

## **Yarra Ranges Shire Council**

### **Instrument of Delegation**

**to**

### **Members of Council Staff**

**September 2024 June 2025**

# Instrument of Delegation

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

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

2. records that references in the Schedule to:

|                                  |  |
|----------------------------------|--|
| BPCO                             | means Building & Planning Compliance Officer   |
| BOPS                             | means Business Operations (includes: Customer Experience Business Operations Coordinator; Lead Customer Experience Officer - Business Operations, Customer Experience Officer - Business Operations & Business Operations Officer) |
| BSO                              | means Business Support Officer (business unit identified in brackets where relevant)   |
| CEO                              | means Chief Executive Officer  |
| CSCO                             | means Community Safety Coordinator   |
| DCS                              | means Director Corporate Services  |
| DBEI                             | means Director Built Environment and Infrastructure  |
| DPSF                             | means Director Planning, and Sustainable Futures   |
| DCOM                             | means Director Communities   |
| EHO                              | means Environmental Health Officer   |
| <del>PEHL</del>                  | <del>means Public &amp; Environmental Health Lead</del>  |
| EODC                             | means Executive Officer Development Compliance & Prosecutions  |
| EOSC                             | means Executive Officer Safer Communities  |
| <del>EOIS</del> <del>EOSTT</del> | <del>means Executive Officer Infrastructure Strategy &amp; Investigations</del> <del>Stormwater, Traffic &amp; Transport</del>   |
| EOPS                             | means Executive Officer Planning Services  |
| EOGRC                            | means Executive Officer Governance, Risk and Compliance  |
| EOSP                             | means Executive Officer Strategic Planning   |
| EOUDLA                           | means Executive Officer Urban Design and Landscape Architecture  |
| MBS                              | means Municipal Building Surveyor  |
| MPB                              | means Manager Planning and Building  |
| MFIN                             | means Manager Financial Services   |
| <del>MISMIO</del>                | <del>means Manager Infrastructure Services</del> <del>Operations</del>   |
| MCW                              | means Manager Community Wellbeing  |
| MDP                              | means Manager Design & Place   |
| MSP                              | means Manager Strategic Projects   |
| MOPI                             | means Manager Organisational Performance & Integrity   |
| PEHC                             | means Public & Environmental Health Coordinator  |
| PO                               | means all Planning Officers  |
| PMSP                             | means Project Manager Strategic Planning   |
| (PS)                             | means Planning Services Team   |
| (SP)                             | means Strategic Planning Team  |
| SPO                              | means Senior Planning Officer  |
| PPO                              | Principal Planning Officer   |
| TLPO                             | means Team Leader Planning Services  |
| VCAT                             | VCAT Lead  |
| SUB                              | Subdivision Officer  |
| SSUB                             | Senior Subdivision Officer   |

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 27 August 2024

3.2 the delegation:

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

- 3.2.2 remains in force until varied or revoked; \_\_\_\_\_
- 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
- 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

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

- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
  - (a) policy; or
  - (b) strategy
 adopted by Council;
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

The COMMON SEAL of YARRA )  
 RANGES SHIRE COUNCIL was )  
 hereto affixed on 19 / 09 / 2024 )  
 in the presence of Tammi Rose )  
 Chief Executive Officer. )

.....  
**Tammi Rose**  
**Chief Executive Officer**

## INDEX

|   |                 |
|---|-----------------|
| DOMESTIC ANIMALS ACT 1994 .....   | 1               |
| FOOD ACT 1984 .....   | 1               |
| HERITAGE ACT 2017 .....   | <del>76</del>   |
| LOCAL GOVERNMENT ACT 1989 .....   | <del>76</del>   |
| PLANNING AND ENVIRONMENT ACT 1987 .....   | <del>76</del>   |
| RESIDENTIAL TENANCIES ACT 1997 .....  | <del>4340</del> |
| ROAD MANAGEMENT ACT 2004 .....  | <del>4441</del> |
| PLANNING AND ENVIRONMENT REGULATIONS 2015 .....   | <del>5148</del> |
| PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016.....   | <del>5249</del> |
| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 ..... | <del>5350</del> |
| ROAD MANAGEMENT (GENERAL) REGULATIONS 2016.....   | <del>5552</del> |
| ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015 .....   | <del>5653</del> |

| DOMESTIC ANIMALS ACT 1994 |   |                 |   |
|---------------------------|---|-----------------|---|
| Column 1                  | Column 2                                    | Column 3        | Column 4  |
| PROVISION                 | THING DELEGATED                             | DELEGATE        | CONDITIONS AND LIMITATIONS                                      |
| s41A(1)                   | Power to declare a dog to be a menacing dog | DCOM, MCW, EOSC | Council may delegate this power to a Council authorised officer |

| FOOD ACT 1984 |   |  |  |
|---------------|---|--|--|
| Column 1      | Column 2  | Column 3                                     | Column 4   |
| PROVISION     | THING DELEGATED   | DELEGATE                                     | CONDITIONS & LIMITATIONS   |
| s19(2)(a)     | Power to direct by written order that the food premises be put into a clean and sanitary condition  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | If s 19(1) applies   |
| s19(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   | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | If s 19(1) applies   |
| s19(3)        | Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | If s 19(1) applies<br>Only in relation to temporary food premises or mobile food premises  |
| s19(4)(a)     | Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | If s 19(1) applies   |
| s19(6)(a)     | Duty to revoke any order under s 19 if satisfied that an order has been complied with   | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | If s 19(1) applies   |
| s19(6)(b)     | Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | If s 19(1) applies   |
| s19AA(2)      | Power to direct, by written order, that a person must take any of the actions described in (a)-(c).   | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |
| s19AA(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  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , 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   |
| s19AA(7)            | Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |
| s19CB(4)(b)         | Power to request copy of records   | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |
| s19E(1)(d)          | Power to request a copy of the food safety program   | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |
| s 19EA(3)           | Function of receiving copy of revised food safety program  | MCW, EOSC, PEHC, <del>PEHL</del> , EHO       | Where Council is the registration authority  |
| <u>S 19FA(1)</u>    | <u>Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program</u>             | <u>DCOM, MCW, EOSC, PEHC, EHO</u>            | <u>Where Council is the registration authority</u><br><u>Subject to s 19FA(2), which requires a time limit for compliance to be specified</u>                                    |
| <u>s 19FA(3)(a)</u> | <u>Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)</u> | <u>DCOM, MCW, EOSC, PEHC, EHO</u>            | <u>Where Council is the registration authority</u><br><u>Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))</u> |
| <u>s 19FA(3)(b)</u> | <u>Power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)</u>                         | <u>DCOM, MCW, EOSC</u>                       | <u>Where Council is the registration authority</u>   |
| <u>s 19FA(3)(c)</u> | <u>Power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)</u>                                     | <u>DCOM, MCW, EOSC</u>                       | <u>Where Council is the registration authority</u>   |
| s19GB               | Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |
| s19IA(1)            | Power to form opinion that the food safety requirements or program are non-compliant.  | MCW, EOSC, PEHC, <del>PEHL</del> , EHO       | Where Council is the registration authority  |
| s 19IA(2)           | Duty to give written notice to the proprietor of the premises  | MCW, EOSC, PEHC, <del>PEHL</del> , EHO       | Where Council is the registration authority<br><br>Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))                  |

