or on a pole, bus shelter, traffic sign or other object or infrastructure on a road reserve.</i>
s 67(3)	Power to request information	CEO, DPS, MCP, MACP, MCS	Where Council is the coordinating road authority.
s 68(2)	Power to request information	CEO, DPS, MCP, MACP, MCS	Where Council is the coordinating road authority.
s 71(3)	Power to appoint an authorised officer	CEO, DPS, DUL, CFO, EMPCD	
s 72	Duty to issue an identity card to each authorised officer	EMPCD	
s 85	Function of receiving reports from authorised officers	CEO, DPS, MCP, MACP, MT&T & MCS	
s 86	Duty to keep a register regarding s 85 matters	CEO, DPS, MCP, MT&T, MACP & MCS	
s 87(1)	Function of receiving complaints	CEO, DPS, MACP, MCP, MT&T & MCS	
s 87(2)	Duty to investigate complaints and provide reports	CEO, DPS, MCP, MT&T, MACP & MCS	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	CEO, DPS, MCP, MT&T, MACP & MCS	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 112(2)	Power to recover damages in court	CEO, DPS, MCP, MT&T, MACP & MCS	<i>Note – the section applies if a road authority incurs extraordinary expenses in repairing a road that has been damaged as a result of the passage of extraordinary traffic or excessive mass along the road.</i>
s 116	Power to cause or carry out inspection	CEO, DPS, MCP, MT&T & MACP	
s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO, DPS, MACP, MT&T & MCP	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	CEO, DPS, MCP, & MACP	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	CEO, DPS, MCP, & MACP	
s 121(1)	Power to enter into an agreement in respect of works	CEO, DPS, MCP, & MACP	
s 122(1)	Power to charge and recover fees	CEO, DPS, MACP & MCP	<i>Note – fees may be charged if authorised under the Road Management (General) Regulations 2016. The Regulations express the fees in terms of “fee units” which are indexed annually. In 2020/21, a fee unit is \$14.81.</i>
s 123(1)	Power to charge for any service	CEO, DPS, MACP & MCP	<i>Note:</i> <ul style="list-style-type: none"> a) <i>fees must not be inconsistent with the relevant Regulations. Fees are fixed by Council in the annual budget process; and</i> b) <i>the charge can include costs relating to</i> <ul style="list-style-type: none"> • <i>supplying a service, product or commodity; or</i> c) <i>giving information.</i>

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	CEO, DPS, MCP, & MACP	<i>Note – “controlled access road” means a public road in respect of which a declaration is in force under section 42.</i>
sch 2 cl 3(1)	Duty to make policy about controlled access roads	CEO, DPS	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	CEO, DPS	
sch 2 cl 4	Function of receiving details of proposals from the Head, Transport for Victoria	CEO, DPS, MCP, & MACP	
sch 2 cl 5	Duty to publish notice of declaration	CEO, DPS, MCP, & MACP	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CEO, DPS, MCP, & MACP	Where Council is the infrastructure manager or works manager
sch 7 Clause 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CEO, DPS, MCP, & MACP	Where Council is the infrastructure manager or works manager

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CEO, DPS, MCP, & MACP	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	CEO, DPS, MCP, & MACP	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CEO, DPS, MCP, & MACP	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify the relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	CEO, DPS, MCP, & MACP	Where Council is the works manager

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 13(2)	Power to vary notice period	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
sch 7, cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	CEO, DPS, MCP, & MACP	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority
sch 7 cl16(6)	Power to set reasonable conditions on consent	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 18(1)	Power to enter into an agreement	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require the removal, relocation, replacement or upgrade of existing non-road infrastructure	CEO, DPS, MCP, & MACP, MCS, CPA&PA, All AP&P staff	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	CEO, DPS, MCP, & MACP, MT&T, CTM, CT, All Traffic and Transport Staff	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	CEO, DPS, MCP, & MACP	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	CEO, DPS, MCP, & MACP	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4	CEO, DPS, MCP & MACP	Duty of Council as the responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

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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 s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CEO, DUL & MSSP	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 the responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act	CEO, DUL, MSSP, CSP, PAC, SSP, CP, PSP, PO & SP	
r 25(a)	Duty to make copies of matters considered under s 60(1A)(g) available for inspection free of charge	CEO, DUL & MSSP	Where Council is the responsible authority
r 25(b)	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	CEO, DUL & MSSP	Where Council is not the responsible authority but the relevant land is within Council's municipal district
r 42	Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CEO, DUL & MSSP	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, DUL & MSSP, CSTRP	Where Council is the planning authority. <i>Note – the grounds for waiving or rebating a fee include:</i> <ul style="list-style-type: none"> a) where the application is withdrawn and a new application is submitted; b) the amendment combines separate items from multiple requests for an amendment; and c) the amendment is intended to remove anomalies in the planning scheme.
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, DUL, MSSP, CSP, PAC and PSP	<i>Note – the grounds for waiving or rebating a fee include:</i> <ul style="list-style-type: none"> a) where the application is withdrawn and a new application is submitted; b) the application relates to land used for charitable purposes; and c) the fee is not warranted due to the minor nature of the application.
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, DUL, MSSP, CSTRP, PSP, 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)	Duty to conduct reviews of road management plan	CEO, DPS, MCP, & MACP	
r 9(2)	Duty to produce a written report of the review of the road management plan and make the report available	CEO, DPS, MCP, & MACP	
r 9(3)	Duty to give notice where a road management review is completed and no amendments will be made (or no amendments for which notice is required)	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
r 10	Duty to give notice of amendments which relate to the standard of construction, inspection, maintenance or repair under s 41 of the Act	CEO, DPS, MCP, & MACP	
r 13(1)	Duty to publish notice of amendments to the road management plan	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
r 13(3)	Duty to record on the road management plan the substance and date of effect of amendment	CEO, DPS, MCP, & MACP	
r 16 (3)	Power to issue permits	CEO, DPS, MCP, MT&T, & MACP	Where Council is the coordinating road authority
r 18(1)	Power to give written consent regarding damage to roads	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority
r 23(2)	Power to make submissions to the Tribunal	CEO, DPS, MCP, & MACP	Where Council is the coordinating road authority

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ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 23(4)	Power to charge a fee for an application under s 66(1) of the Road Management Act	CEO, DPS, MCP & MACP	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CEO, DPS, MCP, MACP & MCS	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	CEO, DPS	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, DPS, MCP & MACP	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 15	Power to exempt a person from q requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	CEO, DPS, MCP & MACP	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive the whole or part of a fee in certain circumstances	CEO, DPS, MCP & MACP	Where Council is the coordinating road authority