

INSTRUMENT OF DELEGATION MADE PURSUANT TO SECTION 98 (1) OF THE LOCAL GOVERNMENT ACT 1989
DELEGATION TO MEMBERS OF COUNCIL STAFF

FROM COUNCIL TO STAFF
CITY DEVELOPMENT DIVISION (CITY PLANNING DEPARTMENT)

The persons listed occupy to the following positions referred to in the Instrument of Delegation

<i>Chief Executive Officer</i>	<i>(CEO)</i>
<i>Director City Development</i>	<i>(DCD)</i>
<i>Manager City Planning</i>	<i>(MCP)</i>
<i>Manager Strategic Planning & Economic Development</i>	<i>(MSP&ED)</i>
<i>Coordinator Statutory Planning</i>	<i>(CSP)</i>
<i>Coordinator Strategic Planning</i>	<i>(CSTP)</i>
Team Leader Planning Investigations	(TLPI)
Senior Planning Investigations Officer	(SPIO)
Team Leader Statutory Planning	(TL)
Principal Planner	(PP)

Senior Planner (includes Subdivision and VicSmart Planner)	(SP)
<i>Planning Officer</i>	<i>(PO)</i>
<i>Senior Strategic Planner</i>	<i>(SSP)</i>
<i>Strategic Planner</i>	<i>(STP)</i>
<i>Support Officer</i> (includes Coordinator)	<i>(SO)</i>

Planning and Environment Act 1987

Provision	Summary of power	Delegate
s4B	Power to prepare an amendment to the Victorian Planning Provisions if authorised by the Minister	CEO, DCD, MCP, MSP&ED
s4G	Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	CEO, DCD, MCP, MSP&ED, CSTP, SSP, STP
s4H	Duty to make amendments to Victoria Planning Provisions available	CEO, DCD, MCP, MSP&ED, CSTP, SSP, STP
s4I	Duty to keep Victoria Planning Provisions and other documents available	CEO, DCD, MCP, MSP&ED, CSTP, SSP, STP
s.8A(2)	Power to prepare amendment to the Planning Scheme where the Minister has given consent under s.8A	CEO, DCD, MCP, MSP&ED, CSTP
8A(3)	Power to apply to the Minister to prepare an amendment to the planning scheme	CEO, DCD, MCP, MSP&ED, CSTP
s.8A(5)	Function of receiving notice of the Minister's decision	CEO, DCD, MCP, MSP&ED, CSTP
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, DCD, MCP, MSP&ED, CSTP
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, DCD, MCP, MSP&ED, CSTP
s12A (1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	CEO, DCD, MCP, MSP&ED, CSTP
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, DCD, MCP, MSP&ED, CSTP
s12B(1)	Duty to review planning scheme	CEO, DCD, MCP, MSP&ED
s12B(2)	Duty to review planning scheme at direction of Minister	CEO, DCD, MCP, MSP&ED
s12B(5)	Duty to report findings of review of planning scheme to Minister without delay	CEO, DCD, MCP, MSP&ED
s19(1A)	Power to determine whether the number of owners/occupiers affected makes it impractical to notify them all individually about an amendment	CEO, DCD, MCP, MSP&ED, CSTP
s14	Duties of a Responsible Authority as set out in subsections (a) to (d)	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s17(1)	Duty of giving copy of amendment to the Planning Scheme	DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s17(2)	Duty of giving copy of s.173 agreement	DCD, MCP, MSP&ED, CSTP, CSP, TL, SSP, STP
s.17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DCD, MCP, MSP&ED, CSTP, CSP, TL, SSP, STP
s18	Duty to make amendments etc available	DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP

Provision	Summary of power	Delegate
s19	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, DCD, MCP, MSP&ED, CSTP
s.19	function of receiving notice of preparation of an amendment to a planning scheme (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.)	CEO, DCD, MCP, MSP&ED, CSTP
s20(1)	Power to apply to Minister for exemption from the requirements of s 19	CEO, DCD, MCP, MSP&ED, CSTP
s21(2)	Duty to make submissions available	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s21A(4)	Duty to publish notice in accordance with section	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s22	Duty to consider all submissions	CEO, DCD, MCP, MSP&ED, CSTP
s 22(4)	Power to consider a submission regarding amendment to SPPF	CEO, DCD, MCP, MSP&ED, CSTP
s.23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CEO, DCD, MCP, MSP&ED, CSTP
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, DCD, MCP, MSP&ED, CSTP Only where Council has already resolved to refer Amendment to a Panel.
s24	function to represent Council and present a submission at a panel hearing (including a hearing referred to in s96D)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s 26(1)	Power to make panel report available for inspection	CEO, DCD, MCP, MSP&ED, CSTP
s26(2)	Duty to keep report of panel available for inspection	CEO, DCD, MCP, MSP&ED, CSTP
s 27(2)	Power to apply for exemption if panel's report not received	CEO, DCD, MCP, MSP&ED, CSTP
s.28	Duty to notify the Minister if abandoning an amendment (Note: the power to make a decision to abandon an amendment cannot be delegated)	CEO, DCD, MCP, MSP&ED, CSTP
s30(4)(a)	Duty to say if amendment has lapsed	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s30(4)(b)	Duty to provide information in writing upon request.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s31	Duty to submit adopted amendment to Minister and, if applicable, details under s.19(1B).	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s32(2)	Duty to give more notice if required	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s33(1)	Duty to give more notice of changes to an amendment	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s36(2)	Duty to give notice of an approval to an amendment.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s38(5)	Duty to give notice of revocation of an amendment.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP

Provision	Summary of power	Delegate
s39	Function of being a party to a proceeding commenced under Section 39 and duty to comply with determination by VCAT	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s40(1)	Function of lodging a copy of approved amendment	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s41	Duty to make approved amendment available	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s42	Duty to make copy of Planning Scheme available	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s.46GF	Duty to comply with directions issued by the Minister	CEO, DCD, MCP, MSP&ED, CSTP, CSP,
s.46GG	Duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	CEO,DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP, SP
s.46GH(1)	Power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	CEO,DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP, SP where council is a collecting agency
s.46GH(2)	Power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	CEO,DCD where council is a collecting agency
s.46GH(3)	Duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	CEO,DCD, MCP, MSP&ED, CSTP, CSP where council is a collecting agency
s.46GI(1)	Duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the <i>Planning and Environment Act 1987</i>	CEO,DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP, SP, SO must be done in accordance <i>with Local Government Act 1989.</i>
s.46GI(2)	Duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	CEO,DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP, SP, SO
s.46GI(3)	Duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	CEO,DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP, SP
s46GI(4)	Power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the <i>Planning and Environment Act 1987</i> if satisfied that the development is not to proceed	CEO,DCD, MCP, MSP&ED, CSTP, CSP, TL,
s.46GI(5)	Duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	CEO,DCD, MCP, MSP&ED, CSTP, CSP
s.46GL	Power to recover any amount of infrastructure levy as a debt due to Council	CEO,DCD, MCP, MSP&ED, CSTP, CSP,TL where council is a collecting agency