| FOOD ACT 1984    |  |  |  |
|------------------|--|--|--|
| Column 1         | Column 2   | Column 3                                     | Column 4   |
| PROVISION        | THING DELEGATED  | DELEGATE                                     | CONDITIONS & LIMITATIONS   |
| s19M(4)(a) & (5) | Power to conduct a food safety audit and take actions where deficiencies are identified  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |
| s 19N(2)         | Function of receiving notice from the auditor  | MCW, EOSC, PEHC, <del>PEHL</del> , EHO       | Where Council is the registration authority  |
| s19NA(1)         | Power to request food safety audit reports   | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |
| s19U(3)          | Power to waive and vary the costs of a food safety audit if there are special circumstances  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> ,     |  |
| s19UA            | Power to charge fees for conducting a food safety assessment or inspection   | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.  |
| s19W             | Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB   | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |
| s19W(3)(a)       | Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |
| s19W(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 | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |
| ---              | Power to register or renew the registration of a food premises   | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority<br><br>Refusal to grant/ or renew/transfer the registration of a food premises must be ratified by Council or the CEO (see s 58A(2)) |
| s 36A            | Power to accept an application for registration or notification using online portal  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |
| s 36B            | Duty to pay the charge for use of online portal  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> ,     | Where Council is the registration authority  |
| s38AA(5)         | Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt   | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |

| FOOD ACT 1984 |  |  |   |
|---------------|--|--|---|
| Column 1      | Column 2   | Column 3                                     | Column 4  |
| PROVISION     | THING DELEGATED  | DELEGATE                                     | CONDITIONS & LIMITATIONS  |
| s38AB(4)      | Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)           | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> ,     | Where Council is the registration authority   |
| s38A(4)       | Power to request a copy of a completed food safety program template  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority   |
| s38B(1)(a)    | Duty to assess the application and determine which class of food premises under s 19C the food premises belongs              | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority   |
| s38B(1)(b)    | Duty to ensure proprietor has complied with requirements of s 38A  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority   |
| s38B(2)       | Duty to be satisfied of the matters in s 38B(2)(a)-(b)   | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority   |
| s38D(1)       | Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39               | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority   |
| s38D(2)       | Duty to be satisfied of the matters in s 38D(2)(a)-(d)   | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority   |
| s38D(3)       | Power to request copies of any audit reports   | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority   |
| s38E(2)       | Power to register the food premises on a conditional basis   | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority;<br>Not exceeding the prescribed time limit defined under s 38E(5). |
| s38E(4)       | Duty to register the food premises when conditions are satisfied   | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority   |
| s38F(3)(b)    | Power to require proprietor to comply with requirements of this Act  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority   |
| s 38G(1)      | Power to require notification of change of the food safety program type used for the food premises                           | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority   |
| s 38G(2)      | Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , 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 38G(4)      | Power to require the proprietor of the food premises to comply with any requirement of the Act  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |
| s 39(2)       | Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed                                 | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |
| s39A          | Power to register, renew or transfer food premises despite minor defects  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority<br>Only if satisfied of matters in s 39A(2)(a)-(c) |
| s 39A (6)     | Duty to comply with a direction of the Secretary  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO |  |
| s 40(1)       | Duty to give the person in whose name the premises is to be registered a certificate of registration  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |
| s40(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> | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO |  |
| s40C(2)       | Power to grant or renew the registration of food premises for a period of less than 1 year  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |
| s40D(1)       | Power to suspend or revoke the registration of food premises  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |
| s 40E         | Duty to comply with direction of the Secretary  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO |  |
| s 40F         | Power to cancel registration of food premises   | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |
| s 43          | Duty to maintain records of registration  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |
| s43F(6)       | Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, or renewing registration of a component of a food business       | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority  |

| FOOD ACT 1984 |   |  |   |
|---------------|---|--|---|
| Column 1      | Column 2  | Column 3                                     | Column 4                                    |
| PROVISION     | THING DELEGATED   | DELEGATE                                     | CONDITIONS & LIMITATIONS                    |
| s43F(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   | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority |
| s 45AC        | Power to bring proceedings  | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO |   |
| s46(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 | DCOM, MCW, EOSC, PEHC, <del>PEHL</del> , EHO | Where Council is the registration authority |

| HERITAGE ACT 2017 |  |          |  |
|-------------------|--|----------|--|
| Column 1          | Column 2   | Column 3 | Column 4   |
| PROVISION         | THING DELEGATED  | DELEGATE | CONDITIONS & LIMITATIONS   |
| s116              | Power to sub-delegate Executive Director's functions, duties or powers | DPSF     | Must first obtain Executive Director's written consent.<br><br>Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation |

| LOCAL GOVERNMENT ACT 1989 |   |          |                          |
|---------------------------|---|----------|--------------------------|
| Column 1                  | Column 2  | Column 3 | Column 4                 |
| PROVISION                 | THING DELEGATED   | DELEGATE | CONDITIONS & LIMITATIONS |
| s185L(4)                  | Power to declare and levy a cladding rectification charge | CEO      |                          |

| PLANNING AND ENVIRONMENT ACT 1987 |   |                                       |                               |
|-----------------------------------|---|---------------------------------------|-------------------------------|
| Column 1                          | Column 2  | Column 3                              | Column 4                      |
| PROVISION                         | THING DELEGATED   | DELEGATE                              | CONDITIONS & LIMITATIONS      |
| s4B                               | Power to prepare an amendment to the Victoria Planning Provisions   | Not delegated                         | If authorised by the Minister |
| s4G                               | Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister                               | MDP, MSP, EOSP, PMSP, PO(SP), BSO(SP) |                               |
| s4H                               | Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements                      | MDP, MSP, EOSP, PMSP, PO(SP), BSO(SP) |                               |
| s4I(2)                            | Duty to make a copy of the Victoria Planning Provisions and other documents available in accordance with public availability requirements | MDP, MSP, EOSP, PMSP, PO(SP), BSO(SP) |                               |
| s8A(2)                            | Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A   | MDP, MSP, EOSP, PMSP, PO(SP)          |                               |
| s8A(3)                            | Power to apply to Minister to prepare an amendment to the planning scheme   | MDP, MSP, EOSP, PMSP, PO(SP)          |                               |
| s8A(5)                            | Function of receiving notice of the Minister's decision   | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP) |                               |

| PLANNING AND ENVIRONMENT ACT 1987 |  |   |   |
|-----------------------------------|--|---|---|
| Column 1                          | Column 2   | Column 3  | Column 4  |
| PROVISION                         | THING DELEGATED  | DELEGATE  | CONDITIONS & LIMITATIONS  |
| s8A(7)                            | Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days                    | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)                                       |   |
| s8B(2)                            | Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district                                 | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)                                       |   |
| s12(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 | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, EOUDLA                               |   |
|                                   |  |   |   |
| s12B(1)                           | Duty to review planning scheme   | DPSF, MDP   |   |
| s12B(2)                           | Duty to review planning scheme at direction of Minister  | DPSF, MDP   |   |
| s12B(5)                           | Duty to report findings of review of planning scheme to Minister without delay   | DPSF, MDP   |   |
| s14                               | Duties of a Responsible Authority as set out in s 14(a) to (d)   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, EODC, BPCO, SPO, TLPO, PPO, VCAT, PO | Must be acted upon in accordance with the officer's position description, as directed by his/her manager or supervisor, and as provided elsewhere in this schedule of delegations |
| s17(1)                            | Duty of giving copy amendment to the planning scheme   | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP), BSO(SP)                              |   |
| s17(2)                            | Duty of giving copy s 173 agreement  | MPB, MDP, MSP, EOPS, EODC, BPCO, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO       |   |
| s17(3)                            | Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days   | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)                                       |   |
| s18                               | Duty to make amendment etc. available in accordance with public availability requirements  | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP), BSO(SP)                              | Until the proposed amendment is approved or lapsed  |

| PLANNING AND ENVIRONMENT ACT 1987 |   |   |  |
|-----------------------------------|---|---|--|
| Column 1                          | Column 2  | Column 3  | Column 4   |
| PROVISION                         | THING DELEGATED   | DELEGATE  | CONDITIONS & LIMITATIONS   |
| 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 | DPSF, MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)                     | A decision to not give notice must only be made by the MDP, MSP, EOSP or PMSP  |
| s19                               | Function of receiving notice of preparation of an amendment to a planning scheme  | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)                           | Where Council is not the planning authority and the amendment affects land within Council's municipal district; or<br><br>Where the amendment will amend the planning scheme to designate Council as an acquiring authority.   |
| s20(1)                            | Power to apply to Minister for exemption from the requirements of s 19  | DPSF, MPB, MDP, MSP, EOSP, PMSP                                 | Where Council is a planning authority  |
| s21(2)                            | Duty to make submissions available in accordance with public availability requirements  | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP), BSO(SP)                  | Until the end of 2 months after the amendment comes into operation or lapses   |
| s21A(4)                           | Duty to publish notice  | MDP, MSP, EOSP, PMSP, BSO(SP)                                   |  |
| s22 (1)                           | Duty to consider all submissions received before the date specified in the notice   | MDP, MSP, EOSP, PMSP  | Except submissions which request a change to the items in s 22(5)(a) and (b)   |
| s22(2)                            | Power to consider a late submission<br><br>Duty to consider a late submission, if directed by the Minister  | MDP, MSP, EOSP, PMSP  |  |
| s23(1)(b)                         | Duty to refer submissions which request a change to the amendment to a panel  | MDP, MSP, EOSP, PMSP  |  |
| s23(2)                            | Power to refer to a panel submissions which do not require a change to the amendment  | DPSF, MDP, MSP  | A submission must only be referred to a panel without prior consideration by Council where it is either not practicable to do so before a panel hearing commences or where directed by the panel. All submissions must be reported to Council when Council considers whether or not to adopt or not adopt the amendment. |
| s24                               | Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO | The DPSF, MPB, MDP or MSP may appoint a consultant or legal representative to represent Council at a panel hearing.  |

| PLANNING AND ENVIRONMENT ACT 1987 |  |  |   |
|-----------------------------------|--|--|---|
| Column 1                          | Column 2   | Column 3   | Column 4  |
| PROVISION                         | THING DELEGATED  | DELEGATE   | CONDITIONS & LIMITATIONS  |
| s26(1)                            | Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act | DPSF, MDP, MSP   |   |
| s26(2)                            | Duty to keep report of panel available in accordance with public availability requirements                     | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, BSO(SP) | During the inspection period  |
| s27(2)                            | Power to apply for exemption if panel's report not received  | DPSF, MDP, MSP   | Must only be exercised where Council has previously indicated its intention to seek an exemption or where a situation exists that requires urgent action to be taken prior to reporting to Council. |
| s28(1)                            | Duty to notify the Minister if abandoning an amendment   | DPSF, MDP, MSP, EOSP, PMSP   | Note: the power to make a decision to abandon an amendment cannot be delegated  |
| s 28(2)                           | Duty to publish notice of the decision on Internet site  | DPSF, MDP, MSP, EOSP, PMSP   |   |
| s 28(4)                           | Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months     | DPSF, MDP, MSP, EOSP, PMSP   |   |
| s30(4)(a)                         | Duty to say if amendment has lapsed  | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)                              |   |
| s30(4)(b)                         | Duty to provide information in writing upon request  | DPSF, MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)                        |   |
| s32(2)                            | Duty to give more notice if required   | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)                              |   |
| s33(1)                            | Duty to give more notice of changes to an amendment  | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)                              |   |
| s36(2)                            | Duty to give notice of approval of amendment   | MDP, MSP, EOSP, PMSP   |   |
| s38(5)                            | Duty to give notice of revocation of an amendment  | MDP, MSP, EOSP, PMSP   |   |
| s39                               | Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, EOUDLA                      | The DPSF, MPB, MDP or MSP may appoint a consultant or legal representative to represent Council at a proceeding   |
| s40(1)                            | Function of lodging copy of approved amendment   | MDP, MSP, EOSP, PMSP   |   |

| PLANNING AND ENVIRONMENT ACT 1987 |  |  |  |
|-----------------------------------|--|--|--|
| Column 1                          | Column 2   | Column 3                                       | Column 4   |
| PROVISION                         | THING DELEGATED  | DELEGATE                                       | CONDITIONS & LIMITATIONS   |
| s41(1)                            | Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period  | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP), BSO(SP) |  |
| s 41(2)                           | Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends                                  | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP), BSO(SP) |  |
| s42(2)                            | Duty to make copy of planning scheme available in accordance with the public availability requirements   | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP), BSO(SP) |  |
| s46AAA                            | Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity                | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)          | Where Council is a responsible public entity and is a planning authority<br><br>Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. |
| s46AW                             | Function of being consulted by the Minister  | DPSF, MDP, MSP                                 | Where Council is a responsible public entity   |
| s46AX                             | Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy<br><br>Power to endorse the draft Statement of Planning Policy             | DPSF, MDP, MSP                                 | Where Council is a responsible public entity   |
| s46AZC(2)                         | Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity                  | DPSF, MDP, MSP, EOSP, PMSP                     | Where Council is a responsible public entity   |
| s46AZK                            | Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area | DPSF, MDP, MSP, EOSP, PMSP                     | Where Council is a responsible public entity   |

| PLANNING AND ENVIRONMENT ACT 1987 |  |                                       |   |
|-----------------------------------|--|---------------------------------------|---|
| Column 1                          | Column 2   | Column 3                              | Column 4  |
| PROVISION                         | THING DELEGATED  | DELEGATE                              | CONDITIONS & LIMITATIONS  |
| s46GI(2)(b)(i)                    | Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction                            | DPSF, MDP, MSP, EOSP, PMSP            | Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency |
| s46GJ(1)                          | Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans  | DPSF, MDP, MSP                        |   |
| s46GK                             | Duty to comply with a Minister's direction that applies to Council as the planning authority   | DPSF, MDP, MSP                        |   |
| s46GN(1)                          | Duty to arrange for estimates of values of inner public purpose land   | MDP, MSP, EOSP, PMSP                  |   |
| s46GO(1)                          | Duty to give notice to owners of certain inner public purpose land   | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP) |   |
| s46GP                             | Function of receiving a notice under s.46GO  | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP) | Where Council is the collecting agency  |
| s46GQ                             | Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP) |   |
| s46GR(1)                          | Duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO   | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP) |   |
| s46GR(2)                          | Power to consider a late submission<br><br>Duty to consider a late submission if directed to do so by the minister   | MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP) |   |
| s46GS(1)                          | Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s.46GQ   | DPSF, MDP, MSP, EOSP, PMSP            |   |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                                  |   |
|-----------------------------------|---|----------------------------------|---|
| Column 1                          | Column 2  | Column 3                         | Column 4                                |
| PROVISION                         | THING DELEGATED   | DELEGATE                         | CONDITIONS & LIMITATIONS                |
| s46GS(2)                          | Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general              | DPSF, MDP, MSP, EOSP, PMSP       |   |
| s46GT(2)                          | Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference  | DPSF, MDP, MSP, EOSP, PMSP       |   |
| s46GT(4)                          | Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land  | DPSF, MDP, MSP, EOSP, PMSP       |   |
| s46GT(6)                          | Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)   | DPSF, MDP, MSP, EOSP, PMSP       |   |
| s46GU                             | Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met | DPSF, MDP, MSP, EOSP, PMSP       |   |
| s46GV(3)                          | Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution<br><br>Power to specify the manner in which the payment is to be made  | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collecting agency  |
| s46GV(3)(b)                       | Power to enter into an agreement with the applicant   | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collecting agency  |
| s46GV(4)(a)                       | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)  | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the development agency |
| s46GV(4)(b)                       | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)  | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collecting agency  |