Provision	Summary of power	Delegate
s.46GM	Duty to prepare report and give a report to the Minister	CEO,DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP, SP, SO where council is a collecting agency or development agency
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CEO, DCD, MCP, MSP&ED, CSP, CSTP
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, DCD, MCP, MSP&ED, CSP, CSTP Subject to any relevant Council Policy
s 46N(2)(d)	Power to enter into an agreement with person for payment of levy the applicant regarding payment of development infrastructure levy	CEO, DCD, MCP, MSP&ED, CSP, CSTP
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	CEO, DCD, MCP, MSP&ED, CSP, CSTP Subject to any relevant Council Policy
s46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, DCD, MCP, MSP&ED, CSP, CSTP
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be secured to its satisfaction	CEO, DCD, MCP, MSP&ED
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, DCD, MCP, MSP&ED
s46Q(1)	Duty to keep proper accounts of levies paid	CEO, DCD, MCP, MSP&ED, CSP, CSTP
s46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
S46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc.	CEO, DCD, MCP, MSP&ED
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed – only applies when levy is paid to Council as a 'development agency'	CEO, DCD, MCP, MSP&ED
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the council or for the provision by the council of works, services or facilities in an area under s.46Q(4)(a) - 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 Ministe	CEO, DCD, MCP, MSP&ED

Provision	Summary of power	Delegate
s46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan - must be done in accordance with Part 3	CEO, DCD, MCP, MSP&ED, CSTP
s46Q(4)(e)	Duty to expend that amount on other works etc. - with the consent of, and in the manner approved by, the Minister	CEO, DCD, MCP, MSP&ED
s46QC	Power to recover any amount of levy payable under Part 3B	CEO, DCD, MCP, MSP&ED, CSTP
s.46QD	duty to prepare report and give a report to the Minister - where council is a collecting agency or development agency	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s46V(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, DCD, MCP, MSP&ED, CSTP
s46Y	Duty to carry out works in conformity with the approved strategy plan	CEO, DCD, MCP, MSP&ED
s47	Power to decide that an application for a planning permit does not comply with that Act	CEO, DCD, MCP, MSP&ED, CSP, TL, PP, SP, PO, SO
s49(1)	Duty to keep a register of all applications for permits and determinations relating to permits.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
S49(2)	Duty to make register available for inspection	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s50(4)	Duty to amend application	DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP, SP
s 50(5)	Power to refuse to amend application	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP
s50(6)	Duty to make note of amendment to application in register	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s 50A(1)	Power to make amendments to applications	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s 50A(3)	Power to require applicant to give notice notify owner and make declaration that gave notice has been given	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s50A(4)	Duty to note amendment to application in register	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s.51	Duty to make copy of application available for inspection	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s 52(1)(a)	Power to determine whether the grant of the permit would not cause material detriment to any person	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP
s 52(1)(b)	Power to determine whether the application may materially affect land within a municipal council's land	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO

Provision	Summary of power	Delegate
s.52(1)(c)	Duty to give notice of the application to all persons required by the Planning Scheme	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s 52(1)(ca)	<u>Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant</u> Power to determine whether anything authorised by the permit would result in a breach of a restrictive covenant	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s52(1)(cb)	<u>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</u> Considering whether the application is to remove or vary a registered restrictive covenant and who are the owners or occupiers of land benefited by the covenant	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s 52(1)(d)	Power to determine whether the grant of the permit may cause material detriment to any person	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant.	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s 52(1A)	Power to refuse an application	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
s 52(2)(b)	Power to determine how notice of a planning permit application should be given	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s 52(3)	Power to give any further notice of an application where appropriate	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s 53(1) & (1A)	Power to require the applicant to give notice to persons specified in Section 52(1) & 52(1AA)	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s 53(2)	Power to determine whether or not the applicant has given notice (Responsible Authority must be satisfied)	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s 54(1)	Power to require the applicant to provide more information	CEO, DCD, MCP, MSP&ED, CSP, TL, PP, CSTP, SP, PO
s.54(1A)	Duty to give notice in writing of information required under s.54(1)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.54(1B)	Duty to specify the lapse date for an application	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s 54A(3)	power to decide to extend time for applicant to provide required information or to refuse request for extension	CEO, DCD, MCP, MSP&ED, CSP, TL, PP, CSTP, SP, PO
s.54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s.54(A)(3)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL, PP, SP, PO

Provision	Summary of power	Delegate
s 55(1)	Power to decide whether the applicant has satisfied the Responsible Authority that the referral authority has considered the application within the past 3 months and stated in writing that it does not object to the granting of the permit	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL, PP, SP, PO
s57	Objecting to an application outside the Municipality only where - (a) it is considered the proposal may cause significant detriment to the residents of the Monash municipality, and (b) the timing for the lodgement of the objection precludes the matter being referred to a Council meeting.	CEO, DCD MCP, MSP&ED (MCP, MSP&ED only after consultation with the DCD)
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DCD, MCP, MSP&ED, CSP, TL
s57(3)	Function of receiving name and address of persons to whom a notice of decision is to go.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s.57(5)	Duty to make available for inspection copy of all objections.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s.57A(4)	Duty to amend application in accordance with applicant's request, subject to s.57A(5)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s 57A(5)	Power to refuse to amend application	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL, PP, SP, PO
s.57A(6)	Duty to note amendments to application in register	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP
s 57B(2)	Duty to consider certain matters in determining whether notice should be given.	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s 57C(1)	Power to determine that the amended application would not adversely affect the interests of a referral authority and thus that the amended application does not need to be given to the referral authority. Duty to give copy of amended application to referral authority	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP
s.58	Duty to consider every application for a permit	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP

Provision	Summary of power	Delegate
s.58A	Power to request advice from the Planning Application Committee	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP
s.60(1)	Duty to consider certain matters	CEO, DCD, MCP, MSP&ED, CSP, TL, PP, SP, PO
s 60(1)(e)	Power to determine whether there are any significant effects that the application may have on the environment or which the environment may have on the application; if so, consideration of such matters	CEO, DCD, MCP, MSP&ED, CSP, TL
s 60(1A)	Power to determine which matters may be considered	CEO, DCD, MCP, MSP&ED, CSP, SSP, TL, PP
s.60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CEO, DCD, MCP, MSP&ED, CSP, TL, PP, SP, PO
s 60(2)	Power to determine whether Council is satisfied that the owner of land benefited by an application for removal or variation of a restriction will be unlikely to suffer specified types of detriment as a consequence of the application.	CEO, DCD, MCP, MSP&ED, CSP, TL, PP
s 60(5)	Power to determine whether Council is satisfied that the owner of land benefited by an application for removal or variation of a restriction will be unlikely to suffer any detriment of any kind as a consequence of the application and that if the owner has objected to the application that the objection is vexatious or not made in good faith	CEO, DCD, MCP, MSP&ED, CSP, TL
s 61(1)	Power to decide to grant or refuse a permit - the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
s.61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
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, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
61(3)(b)	Duty to refuse to grant a permit without the Ministers consent	CEO, DCD
s.61(4)	Duty to refuse to grant the permit if grant would authorize a breach of a registered restrictive covenant	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
s.62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
s 62(2)	Power to include conditions in planning permit	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
s.62(4)	Duty to ensure conditions are consistent with paragraphs (a), (b) and (c)	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
s 62(5)(a)	Power to include a permit condition to implement an approved development contribution plan	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP,

Provision	Summary of power	Delegate
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
s 62(5)(c)	Power to include a condition that specified works, services or facilities that Council considers necessary to be provided on or to the land or other land as a result of the grant of the permit be provided or paid for in accordance with this section	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP
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, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
S.63 & 64	Duty to give an applicant and any/each objector a notice in the prescribed form of its decision to grant a permit. This provision applies also to a decision to grant an amendment to a permit (s75)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
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 (This provision applies also to a decision to grant an amendment to a permit – See section 75A)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.65(1)	Duty to give notice of refusal to grant permit to applicant and objector.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.66(1)	Duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit (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)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit (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)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
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 (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)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO

Provision	Summary of power	Delegate
s.69(1)	Function of receiving application for extension of time of permit	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP, SP, PO, SO
s.69(1A)	Function of receiving application for extension of time to complete development	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP, SP, PO, SO
s.69(2)	Power to extend time	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP, SP, PO
s70	Duty to make a copy of permit available for inspection.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s 71(1) & (2)	Power to correct certain mistakes in planning permit and duty to note in register	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
s 73	Power to determine application for amendment of planning permit	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
s74	Duty to issue amended permit to applicant if no objectors	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP
s.76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit (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)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit (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)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76 (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)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.76D	Duty to comply with direction of Minister to issue amended permit.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL
s83	Representing Council as a party in a VCAT proceeding	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO

Provision	Summary of power	Delegate
S83B	Duty to give or publish notice of application for review	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP
s.84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP
s.84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s.84(6)	Duty to issue permit on receipt of advice within 3 working days	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s.86	Duty to issue a permit at order of Tribunal within 3 working days	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s 87(3)	Power to request that the Tribunal cancel or amend a permit	CEO, DCD, MCP, MSP&ED
s90(1)	Appearing at VCAT for the Responsible Authority in a permit cancellation or amendment case	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.91(2)	Duty to comply with the directions of VCAT.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO,
s.92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s.93(2)	Duty to give notice of VCAT order to stop development.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s.95(3)	Function of referring certain applications to the Minister.	CEO, DCD, MCP, MSP&ED
s.95(4)	Duty to comply with an order or direction.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.96(1)	Duty to obtain a permit from the Minister to use and develop its land.	CEO, DCD, MCP, MSP&ED
s96(2)	Giving consent to an applicant to apply to the Minister for a planning permit on land vested in Council	CEO, DCD
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, DCD, MCP, MSP&ED, CSP, CSTP
s.96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s96C	CEO,DCD, MCP, MSP&ED

Provision	Summary of power	Delegate
s.96F	Duty to consider the panel's report under section 96E	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s 96G(1) & (4)	Power to determine to recommend that a permit be granted with or without changes or to refuse to recommend that a permit be granted	CEO, DCD, MCP, MSP&ED, CSP, CSTP
s.96H(3)	Power to give notice in compliance with Minister's direction.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP
s.96J	Power to issue permit as directed by the Minister.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP
s.96K	Duty to comply with direction of the Minister to give notice of refusal.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, STP, TL, PP
s 97C(1)	Power to determine whether to request the Minister to decide the application	CEO, DCD, MCP, MSP&ED, CSP, CSTP
s.97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP
s.97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s.97G(6)	Duty to make a copy of permits issued under s.97F available for inspection.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s.97L	Duty to include Ministerial decisions in a register kept under s.49.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s.97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s 97O(1) & (3)	Power to determine whether to issue or refuse to issue a certificate of compliance, having regard to the matters set out in this section and if a refusal is issued, power to specify any part of the use or development that would require a permit or is prohibited	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
s.97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL, PP
s.97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP
s.97Q(4)	Duty to comply with directions of VCAT	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO

Provision	Summary of power	Delegate
s.97R	Duty to keep register of all application for certificate of compliance and related decisions	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s.98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL
s101	Function of receiving claim for expenses in conjunction with claim	CEO, DCD, MCP, MSP&ED,
s 103	Power to reject a claim for compensation in certain circumstances (small value of compensation claimed)	CEO, DCD, MCP, MSP&ED
s.107(1)	Function of receiving claim for compensation	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s.107(3)	Power to agree to extend time for making claim for compensation	CEO, DCD, MCP, MSP&ED
s 114(1)	Power to determine to apply to the Tribunal for an enforcement order	CEO, DCD, MCP, MSP&ED, CSP, CSTP
s.117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, TPLI, SPIO
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DCD, MCP, MSP&ED
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, DCD, MCP, MSP&ED
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1) (except Crown Land)	CEO, DCD, MCP, MSP&ED
s.129	Function of recovering penalties	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, TLPI, SPIO
s 130(5)	Power to allow recipient of planning infringement notice an extension of time beyond remedy period stated in planning infringement notice in order to inform Council that the additional steps set out in order have been taken	CEO, DCD, MCP, MSP&ED, CSP, TLPI, SPIO
s 140(2)(b)	Power to certify a copy of an approved planning scheme amendment	CEO, DCD, MCP, MSP&ED
s 149(1)	Power to apply to the Tribunal for review of decisions specified in s149	CEO, DCD, MCP, MSP&ED
s 149A(1)	Power to refer a matter to the Tribunal for determination	CEO, DCD, MCP, MSP&ED, CSP, TLPI, SPIO
s.149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CEO, DCD, MCP, MSP&ED, CSP, TLPI, SPIO