| PLANNING AND ENVIRONMENT ACT 1987 |   |                                  |   |
|-----------------------------------|---|----------------------------------|---|
| Column 1                          | Column 2  | Column 3                         | Column 4  |
| PROVISION                         | THING DELEGATED   | DELEGATE                         | CONDITIONS & LIMITATIONS  |
| s46GV(7)                          | Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area  | DPSF, MDP, MSP, EOSP, PMSP       |   |
| s46GV(9)                          | Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction   | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collecting agency  |
| s46GX(1)                          | Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable  | DPSF, MDP, MSP, EOSP, PMSP       | Where Council is the collecting agency  |
| s46GX(2)                          | Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan      | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collecting agency  |
| s46GY(1)                          | Duty to keep proper and separate accounts and records   | DPSF, MDP, MSP, EOSP, PMSP, MFIN | where Council is the collecting agency  |
| s46GY(2)                          | Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>   | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collecting agency  |
| s46GZ(2)(a)                       | Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs   | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is that planning authority                   |
| s46GZ(2)(a)                       | Function of receiving the monetary component  | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where the Council is the planning authority<br><br>This duty does not apply where Council is also the collecting agency   |
| s46GZ(2)(b)                       | Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those, works, services or facilities | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the relevant development agency |

| PLANNING AND ENVIRONMENT ACT 1987 |   |                                  |  |
|-----------------------------------|---|----------------------------------|--|
| Column 1                          | Column 2  | Column 3                         | Column 4   |
| PROVISION                         | THING DELEGATED   | DELEGATE                         | CONDITIONS & LIMITATIONS   |
| s46GZ(2)(b)                       | Function of receiving the monetary component  | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the development agency under an approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the collecting agency   |
| s46GZ(4)                          | Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)   | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collecting agency under an approved infrastructure contributions plan   |
| s46GZ(5)                          | Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the relevant development agency  |
| s46GZ(5)                          | Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land  | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the development agency specified in the approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the collecting agency   |
| s46GZ(7)                          | Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s.46GW                             | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collecting agency under an approved infrastructure contributions plan   |
| s46GZ(9)                          | Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land                             | DPSF, MDP, MSP, EOSP, PMSP, MFIN | If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4)<br><br>Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the development agency |

| PLANNING AND ENVIRONMENT ACT 1987 |   |                                  |  |
|-----------------------------------|---|----------------------------------|--|
| Column 1                          | Column 2  | Column 3                         | Column 4   |
| PROVISION                         | THING DELEGATED   | DELEGATE                         | CONDITIONS & LIMITATIONS   |
| s46GZ(9)                          | Function of receiving the fee simple in the land  | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the development agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the collecting agency                  |
| s46GZA(1)                         | Duty to keep proper and separate accounts and records   | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is a development agency under an approved infrastructure contributions plan  |
| s46GZA(2)                         | Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>   | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is a development agency under an approved infrastructure contributions plan  |
| s46GZB(3)                         | Duty to follow the steps set out in s.46GZB(3)(a) – (c)   | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is a development agency under an approved infrastructure contributions plan  |
| s46GZB(4)                         | Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA  | DPSF, MDP, MSP, EOSP, PMSP, MFIN | If the VPA is the collecting agency under an approved infrastructure contributions plan<br><br>Where Council is a development agency under an approved infrastructure contributions plan |
| s46GZD(2)                         | Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)  | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the development agency under an approved infrastructure contributions plan  |
| s46GZD(3)                         | Duty to follow the steps set out in s 46GZD(3)(a) and (b)   | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collecting agency under an approved infrastructure contributions plan   |
| s46GZD(5)                         | Duty to make payments under s 46GZD(3) in accordance with ss.46GZD(5)(a) and 46GZD(5)(b)  | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collecting agency under an approved infrastructure contributions plan   |
| s46GZE(2)                         | Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the development agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the collecting agency                  |

| PLANNING AND ENVIRONMENT ACT 1987 |   |                                  |  |
|-----------------------------------|---|----------------------------------|--|
| Column 1                          | Column 2  | Column 3                         | Column 4   |
| PROVISION                         | THING DELEGATED   | DELEGATE                         | CONDITIONS & LIMITATIONS   |
| s46GZE(2)                         | Function of receiving the unexpended land equalisation amount   | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the development agency      |
| s46GZE(3)                         | Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)   | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collecting agency under an approved infrastructure contributions plan   |
| s46GZF(2)                         | Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the development agency under an approved infrastructure contributions plan  |
| s46GZF(3)                         | Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)   | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the development agency under an approved infrastructure contributions plan  |
| s46GZF(3)                         | Function of receiving proceeds of sale  | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collection agency under an approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the development agency |
| s46GZF(4)                         | Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)      | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collecting agency under an approved infrastructure contributions plan   |
| s46GZF(6)                         | Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)   | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collecting agency under an approved infrastructure contributions plan   |
| s46GZH                            | Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction   | DPSF, MDP, MSP, EOSP, PMSP, MFIN | Where Council is the collecting agency under an approved infrastructure contributions plan   |
| s46GZI                            | Duty to prepare and give a report to the Minister at the times required by the Minister   | DPSF, MDP, MSP, EOSP, PMSP       | Where Council is a collecting agency or development agency   |

| PLANNING AND ENVIRONMENT ACT 1987 |  |   |  |
|-----------------------------------|--|---|--|
| Column 1                          | Column 2   | Column 3  | Column 4   |
| PROVISION                         | THING DELEGATED  | DELEGATE  | CONDITIONS & LIMITATIONS                                   |
| s46GZK                            | Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council   | DPSF, MDP, MSP, EOSP, PMSP, MFIN                    | Where Council is a collecting agency or development agency |
| s46LB(3)                          | Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)   | DPSF, MDP, MSP, EOSP, PMSP, MFIN                    |  |
| s46N(1)                           | Duty to include condition in permit regarding payment of development infrastructure levy   | DPSF, MDP, MPB, MSP, EOPS, SPO, TLPO, PPO, VCAT, PO |  |
| s46N(2)(c)                        | Function of determining time and manner for receipt of development contributions levy  | DPSF, MDP, MSP                                      |  |
| s46N(2)(d)                        | Power to enter into an agreement with the applicant regarding payment of development infrastructure levy   | DPSF, MDP, MSP                                      |  |
| s46O(1)(a) & (2)(a)               | Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit   | MBS, EODC   |  |
| s46O(1)(d) & (2)(d)               | Power to enter into agreement with the applicant regarding payment of community infrastructure levy  | DPSF, MDP, MSP                                      |  |
| s46P(1)                           | Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured   | DPSF, MDP, MSP                                      |  |
| s46P(2)                           | Power to accept provision of land, works, services or facilities in part or full payment of levy payable   | DPSF, MDP, MSP                                      |  |
| s46Q(1)                           | Duty to keep proper accounts of levies paid  | MFIN  |  |
| 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 or plan preparation costs incurred by a development agency | DPSF, MDP, MSP                                      |  |