Provision	Summary of power	Delegate
s.156	Duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B) power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4) (Where council is the relevant planning authority)	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s156(2)(2A) (2B)	Duty to pay fees, allowances, costs and expenses	CEO, DCD, MCP, MSP&ED, CSTP, CSP TL, SPIO
s 156(3)	Power to ask person who requested planning scheme amendment for contribution towards costs of panel incurred by Council under s156 (2) and (2A)	CEO, DCD, MCP, MSP&ED, CSTP
s 156(4)	Power to decide to abandon amendment if person does not agree to pay contribution amount to Council when requested	CEO, DCD, MCP, MSP&ED
s 171(1)	General powers of Responsible Authority	CEO, DCD, MCP, MSP&ED
s 171(2)(f)	Power to carry out studies and commission reports	CEO, DCD, MCP, MSP&ED
s 171(2)(g)	Power to grant and reserve easements	CEO, DCD, MCP, MSP&ED
s 173	Power to enter into agreement (note this also requires delegation to use the Council seal in executing any such agreements)	CEO
s 177(2)	Power to apply to the Minister to end s173 agreement or to agree with all persons bound by covenants of s173 to end s173 agreement	CEO
s 178	Power to amend a s 173 agreement with approval of Minister and all persons who are bound by covenant to s173 agreement	CEO
s.178A(1)	Function of receiving application to amend or end an agreement	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.178A(5)	Power to propose to amend or end an agreement	CEO
s.178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, DCD, MCP, MSP&ED, CSTP, CSP

Provision	Summary of power	Delegate
s.178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, DCD, MCP, MSP&ED, CSTP, CSP
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, DCD, MCP, MSP&ED, CSTP, CSP
s.178C(4)	Function of determining how to give notice under s.178C(2)	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal (If no objections are made under s.178D Must consider matters in s.178B)	CEO
s.178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal (If no objections are made under s.178D Must consider matters in s.178B)	CEO
s.178E(2)(c)	Power to refuse to amend or end the agreement (If no objections are made under s.178D Must consider matters in s.178B)	CEO
s.178E(3)(a)	Power to amend or end the agreement in accordance with the proposal (After considering objections, submissions and matters in s.178B)	CEO
s.178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal (After considering objections, submissions and matters in s.178B)	CEO
s.178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal (After considering objections, submissions and matters in s.178B)	CEO
s.178E(3)(d)	Power to refuse to amend or end the agreement (After considering objections, submissions and matters in s.178B)	CEO
s.178F(1)	Duty to give notice of its decision under s.178E(3)(a) or (b)	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.178F(2)	Duty to give notice of its decision under s.178E(2)(c) or (3)(d)	CEO, DCD, MCP, MSP&ED, CSTP, CSP
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, DCD, MCP, MSP&ED, CSTP, CSP
s.178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO

Provision	Summary of power	Delegate
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, DCD, MCP, MSP&ED, CSTP, CSP
s.178(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.179(1)	Duty to lodge agreement with Minister	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.179(2)	Duty to make available for inspection copy agreement	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s 181	Power to apply to the Registrar of Titles for registration of the agreement	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP
s 182	Power to enforce any covenant of a s173 agreement registered on title	CEO, DCD, MCP, MSP&ED
s.183	Duty to tell Registrar of Titles of ending/amendment of agreement	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
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
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, DCD, MCP, MSP&ED, CSP, TL, CSTP
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, DCD, MCP, MSP&ED, CSP, TL, CSTP
s.184F(5)	Function of receiving advice from the Principle Registrar that the agreement may be amended or ended in accordance with Council's decision	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP
s.184G(2)	Duty to comply with a direction of the Tribunal	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP
s.184G(3)	Duty to give notice as directed by the Tribunal	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP
s.198(1)	Function to receive application for planning certificate.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s.199(1)	Duty to give planning certificate to applicant.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL
s.201(1)	Function of receiving application for declaration of underlying zoning	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
s.201(3)	Duty to make declaration	CEO, DCD, MCP, MSP&ED

Provision	Summary of power	Delegate
s.201(3)	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, DCD, MCP, MSP&ED
s.201(3)	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, DCD, MCP, MSP&ED
s.201(3)	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, DCD, MCP, MSP&ED
s.201(3)	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, DCD, MCP, MSP&ED
	Any power not expressly referred to in this delegation which by necessary implication is derived from the Planning and Environment Act 1987 and is not excluded from delegation by Section 188(2) of the Planning and Environment Act 1987.	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP

Planning and Environment Regulations 2015

Provision	Summary of power	Delegate
r. 6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme (where Council is not the planning authority and the amendment affects land within its municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
r. 25	Duty of Responsible Authority to provide copy of matter considered under section 60(1A)(g) for inspection free of charge	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
r.9	Duty of Responsible Authority to provide copy information or report requested by Minister	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO
r 21	Power of Responsible Authority to require verification of certain information	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application (where Council is not the planning authority and the amendment affects land within Council's municipal district; or	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP, SP, PO, SO

Provision	Summary of power	Delegate
	where the amendment will amend the planning scheme to designate Council as an acquiring authority)	
r 55	Duty of Responsible Authority to tell Registrar of Titles under s 183 of the Act of the cancellation or amendment of an agreement	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO

Planning and Environment (Fees) Regulations) 2016

Provision	Summary of power	Delegate
r.20	Power to waive or rebate a fee in connection with matters other than an amendment to a planning scheme	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
r.19	Power to waive or rebate fee for amendment to planning scheme	CEO, DCD, MCP, MSP&ED, CSP, CSTP
r.21	Duty if fee waived or rebated to record in writing the matters taken into account and which formed the basis of the decision	CEO, DCD, MCP, MSP&ED, CSTP, CSP

Monash Planning Scheme, Planning Permits and Section 173 Agreements

Provision	Summary of power	Delegate
Planning scheme provision	Power to determine that a thing or specified document required under the Monash Planning Scheme (eg. a development plan required under the Development Plan Overlay) is to the satisfaction of the Council	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL, PP
Planning scheme provision	Power to determine that a planning permit application is generally in accordance with a specified document prepared and approved pursuant to the Monash Planning Scheme (eg. a planning permit application made following the approval of a development plan prepared pursuant to the Development Plan Overlay)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL, PP
Planning scheme provision	Any other discretion vested in the Council under the Monash Planning Scheme	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL, PP
Condition in planning permit	Power vested in Council under a planning permit to provide secondary consent under a planning permit condition to allow modifications to an endorsed plan/s	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL, PP, SP

Provision	Summary of power	Delegate
Clause in agreement made under s173 of the <i>Planning and Environment Act 1987</i> or s52A of <i>Town and Country Planning Act 1961</i>	Power vested in Council under agreement made under s173 of the <i>Planning and Environment Act 1987</i> or s52A of <i>Town and Country Planning Act 1961</i> to provide secondary consent for an amendment of a specified document	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL, PP
Clause in agreement made under s173 of the <i>Planning and Environment Act 1987</i>	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 the Responsible Authority	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL
Clause in agreement made under s173 of the <i>Planning and Environment Act 1987</i>	Power to give consent on behalf of Council, where an agreement made under s173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or the Responsible Authority	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL

SCHEDULE 2

CONDITIONS RELATING TO THIS INSTRUMENT OF DELEGATION

General

Consideration is to be given to the matters in Schedule 2 when exercising the relevant duty/function/power/discretion conferred by this Instrument of Delegation.