| PLANNING AND ENVIRONMENT ACT 1987 |   |               |   |
|-----------------------------------|---|---------------|---|
| Column 1                          | Column 2  | Column 3      | Column 4  |
| PROVISION                         | THING DELEGATED   | DELEGATE      | CONDITIONS & LIMITATIONS  |
| 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.  | Not delegated |   |
| s46Q(3)                           | Power to refund any amount of levy paid if it is satisfied the development is not to proceed  | Not delegated | Only applies when levy is paid to Council as a 'development agency'   |
| s46Q(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) | Not delegated | Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister |
| s46Q(4)(d)                        | Duty to submit to the Minister an amendment to the approved development contributions plan  | Not delegated | Must be done in accordance with Part 3  |
| s46Q(4)(e)                        | Duty to expend that amount on other works etc.  | Not delegated | With the consent of, and in the manner approved by, the Minister  |
| s46QC                             | Power to recover any amount of levy payable under Part 3B   | Not delegated |   |
| s46QD                             | Duty to prepare report and give a report to the Minister  | Not delegated | Where Council is a collecting agency or development agency  |
| 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, in accordance with the public availability requirements, during the inspection period  | Not delegated |   |
| s 46V(4)                          | Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period   | Not delegated |   |



| PLANNING AND ENVIRONMENT ACT 1987 |   |  |                          |
|-----------------------------------|---|--|--------------------------|
| Column 1                          | Column 2  | Column 3   | Column 4                 |
| PROVISION                         | THING DELEGATED   | DELEGATE   | CONDITIONS & LIMITATIONS |
| s 46V(5)                          | Duty to keep a copy of the approved strategy plan incorporating all amendments to it  | Not delegated  |                          |
| s 46V(6)                          | Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements | Not delegated  |                          |
| s46Y                              | Duty to carry out works in conformity with the approved strategy plan   | Not delegated  |                          |
| s47                               | Power to decide that an application for a planning permit does not comply with that Act   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB      |                          |
| s49(1)                            | Duty to keep a register of all applications for permits and determinations relating to permits  | MPB, EOPS, PO(PS), BSO(PS)   |                          |
| s49(2)                            | Duty to make register available for inspection in accordance with the public availability requirements  | MPB, EOPS, SPO, TLPO, PPO, VCAT, PO, BSO(PS)                         |                          |
| s50(4)                            | Duty to amend application   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |                          |
| s50(5)                            | Power to refuse to amend application  | MPB, MDP, MSP, EOPS, EOSP, PMSP                                      |                          |
| s50(6)                            | Duty to make note of amendment to application in register   | MPB, MDP, MSP, EOPS, EOSP, PMSP, PO, SPO, PPO, VCAT, TLPO, BSO       |                          |
| s50A(1)                           | Power to make amendment to application  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |                          |
| s50A(3)                           | Power to require applicant to notify owner and make a declaration that notice has been given  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO            |                          |
| s50A(4)                           | Duty to note amendment to application in register   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, BSO       |                          |
| s51                               | Duty to make copy of application available for inspection in accordance with the public availability requirements                                   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, BSO       |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |   |  |   |
|-----------------------------------|---|--|---|
| Column 1                          | Column 2  | Column 3   | Column 4  |
| PROVISION                         | THING DELEGATED   | DELEGATE   | CONDITIONS & LIMITATIONS  |
| s52(1)(a)                         | Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO            | In case of a decision not to give notice of an application, this delegation must only be exercised by the MPB, MDP, MSP, EOPS, EOSP, PMSP or TLPO |
| s52(1)(b)                         | Duty to give notice of the application to other municipal councils where appropriate  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |   |
| s52(1)(c)                         | Duty to give notice of the application to all persons required by the planning scheme   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |   |
| s52(1)(ca)                        | Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant                     | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |   |
| s52(1)(cb)                        | Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant        | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |   |
| s52(1)(d)                         | Duty to give notice of the application to other persons who may be detrimentally effected   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |   |
| s52(1AA)                          | Duty to give notice of an application to remove or vary a registered restrictive covenant   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |   |
| s52(3)                            | Power to give any further notice of an application where appropriate  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |   |
| s53(1)                            | Power to require the applicant to give notice under s 52(1) to persons specified by it  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |   |
| s53(1A)                           | power to require the applicant to give the notice under s 52(1AA)   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |   |

**PLANNING AND ENVIRONMENT ACT 1987**

| Column 1  | Column 2  | Column 3  | Column 4  |
|-----------|---|---|---|
| PROVISION | THING DELEGATED   | DELEGATE  | CONDITIONS & LIMITATIONS  |
| s54(1)    | Power to require the applicant to provide more information  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB      |   |
| s54(1A)   | duty to give notice in writing of information required under s 54(1)  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |   |
| s54(1B)   | Duty to specify the lapse date for an application   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB      |   |
| s54A(3)   | Power to decide to extend time or refuse to extend time to give required information  | MPB, MDP, MSP, EOPS, EOSP, PMSP, TLPO, PPO, VCAT, PO, SSUB, SUB, SPO      | <p>A decision to extend time in response to a first request pursuant to s 54A(1) may be exercised by all delegated officers.</p> <p>A decision to extend time in response to a second request pursuant to s 54A(1) must only be exercised by the MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO or TLPO.</p> <p>A decision to extend time in response to a third request pursuant to s 54A(1) must only be exercised by the MPB, MDP, MSP, EOPS, EOSP, PMSP or TLPO.</p> <p>A decision to extend time for any subsequent requests pursuant to s 54A(1) must only be exercised by the MPB, MDP, MSP, EOPS, EOSP, PMSP.</p> <p>A decision to refuse to extend time in response to any request pursuant to s 54A(1) must only be exercised by the MPB, MDP, MSP, EOPS or EOSP, TLPO, PMSP.</p> |
| s54A(4)   | Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |   |
| s55(1)    | Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |   |

| PLANNING AND ENVIRONMENT ACT 1987 |   |   |  |
|-----------------------------------|---|---|--|
| Column 1                          | Column 2  | Column 3  | Column 4   |
| PROVISION                         | THING DELEGATED   | DELEGATE  | CONDITIONS & LIMITATIONS   |
| s57(2A)                           | Power to reject objections considered made primarily for commercial advantage for the objector          | MPB, MDP, MSP, EOPS, EOSP, PMSP   |  |
| s57(3)                            | Function of receiving name and address of persons to whom notice of decision is to go                   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |  |
| s57(5)                            | Duty to make a copy of all objections available in accordance with the public availability requirements | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |  |
| s57A(4)                           | Duty to amend application in accordance with applicant's request, subject to s 57A(5)                   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB      |  |
| s57A(5)                           | Power to refuse to amend application  | MPB, MDP, MSP, EOPS, EOSP, PMSP   |  |
| s57A(6)                           | Duty to note amendments to application in register  | MPB, MDP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO      |  |
| s57B(1)                           | Duty to determine whether and to whom notice should be given  | MPB, MDP, MSP, EOPS, EOSP, PMSP, TLPO, SPO, PPO, VCAT, PO, SSUB, SUB      | A decision to not give notice must only be exercised by the MPB, MDP, MSP, EOPS, EOSP, PMSP or TLPO. |
| s57B(2)                           | Duty to consider certain matters in determining whether notice should be given                          | MPB, MDP, MSP, EOPS, EOSP, PMSP, TLPO, SPO, PPO, VCAT, PO, SSUB, SUB      | A decision to not give notice must only be exercised by the MPB, MDP, MSP, EOPS, EOSP, PMSP or TLPO. |
| s57C(1)                           | Duty to give copy of amended application to referral authority  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |  |
| s58                               | Duty to consider every application for a permit   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB      |  |
| s58A                              | Power to request advice from the Planning Application Committee   | DPSF, MPB, MDP, MSP   |  |
| s60                               | Duty to consider certain matters  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB      |  |

| PLANNING AND ENVIRONMENT ACT 1987 |   |  |                          |
|-----------------------------------|---|--|--------------------------|
| Column 1                          | Column 2  | Column 3   | Column 4                 |
| PROVISION                         | THING DELEGATED   | DELEGATE   | CONDITIONS & LIMITATIONS |
| s60(1A)                           | Duty to consider certain matters  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |                          |
| s60(1B)                           | Duty to consider number of objectors in considering whether use or development may have significant social effect | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |                          |

|        |  |  |   |
|--------|--|--|---|
| s61(1) | Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, VCAT | <p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act</i> 2006.</p> <p>A decision to refuse to issue a permit must only be exercised by MPB, MDP, MSP, EOPS, EOSP or PMSP.</p> <p><u>The permit application made under Schedule 1 to the Comprehensive Development Zone (former Lilydale Quarry) must be generally consistent with the Incorporated Document Former Lilydale Quarry Comprehensive Development Plan.</u></p> <p><u>A decision made under Schedule 1 to the Comprehensive Development Zone must only be exercised by the MPB or MSP.</u></p> <p>Must not be exercised for <b>approval</b> if any of the following conditions* apply:</p> <p>A – Objections</p> <p>B – Major development</p> <p>C – Call in by relevant ward councillor</p> <p><del>D – Decision made under the Comprehensive Development Zone Schedule 1 (Kinley Estate)</del></p> <p><del>ED</del> - To decide a planning application when a beneficiary of a covenant objects</p> <p>Must not be exercised for <b>refusal</b> if any of the following conditions* apply:</p> <p>A – Objections</p> <p>B – Major development</p> <p>C – Call in by relevant ward councillor</p> <p><del>D – Decision made under the Comprehensive Development Zone Schedule 1 (Kinley Estate)</del></p> <p><del>ED</del> - To decide a planning application when a beneficiary of a covenant objects</p> <p>* The above conditions do not apply in circumstances described in the following conditions</p> <p><del>F-E</del> – Call out by relevant ward councillor</p> <p><del>G-F</del> – Summer recess and emergency delegations</p> <p>Decision must be dual signed by PO and Delegate.</p> |
|--------|--|--|---|

| PLANNING AND ENVIRONMENT ACT 1987 |  |  |  |
|-----------------------------------|--|--|--|
| Column 1                          | Column 2   | Column 3   | Column 4   |
| PROVISION                         | THING DELEGATED  | DELEGATE   | CONDITIONS & LIMITATIONS   |
| s61(2)                            | Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit                           | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP                                      |  |
| s61(2A)                           | Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit                     | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP                                      | Must only be exercised in a manner consistent with the delegations applicable to s 61 decisions. |
| s61(3)(a)                         | Duty not to decide to grant a permit to use coastal Crown land without Minister's consent  | <u>–Not Delegated</u>  | Not applicable – no coastal land in the Municipality   |
| s61(3)(b)                         | Duty to refuse to grant the permit without the Minister's consent  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP                                      |  |
| s61(4)                            | Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant                                    | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP                                      |  |
| s62(1)                            | Duty to include certain conditions in deciding to grant a permit   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |  |
| s62(2)                            | Power to include other conditions  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |  |
| s62(4)                            | Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |  |
| s62(5)(a)                         | Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |  |
| s62(5)(b)                         | Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement        | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |  |
| s62(5)(c)                         | Power to include a permit condition that specified works be provided or paid for by the applicant  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |  |

| PLANNING AND ENVIRONMENT ACT 1987 |   |   |   |
|-----------------------------------|---|---|---|
| Column 1                          | Column 2  | Column 3  | Column 4  |
| PROVISION                         | THING DELEGATED   | DELEGATE  | CONDITIONS & LIMITATIONS  |
| s62(6)(a)                         | Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB      |   |
| s62(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)  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB      |   |
| s63                               | Duty to issue the permit where made a decision in favour of the application (if no one has objected)  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |   |
| s64(1)                            | Duty to give notice of decision to grant a permit to applicant and objectors  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO | This provision applies also to a decision to grant an amendment to a permit - see s 75  |
| s64(3)                            | Duty not to issue a permit until after the specified period   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO | This provision applies also to a decision to grant an amendment to a permit - see s 75  |
| s64(5)                            | Duty to give each objector a copy of an exempt decision   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO | This provision applies also to a decision to grant an amendment to a permit - see s 75  |
| s64A                              | 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 | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO | This provision applies also to a decision to grant an amendment to a permit - see s 75A |
| s65(1)                            | Duty to give notice of refusal to grant permit to applicant and person who objected under s 57  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |   |
| s66(1)                            | Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |   |

| PLANNING AND ENVIRONMENT ACT 1987 |  |   |   |
|-----------------------------------|--|---|---|
| Column 1                          | Column 2   | Column 3  | Column 4  |
| PROVISION                         | THING DELEGATED  | DELEGATE  | CONDITIONS & LIMITATIONS  |
| s66(2)                            | Duty to give a recommending referral authority notice of its decision to grant a permit  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO | 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 |
| s66(4)                            | Duty to give a recommending referral authority notice of its decision to refuse a permit   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO | 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                             |
| s66(6)                            | Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65 | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO | 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                             |
| s69(1)                            | Function of receiving application for extension of time of permit  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |   |
| s69(1A)                           | Function of receiving application for extension of time to complete development  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |   |



**PLANNING AND ENVIRONMENT ACT 1987**

| Column 1  | Column 2   | Column 3  | Column 4   |
|-----------|--|---|--|
| PROVISION | THING DELEGATED  | DELEGATE  | CONDITIONS & LIMITATIONS   |
| s69(2)    | Power to extend time   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO                          | <p>Must not be exercised if any of the following conditions apply:</p> <p>C - Call in by relevant ward Councillor</p> <p>A decision to extend the time of a permit under a 2nd request must only be exercised by the MPB, MDP, MSP, EOPS, EOSP, PMSP or TLPO.</p> <p>A decision to extend the time of a permit under a 3rd request must only be exercised by the MPB, MDP, MSP, EOPS, EOSP, PMSP or TLPO.</p> <p>A decision to extend the time of a permit under a 4<sup>th</sup> or subsequent request must only be exercised by the MPB, MDP, MSP, EOPS, EOSP or PMSP.</p> <p>Power to refuse to extend time must only be exercised by the DPSF, MPB, MDP, MSP, EOPS, EOSP or PMSP</p> |
| s70       | Duty to make copy permit available in accordance with public availability requirements | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |  |
| s71(1)    | Power to correct certain mistakes  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, TLPO                               | A mistake made by an individual officer must only be corrected by a different officer.   |
| s71(2)    | Duty to note corrections in register   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |  |