A register is to be kept of all delegated decisions.

Notice of Application

Sections 52 and 57B of the *Planning & Environment Act 1987*

Requirements:

- 1.0 Notice shall be given by the applicant
 - 1.1 to the owners and occupiers of allotments adjoining and opposite the land, unless the Monash Planning Scheme exempts it or it is considered the grant of a permit would not cause material detriment
 - 1.2 to a Municipal Council where the application may affect land within its district
 - 1.3 to any person whom the Planning Scheme requires it to give notice; and
 - 1.4 to any person where the grant of a permit may cause material detriment to them.
- 2.0 Notice shall be given by all or any of the following methods
 - 2.1 placing a sign/s on the land and maintaining the sign in good order for 14 days
 - 2.2 publishing a notice in local newspaper(s)
 - 2.3 by giving written notice by certified mail; or
 - 2.4 by any other way considered appropriate.

3.0 Applications in respect of the following uses and the relevant codes shall be notified as follows:

3.1 Multi Unit Developments

Notice of application shall be given in accordance with 2.1 and 2.3.

3.2 Commercial and Community Uses in Residential Zones

Notice of application shall be given in accordance with 2.1 and 2.3

Where a proposal may have a wider impact on the community advertising should be in accordance with guidelines 2.1, 2.2 and 2.3.

Guideline 2.4 to be applied as considered relevant.

3.3 Commercial, Business and Industrial

Where the size, nature or operation may cause detriment, the application shall be advertised in accordance with guidelines 2.1, 2.3 and as appropriate guidelines 2.2 and 2.4

3.4 Convenience Stores

Notice of all applications shall be given in accordance with guidelines 2.1 and 2.3 and as considered appropriate guidelines 2.2 and 2.4.

4.0 A delegated officer shall authorise correspondence requiring the notification of a Planning Application and must advise and have consent of the Manager City Planning or Coordinator Statutory Planning or Team Leader Statutory Planning as follows:

4.1 where a decision is made not to give notice and the reasons

4.2 the proposed method of giving notice of major applications

Permit Applications

Applications for planning permits in the following categories are to be referred to Council for decision:

(i) development in excess of \$3,000,000 and major development proposals, except for:

- Any development in the Special Use Zone up to \$20,000,000 and industrial zones up to \$5,000,000;

- any application where officers consider that a failure to determine an appeal to the Victorian Civil and Administrative Tribunal (VCAT) is likely and/or imminent may be refused by the Director City Development (or their delegates. The Director City Development will advise councillors when this is proposed.

Settling VCAT Appeals:

The Director City Development is delegated the power to settle VCAT appeals of planning decisions **except** where the settlement proposal involves approving a proposed development which has been refused by a resolution of Council.

Where an Application for Review is lodged at VCAT for a matter that had been considered by Council, Council authorises the Director City Development, or their delegate, to negotiate on Council's position at VCAT where appropriate;

Compulsory Conference:

The Director City Development, or their Delegate will **not** agree to a change to Council's decision on a matter in any of the following circumstances:

- Where a redesign of a proposal is required and those plans should be considered on merit, including whether the plans should be placed on public notification;
- Where amended plans have been prepared but not formally substituted for consideration by Council;
- Where it is proposed to amend an imposed condition of Council that is material to the decision made by Council;
- Where an application was called in by a Councillor and/or the Council did not support the officer recommendation, other than in the circumstances outlined above.

The Director City Development, or their Delegate may agree to a change to Council's decision on a matter in any of the following limited circumstances:

- Amends an imposed condition where the change is not material to the decision of Council;
- Amends the proposal to resolve a specific issues raised in a ground of refusal where the change satisfies the issue related to the ground of refusal;
- Provides for an alternative design solution that would achieve the intent of a condition requiring a change;
- Accommodates an appropriate resolution to an issue raised by an objector, provided all objectors who are party to the appeal agree with the proposed change, and the decision does not materially affect the decision of Council and the Director City Development or their delegate consider the proposal change warrants support.

Formally substituted amended plans:

Where plans have been formally substituted at VCAT officers will, wherever possible, refer the plans to a Council meeting for consideration and request that VCAT allow time for this to occur.

~~Where amended plans do not address Council's issues and Council's original decision stands, the Director City Development or their delegate (following a discussion with Ward Councillors where possible) are authorised to advise VCAT of this position inclusive of the ability to amend conditions or grounds of refusal consistent with Council's original decision based on the amended plans so as to place Council in the best position of defending its decision.~~

~~Where there is insufficient time allowed by VCAT for amended plans to be considered at a formal Council meeting and officer's determine that amended plans can be supported meaning that Council's position may change, the Director City Development or their delegate is authorised to amend or change Council's position subject to the following:~~

- ~~• Time permitting, seek to discuss the amended plans, along with the officers position with Councillors at a scheduled Council Strategy or Briefing Meeting, and there is majority support (of Councillors in attendance) that the plans are worthy of support;~~
- ~~• Where time does not permit the plans to be discussed at a scheduled Council Strategy or Briefing Meeting, all Councillors will be advised individually of the proposed amendment and the officer's position and there is a majority support for this;~~
- ~~• Where there is not a clear indication from Councillors Council's original position on an application will stand with the Director City Development or their delegate being able to amend conditions or grounds of refusal so as to place Council in the best position to defend its decision.~~

Sections 60, 61, 62, 63, 64, 74, 75, and 76 of the *Planning and Environment Act 1987*

Requirements:

A Permit, Amended Permit or Notice of Decision may issue:-

1. Where an application is lodged in full compliance with the relevant Council Policies and the provisions of the Monash Planning Scheme and no formal objections are received.
2. Where an application is in minor non-compliance with the relevant Council Code and no formal objections are received.
3. Where an application is lodged in general compliance with the relevant Council policies and objections received. Notwithstanding, applications of this type may be referred to Council.
4. A report is to be prepared and must be approved by the appropriate delegate stating the following -
 - Proposal, policy implications
 - Consultation, conclusion
 - Recommendation.