**PLANNING AND ENVIRONMENT ACT 1987**

| Column 1  | Column 2   | Column 3  | Column 4   |
|-----------|--|---|--|
| PROVISION | THING DELEGATED  | DELEGATE  | CONDITIONS & LIMITATIONS   |
| s73       | Power to decide to grant amendment subject to conditions                                       | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, VCAT                    | <p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p><u>The permit application made under Schedule 1 to the Comprehensive Development Zone (former Lilydale Quarry) must be generally consistent with the Incorporated Document Former Lilydale Quarry Comprehensive Development Plan.</u></p> <p><u>A decision made under Schedule 1 to the Comprehensive Development Zone must only be exercised by the MPB or MSP.</u></p> <p>Must not be exercised if any of the following conditions apply:</p> <p>A – Objections</p> <p>B – Major development</p> <p>C - Call in by relevant ward Councillor</p> <p><del>D- Decision made under the Comprehensive Development Zone Schedule 1 (Kinley Estate)</del></p> <p>E- To decide a planning application when a beneficiary of a covenant objects</p> <p>The above conditions do not apply in circumstances described in the following conditions:</p> <p>F - Call out by relevant ward Councillor</p> <p>G- Summer recess and emergency delegations.</p> <p>Decision must be dual signed by PO &amp; Delegate.</p> |
| s74       | Duty to issue amended permit to applicant if no objectors                                      | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |  |
| s76       | Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |  |

| PLANNING AND ENVIRONMENT ACT 1987 |  |  |   |
|-----------------------------------|--|--|---|
| Column 1                          | Column 2   | Column 3   | Column 4  |
| PROVISION                         | THING DELEGATED  | DELEGATE   | CONDITIONS & LIMITATIONS  |
| s76A(1)                           | Duty to give relevant determining referral authorities copy of amended permit and copy of notice   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO        |   |
| s76A(2)                           | Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO        | 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 |
| s76A(4)                           | Duty to give a recommending referral authority notice of its decision to refuse a permit   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO        | 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                             |
| s76A(6)                           | Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76 | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO        | 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                             |
| s76D                              | Duty to comply with direction of Minister to issue amended permit  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO        |   |
| s83                               | Function of being respondent to an appeal  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, TLPO, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB | The DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP may appoint a consultant or legal representative to represent Council at a proceeding   |
| s83B                              | Duty to give or publish notice of application for review   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO        |   |
| s84(1)                            | Power to decide on an application at any time after an appeal is lodged against failure to grant a permit  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, TLPO                                      | Must only be exercised in a manner consistent with the delegations applicable to Section 61 decisions.  |
| s84(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                         | MPB, MDP, MSP, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO              |   |

| PLANNING AND ENVIRONMENT ACT 1987 |   |   |   |
|-----------------------------------|---|---|---|
| Column 1                          | Column 2  | Column 3  | Column 4  |
| PROVISION                         | THING DELEGATED   | DELEGATE  | CONDITIONS & LIMITATIONS  |
| s84(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 | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO                           |   |
| s84(6)                            | Duty to issue permit on receipt of advice within 3 business days  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO                           |   |
| s84AB                             | Power to agree to confining a review by the Tribunal  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, VCAT  |   |
| s86                               | Duty to issue a permit at order of Tribunal within 3 business days  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO, BSO, VCAT   |   |
| s87(3)                            | Power to apply to VCAT for the cancellation or amendment of a permit  | DPSF  | Must only be exercised where Council has previously indicated its intention to apply for cancellation or amendment, or where an extraordinary situation exists that requires action to be taken prior to reporting the matter to Council. |
| s90(1)                            | Function of being heard at hearing of request for cancellation or amendment of a permit   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, EODC, BPCO, SPO, TLPO, VCAT, PO                              | The DPSF, MPB, MDP or MSP, EOPS may appoint a consultant or legal representative to represent Council at a proceeding.  |
| s91(2)                            | Duty to comply with the directions of VCAT  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, EODC, EOUDLA, BPCO, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |   |
| s91(2A)                           | Duty to issue amended permit to owner if Tribunal so directs  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO                           |   |
| s92                               | Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90                            | MPB, MDP, MSP, EOPS, EOSP, PMSP, EODC, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO                     |   |
| s93(2)                            | Duty to give notice of VCAT order to stop development   | MPB, MDP, MSP, EOPS, EOSP, PMSP, EODC, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO                     |   |
| s95(3)                            | Function of referring certain applications to the Minister  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP   |   |

| PLANNING AND ENVIRONMENT ACT 1987 |  |   |   |
|-----------------------------------|--|---|---|
| Column 1                          | Column 2   | Column 3  | Column 4  |
| PROVISION                         | THING DELEGATED  | DELEGATE  | CONDITIONS & LIMITATIONS  |
| s95(4)                            | Duty to comply with an order or direction  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, EODC, BPCO, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |   |
| s96(1)                            | Duty to obtain a permit from the Minister to use and develop its land  | MPB, MDP, MSP, EOPS, EOSP, PMSP, EODC, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB                  |   |
| s96(2)                            | Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land  | DPSF, MPB, MDP, MSP   | Must only be exercised where the use, works or development has been approved by Council and where the written agreement of the manager responsible for the management of the land is given. |
| s96A(2)                           | Power to agree to consider an application for permit concurrently with preparation of proposed amendment   | DPSF, MDP, MSP, EOSP, PMSP  |   |
| s96C                              | Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP   |   |
| s96F                              | Duty to consider the panel's report under s 96E  | Not delegated   |   |
| s96G(1)                           | Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> ) | Not delegated   |   |
| s96H(3)                           | Power to give notice in compliance with Minister's direction   | MPB, MDP, MSP, EOPS, EOSP, PMSP, EODC, BPCO, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO       |   |
| s96J                              | Duty to issue permit as directed by the Minister   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO                   |   |
| s96K                              | Duty to comply with direction of the Minister to give notice of refusal  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO                   |   |