Requirements:

A Refusal may issue:-

1. Where an application is lodged that is not in compliance with the relevant Council Policies and/or the provisions of the Monash Planning Scheme.

Notwithstanding, applications of this type may be referred to Council.

2. A report is to be prepared and must be approved by the appropriate delegate stating the following -
 - Proposal, policy implications
 - Consultation, conclusion
 - Recommendation.

With regard to the above requirements, as they relate to Sections 60, 61, 62, 63, 64, 74, 75, and 76 of the Planning and Environment Act 1987, no one officer may prepare a report and act in a capacity of delegate for the endorsement of that recommendation. The officer exercising the power within this delegation, must have the sole role of reviewing and endorsing (or otherwise) the recommendation.

Request for more information

Section 54, 54A and 54B of the *Planning and Environment Act 1987*

Requirements:

1. In accordance with the aforementioned sections of the Act and regulation 20 of the Planning and Environment Regulations 2005, requests for more information should be made within the prescribed time period, being 28 days of receiving the application.
2. Requests should refer to Section 54, 54A and 54B of the Act as appropriate.

Extension of Time Applications

Section 69 of the *Planning and Environment Act 1987*

Requirement:

1. An application for an extension of time must be made in writing before the permit expires or within six months of the expiration date.
2. Where the permit has lapsed the extension shall operate from the day the permit expired.
3. The application should state the reason why the time given under the planning permit was insufficient.
4. The permit may be extended for a maximum period of 2 years in each instance.
5. Extensions of time can be granted where there has been no change in planning policy or direction. However, the views of any relevant referral authority may need to be sought prior to deciding on the extension.
6. If an extension is to be refused it must be made using the Refusal of Planning Permit document.
7. The Coordinator Statutory Planning or Team Leader Statutory Planning or other delegated officer may authorise the first, second and third, requests for an extension of time, and shall refer any subsequent request to Council for determination.

Lodging Objections or Appeals

Sections 57 and 82 of the Planning and Environment Act 1987

Requirements:

1. Delegates shall have the power to lodge appeals or objections against applications or decisions by other Planning Authorities for proposals outside the City of Monash which, in the opinion of the delegate, may cause material detriment to the amenity of the Municipality or conflict with Council's planning policies or philosophy.
2. Objections must be made in writing and state reasons for the objections.
3. Appeals must be lodged with the Victorian Civil and Administrative Tribunal, the Responsible Authority and any objectors within the prescribed time. Notice of Appeal forms are to be used and the reasons or grounds for the appeal stated, except in the case of an appeal against failure to grant a permit.

Enforcement Orders and Interim Enforcement Orders

Sections 114, 118, 120, 123 of the *Planning and Environment Act 1987*

Requirements:

1. Application to the Victorian Civil and Administrative Appeal Tribunal for an Enforcement Order must contain information, such as the grounds for making the application, whether it is to be against the owner, occupier or any other person who has an interest in the land.
2. Where an order is made, a copy must be served on all relevant parties
3. An Interim Enforcement Order may be sought where immediate action is required.

SCHEDULE OF DELEGATIONS

COUNCIL TO STAFF – CITY DEVELOPMENT DIVISION (COMMUNITY AMENITY DEPARTMENT)

1. References in the Schedule are as follows:

CEO – Chief Executive Officer

DCD – Director City Development

MCA – Manager Community Amenity

CPH – Coordinator Public Health

CCL – Coordinator Community Laws

SEHO – Senior Environmental Health Officer

EHO – Environmental Health Officer

PO – Prosecutions Officer

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	DCD, MCA, CCL	Council may delegate this power to an authorised officer

ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53M(3)	power to require further information	DCD, MCA, CPH	
s.53M(4)	duty to advise applicant that application is not to be dealt with	DCD, MCA, CPH	
s.53M(5)	duty to approve plans, issue permit or refuse permit	DCD, MCA, CPH	refusal must be ratified by council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	DCD, MCA, CPH	refusal must be ratified by council or it is of no effect
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	DCD, MCA, CPH	refusal must be ratified by council or it is of no effect

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	DCD, MCA, CPH, SEHO, EHO	If section 19(1) applies
s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	DCD, MCA, CPH, SEHO, EHO	If section 19(1) applies
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	DCD, MCA, CPH, SEHO, EHO	If section 19(1) applies
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	DCD, MCA, CPH, SEHO, EHO	If section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	DCD, MCA, CPH, SEHO, EHO	If section 19(1) applies
s.19AA(2)	power to direct, by written order, that a person must take any of the actions described in (a)-(c).	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority
s.19AA(4)(c)	power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	DCD, MCA, CPH, SEHO, EHO	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority
s.19CB(4)(b)	power to request copy of records	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	DCD, MCA, CPH,	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	DCD, MCA, CPH, SEHO, EHO	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	DCD, MCA, CPH, SEHO, EHO	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	DCD, MCA, CPH, SEHO, 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	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority
s.19W(5)	power to register, renew or transfer registration	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))
s.38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	DCD, MCA, CPH,	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).
s.38E(4)	duty to register the food premises when conditions are satisfied	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	DCD, MCA, CPH, SEHO, EHO	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	DCD, MCA, CPH,	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, transferring or renewing registration of a component of a food business	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority
s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	DCD, MCA, CPH, SEHO, EHO	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.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	DCD, MCA, CPH, SEHO, EHO, PO	where council is the registration authority

AMENDED 28.9.18

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	DCD, MCA, CPH, SEHO,	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	DCD, MCA, CPH, SEHO, EHO	
s. 142G(2)	power to enter certain information in the Rooming House Register	DCD, MCA, CPH, SEHO, EHO	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	DCD, MCA, CPH, SEHO, EHO	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies		where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises		where council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council		
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	DCD, MCA, CPH, SEHO, EHO	
s.522(1)	power to give a compliance notice to a person	DCD, MCA, CPH, SEHO, EHO	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	CEO	
s.525(4)	duty to issue identity card to authorised officers	DCD, MCA, CPH	
s.526(5)	duty to keep record of entry by authorised officer under section 526	DCD, MCA, CPH, SEHO, EHO	
s.526A(3)	function of receiving report of inspection	DCD, MCA, CPH, SEHO, EHO	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	DCD, MCA, CPH, SEHO, EHO, PO	

SCHEDULE OF DELEGATIONS
COUNCIL TO COUNCIL STAFF – INFRASTRUCTURE DIVISION

References in the Schedule are as follows:

“CEO” means Chief Executive Officer

“DINF” means Director Infrastructure

“DCITY” means Director City Development

“DCORP” means Director Corporate Services

“MSAM” means Manager Strategic Asset Management

“MENG” means Manager Engineering

“MCW” means Manager Capital Works

“MHORT” means Manager Horticulture Services

“MWS” means Manager Waste Services

“CSAM” means Coordinator Strategic Asset Management

“PDE” means Principal Development Engineer

“PTE” means Principal Transport Engineer

“CIM” means Coordinator Infrastructure Maintenance

“PAE” means Principal Administration Engineer

“CMPM” means Civil and Major Projects Manager

“CWS” means Coordinator Waste Service

AMENDED 28.9.16

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	MCW, DINF, MENG, MSAM	duty of council as a road authority under the <i>Road Management Act 2004</i>
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	CEO, DINF, MCW, MENG, MSAM	where council is the relevant road authority
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	DINF, MCW, MENG, CMPM, MSAM, CIM	where council is the relevant road authority
s.34D(2)	function of receiving written notice of opinion	DINF, MCW, MENG, MSAM	where council is the relevant road authority
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	CEO, DINF, MCW, MENG, MSAM	where council is the relevant road authority
s.34E(1)(a)	duty to identify and assess risks to safety	DINF, MCW, MENG, CMPM, CIM	where council is the relevant road authority
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	DINF, MCW, MENG, CMPM, MSAM, CIM	where council is the relevant road authority

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

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	DINF, MCW, MENG, CPM, MSAM, CIM	where council is the relevant road authority
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	CEO, DINF, MCW, MENG, MSAM	where council is the relevant road authority

AMENDED

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, DINF	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	Retained by Council, CEO, DCITY	
s.11(9)(b)	duty to advise Registrar	DCITY, DINF	
s.11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	Retained by Council	clause subject to section 11(10A) Where Council is the coordinating road authority
s.11(10A)	duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DCITY;DINF	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	Retained by Council	were council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	Retained by Council	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(5)	duty to consider written submissions received within 28 days of notice	Retained by Council	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(6)	function of hearing a person in support of their written submission	Retained by Council	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	Retained by Council	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	DCITY, DINF	duty of coordinating road authority where it is the discontinuing body does not apply where an exemption is specified by the regulations or given by the Minister
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	DINF	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	DINF	
s.14(7)	power to appeal against decision of VicRoads	DINF	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DINF	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DINF	
s.15(2)	duty to include details of arrangement in public roads register	MSAM, MENG, CSAM, PDE, DINF	
s.16(7)	power to enter into an arrangement under section 15	DINF	
s.16(8)	duty to enter details of determination in public roads register	MSAM, MENG, CSAM, PDE, DINF	
s.17(2)	duty to register public road in public roads register	MSAM, MENG, CSAM, PDE, DINF	where council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	MSAM, MENG, DINF	where council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(3)	duty to register a road reasonably required for general public use in public roads register	MSAM, MENG, CSAM, PDE, DINF	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	MSAM, MENG, DINF	where council is the coordinating road authority
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	MSAM, MENG, CSAM, PDE, DINF	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	MSAM, MENG, DINF	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	MSAM, MENG, CSAM, PDE, DINF	where council is the coordinating road authority
s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	MSAM, MENG, CSAM, PDE, DINF	
s.19(4)	duty to specify details of discontinuance in public roads register	MSAM, MENG, CSAM, PDE, DINF	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(5)	duty to ensure public roads register is available for public inspection	MSAM, MENG, CSAM, PDE, DINF	
s.21	function of replying to Ministers who request for information or advice	CEO, DINF, DCITY	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	CEO, DINF, DCITY	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	DCORP, MSAM, MENG, DINF	
s.22(5)	duty to give effect to a Ministerial direction under this section.	CEO, DINF, DCITY	
s. 38(2)(a)	Power to determine policies and priorities for the construction and maintenance of roads.	MSAM, MENG, MCW, DINF	
s. 38(2)(b)	Power to manage the road network in co-operation with other road authorities, utilities, providers of public transport, government agencies etc.	MSAM, MENG, MCW, MHORT, MWS, DINF	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 38(2)(d)	Power, as the coordinating Road Authority, to coordinate the development and use of the road reserve generally, including the carrying out of works and the installation of infrastructure on roads.	MSAM, MENG, MCW, MHORT, MWS, DINF	
s. 39(1)	Power, as the Road authority, to make a policy or policy decision relating to road management functions	DINF	
s.40(1)	duty to inspect, maintain and repair a public road.	MSAM, MENG, MCW, MHORT, MWS, DINF	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	MSAM, MENG, MCW, MHORT, MWS, DINF	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	MSAM, MENG, MCW, MHORT, MWS, DINF	
s.42(1)	power to declare a public road as a controlled access road	MSAM, MENG, DINF	power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	MSAM, MENG, DINF	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 VicRoads before road is specified	MSAM, MENG, DINF	where council is the coordinating road authority if road is a municipal road or part thereof
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	MSAM, MENG, DINF	where council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road
s. 48	Duties and powers in relation to infrastructure and works on roads.	MSAM, MENG, MCW, MHORT, MWS, DINF,	
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)	MSAM, MENG, MCW, MHORT, MWS, DINF	where council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the relevant authority for purposes of developing guidelines under section 48M	MENG, PTE, DINF	
s. 48N	Duty to notify the relevant authority of changes to bus stopping location infrastructure and the action taken by Council	MENG, PTE, DINF	
s.49	power to develop and publish a road management plan	MSAM, CSAM, DINF	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.51	power to determine standards by incorporating the standards in a road management plan	MSAM, CSAM, DINF; MENG, MCW	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	DINF, MSAM, CSAM	
s.54(2)	duty to give notice of proposal to make a road management plan	MSAM, CSAM, DINF	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	MSAM, CSAM, DINF	
s.54(6)	power to amend road management plan	MSAM, CSAM, DINF	
s.54(7)	duty to incorporate the amendments into the road management plan	MSAM, CSAM, DINF	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	MSAM, CSAM, DINF	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.63(1)	power to consent to conduct of works on road	MSAM, MENG, MCW,MWS, MHORT, CIM, CMPM, PTE, PDE, PAE, DINF	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	MSAM, MENG, MCW,MWS, MHORT, CIM, CMPM, PTE, PDE, PAE, DINF	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	MSAM, MENG, MCW, CIM, CMPM, PTE, PDE, PAE, DINF	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	MENG, PTE, DINF, PAE	where council is the coordinating road authority
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	MENG, PTE, DINF, PAE	where council is the coordinating road authority
s.67(3)	power to request information	MENG, PTE, DINF, PAE	where council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.68(2)	power to request information	MENG, PTE, DINF, PAE	where council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	CEO	
s.72	duty to issue an identity card to each authorised officer	DCITY, DINF, MENG, MSAM, MCW, MWS, MHORT	
s.85	function of receiving report from authorised officer	DCITY, DINF, MENG, MSAM, MCW, MWS, MHORT	
s.86	duty to keep register re section 85 matters	DCITY, DINF, MENG, MSAM, MCW, MWS, MHORT	
s.87(1)	function of receiving complaints	DCITY, DINF	
s.87(2)	duty to investigate complaint and provide report	DCITY, DINF	

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	DCITY, DINF, MENG, MSAM, MHORT, MCW, MWS	
s.116	power to cause or carry out inspection	MSAM, MENG, MCW, MHORT, MWS, CIM, CMPM, PTE, PDE, PAE, CSAM, DINF	
s.119(2)	function of consulting with VicRoads	MSAM, MENG, MCW, MHORT, MWS, DINF	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	MSAM, MENG, MCW, MHORT, MWS, DINF, CIM, CMPM, PTE	With the consent of VicRoads

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	MSAM, MENG, MCW, MHORT, MWS, DINF, CIM, CMPM, PTE	
s.121(1)	power to enter into an agreement in respect of works	MSAM, MENG, MCW, MHORT, MWS, DINF	
s.122(1)	power to charge and recover fees	MENG, DINF, DCITY	
s.123(1)	power to charge for any service	MSAM, MENG, MCW, MHORT, MWS, DINF, DCITY	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	DINF, MENG, MSAM, MCW	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	DINF, MENG, MSAM, MCW	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	DINF, MENG, MSAM, MCW	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	DINF, MENG, MSAM, MCW	
Schedule 2 Clause 5	duty to publish notice of declaration	DINF, MENG, MSAM, MCW	
Schedule 7, Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	DINF, MENG, MSAM, MCW	where council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	DINF, MENG, MSAM, MCW	where council is the infrastructure manager or works manager
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	DINF, MENG, MSAM, MCW	where council is the infrastructure manager or works manager responsible for non-road infrastructure

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DINF, MENG, MSAM, MCW, CSAM	where council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DINF, MENG, MSAM, MCW	where council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	DINF, MENG, MSAM, MCW, CIM, CMPPM, PAE	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	DINF, MENG, MSAM, MCW, CIM, CMPPM, PAE	where council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	DINF, MENG, MSAM, MCW, CIM, CMPPM, PAE	where council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 12(5)	power to recover costs	DINF, MENG, MSAM, MCW, CIM, CMPM, PAE	where council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	DINF, MENG, MSAM, MCW, CMPM, CIM, CMPM, PAE	where council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	DINF, MENG, MSAM, MCW, CIM, CMPM, PAE	where council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	DINF, MENG, MSAM, MCW, CMPM, CIM, PAE	where council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	DINF, MENG, MSAM, MCW CIM, CMPM, PAE	where council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 16(4)	duty to consult	DINF, MENG, MSAM, MCW, CIM, CMPM, PAE	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	DINF, MENG, MSAM, MCW, CIM, CMPM, PAE	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	DINF, MENG, MSAM, MCW, CIM, CMPM, PAE	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	DINF, MENG, MSAM, MCW, CIM, CMPM, PAE	where council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	DINF, MENG, MSAM, MCW, CIM, CMPM, PAE	where council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 18(1)	power to enter into an agreement	DINF, MENG, MSAM, MCW, CIM, CMPM, PAE	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	DINF, MENG, MSAM, MCW, CMPM, CIM, PAE	where council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DINF, MENG, MSAM, MCW, CIM, CMPM, PAE	where council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DINF, MENG, MSAM, MCW	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	DINF, MENG, MSAM, MCW, PTE, PAE	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	DINF, MENG, MSAM, MCW	where council is the responsible road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7A Clause 3(1)(e)	duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	DINF, MENG, MSAM, MCW	where council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	DINF, MENG, MSAM, MCW	duty of council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)

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	MSAM, CSAM, DINF	
r.9(2)	duty to produce written report of review of road management plan and make report available	MSAM, CSAM, DINF	
r.9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	MSAM, CSAM, DINF	where council is the coordinating road authority
r.10	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	MSAM, CSAM, DINF	
r. 11	When notice of proposed amendment is not Required.	DINF, CEO	
r.13(1)	Duty to publish notice of amendments to road management plan	MSAM, CSAM, DINF	where council is the coordinating road authority
r. 13(2)	Availability of amendments to road management plans.	MSAM, CSAM, DINF	
r.13(3)	duty to record on road management plan the substance and date of effect of amendment	MSAM, CSAM, DINF	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.16(1)	power to issue permit	MENG, MWS, PAE, CWS	where council is the coordinating road authority
r. 16(3)	Power to charge fee for issuing permit under regulation 16(1)	MENG, MWS, PAE, CWS	Where council is the coordinating road authority
r.18(1)	power to give written consent re damage to road	MENG, PTE, DINF, MCW, MWS	where council is the coordinating road authority
r. 23(1)(6)	Power to give consent for hoardings and advertisements	MENG, PAE, DINF	Where council is the coordinating road authority
r.23(2)	power to make submission to Tribunal	MENG, PTE, DINF, MCW, MWS	where council is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	MENG, PAE, DINF, MWS, MCW	where council is the coordinating road authority
r. 24(1)	Power to give written direction to a responsible person to remove any object, refuse, rubbish, substance or other materials deposited or left on the road	MENG, PTE, DINF, MCW, MWS, MHORT	Where council is the responsible road authority

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	MENG, MSAM, MCW, MHORT, MWS, DINF	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))	DINF, MSAM	where council is the responsible road authority
r. 25(4)	Power to charge fees under regulation 25	MENG, MSAM, MCW, MHORT, MWS, DINF	Where council is the responsible
r.25(5)	power to recover in the Magistrates' Court, expenses from person responsible	MENG, MSAM, MCW, MHORT, MWS, DINF	Where council is the responsible

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.15	power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	MENG, MCW, DINF, MSAM	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.22(2)	power to waive whole or part of fee in certain circumstances	MENG, MSAM, MCW, MHORT, MWS, DINF	where council is the coordinating road authority

AMENDED