| PLANNING AND ENVIRONMENT ACT 1987 |   |   |  |
|-----------------------------------|---|---|--|
| Column 1                          | Column 2  | Column 3  | Column 4   |
| PROVISION                         | THING DELEGATED   | DELEGATE  | CONDITIONS & LIMITATIONS   |
| s96Z                              | Duty to keep levy certificates given to it under ss 47 or 96a for no less than 5 years from receipt of the certificate      | MPB, MDP, MSP   |  |
| s97C                              | Power to request Minister to decide the application   | DPSF  |  |
| s97D(1)                           | Duty to comply with directions of Minister to supply any document or assistance relating to application                     | MPB, MDP, MSP, EOPS, EOSP, PMSP, EOUDLA, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO     |  |
| s97G(3)                           | Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister | MPB, MDP, MSP, EOPS, EOSP, PMSP, EODC, BPCO, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |  |
| s97G(6)                           | Duty to make a copy of permits issued under s 97F available in accordance with public availability requirements             | MPB, MDP, MSP, EOPS, EOSP, PMSP, BPCO, EODC, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |  |
| s97L                              | Duty to include Ministerial decisions in a register kept under s 49   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO             |  |
| s97MH                             | Duty to provide information or assistance to the Planning Application Committee   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO             |  |
| s97MI                             | Duty to contribute to the costs of the Planning Application Committee or subcommittee                                       | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP   |  |
| s97O                              | Duty to consider application and issue or refuse to issue certificate of compliance   | DPSF, MPB, MDP, MSP, EOPS, EODC, BPCO, SPO, TLPO                                      | A decision to issue or refuse to issue a certificate of compliance must only be exercised by DPSF, MPB, MDP, MSP, EOPS or EOSP, PMSP |
| s97P(3)                           | Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate   | MPB, MDP, MSP, EOPS, EODC, BPCO, SPO, TLPO, PPO, BSO, VCAT                            |  |
| s97Q(2)                           | Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate                          | MPB, MDP, MSP, EOPS, EODC, BPCO, PPO, SPO, TLPO, PO, VCAT                             | The DPSF, MPB, MDP or MSP may appoint a consultant or legal representative to represent Council at a proceeding.                     |

| PLANNING AND ENVIRONMENT ACT 1987 |   |   |   |
|-----------------------------------|---|---|---|
| Column 1                          | Column 2  | Column 3  | Column 4  |
| PROVISION                         | THING DELEGATED   | DELEGATE  | CONDITIONS & LIMITATIONS  |
| s97Q(4)                           | Duty to comply with directions of VCAT  | MPB, MDP, MSP, EOPS, EOSP, PMSP, EODC, BPCO, SPO, TLPO, PO, BSO, PPO, VCAT            |   |
| s97R                              | Duty to keep register of all applications for certificate of compliance and related decisions | MPB, MDP, MSP, EOPS, EOSP, PMSP, EODC, BPCO, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |   |
| s98(1)&(2)                        | Function of receiving claim for compensation in certain circumstances                         | DPSF, MPB, MDP, MSP,  |   |
| s98(4)                            | Duty to inform any person of the name of the person from whom compensation can be claimed     | DPSF, MPB, MDP, MSP, EOSP, PMSP, PO(SP)   |   |
| s101                              | Function of receiving claim for expenses in conjunction with claim                            | DPSF, MPB, MDP, MSP   |   |
| s103                              | Power to reject a claim for compensation in certain circumstances                             | DPSF  |   |
| s107(1)                           | Function of receiving claim for compensation  | DPSF, MDP, MSP, EOSP, PMSP  |   |
| s107(3)                           | Power to agree to extend time for making claim  | DPSF  |   |
| s 113(2)                          | Power to request a declaration for land to be proposed to be reserved for public purposes     | DPSF, MPB, MDP, EOSP, EOPS  |   |
| s114(1)                           | Power to apply to the VCAT for an enforcement order   | DPSF, MPB, EODC   |   |
| s117(1)(a)                        | Function of making a submission to the VCAT where objections are received                     | EODC, BPCO  | The EODC may appoint a consultant or legal representative to represent Council at a proceeding. |
| s120(1)                           | Power to apply for an interim enforcement order where s 114 application has been made         | DPSF, MPB, EODC   |   |
| s123(1)                           | Power to carry out work required by enforcement order and recover costs                       | DBEI, DPSF, EODC  |   |
| s123(2)                           | Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)          | DBEI, DPSF  | Except Crown Land   |

| PLANNING AND ENVIRONMENT ACT 1987 |   |                                       |  |
|-----------------------------------|---|---------------------------------------|--|
| Column 1                          | Column 2  | Column 3                              | Column 4   |
| PROVISION                         | THING DELEGATED   | DELEGATE                              | CONDITIONS & LIMITATIONS   |
| s 125(1)                          | Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.   | DPSF, MPB, MDP, MSP, EODC             | Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal. |
| s129                              | Function of recovering penalties  | MPB, EODC, BPCO                       |  |
| s130(5)                           | Power to allow person served with an infringement notice further time   | MPB, EOPS, EODC                       |  |
| s149A(1)                          | Power to refer a matter to the VCAT for determination   | DPSF, MPB, MDP, MSP, EOPS, EODC       |  |
| s149A(1A)                         | Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement  | DPSF, MPB, MDP, MSP, EODC             |  |
| s 149B                            | Power to apply to the Tribunal for a declaration.   | DPSF, MPB, MDP, MSP, EODC, EOPS, EOSP |  |
| s156                              | Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4) | DPSF, MDP, MSP, EOSP, PMSP            | Where Council is the relevant planning authority   |
| s171(2)(f)                        | Power to carry out studies and commission reports   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP |  |
| s171(2)(g)                        | Power to grant and reserve easements  | DPSF, MPB, MSP, EOPS                  |  |
| s172C                             | Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP | Where Council is a development agency specified in an approved infrastructure contributions plan                   |
| s172D(1)                          | Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP | Where Council is a collecting agency specified in an approved infrastructure contributions plan                    |



| PLANNING AND ENVIRONMENT ACT 1987 |   |   |  |
|-----------------------------------|---|---|--|
| Column 1                          | Column 2  | Column 3  | Column 4   |
| PROVISION                         | THING DELEGATED   | DELEGATE  | CONDITIONS & LIMITATIONS   |
| s172D(2)                          | Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)             | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP   | Where Council is the development agency specified in an approved infrastructure contributions plan |
| s173(1)                           | Power to enter into agreement covering matters set out in s 174   | DPSF, MPB, MDP, MSP, EOPS   |  |
| s173(1A)                          | Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing   | DPSF, MPB, MDP, MSP, EOPS   | Where Council is the relevant responsible authority  |
| ---                               | Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, PPO, SPO, TLPO, VCAT                     |  |
| ---                               | Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority           | DPSF, MPB, MDP, MSP, EOPS and EOSP, PMSP  |  |
| s177(2)                           | Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9  | DPSF, MPB, MDP, MSP, EOPS   |  |
| s178                              | Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with division 2 of part 9  | DPSF, MPB, MDP, MSP, EOPS   |  |
| s178A(1)                          | Function of receiving application to amend or end an agreement  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |  |
| s178A(3)                          | Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB      |  |

| PLANNING AND ENVIRONMENT ACT 1987 |   |  |  |
|-----------------------------------|---|--|--|
| Column 1                          | Column 2  | Column 3   | Column 4   |
| PROVISION                         | THING DELEGATED   | DELEGATE   | CONDITIONS & LIMITATIONS   |
| s178A(4)                          | Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |  |
| s178A(5)                          | Power to propose to amend or end an agreement   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, SSUB          |  |
| s178B(1)                          | Duty to consider certain matters when considering proposal to amend an agreement  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |  |
| s178B(2)                          | Duty to consider certain matters when considering proposal to end an agreement  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |  |
| s178C(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 | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |  |
| s178C(4)                          | Function of determining how to give notice under s 178C(2)  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |  |
| s178E(1)                          | Duty not to make decision until after 14 days after notice has been given   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB |  |
| s178E(2)(a)                       | Power to amend or end the agreement in accordance with the proposal   | DPSF, MPB, MDP, MSP, EOPS  | <p>If no objections are made under s 178D</p> <p>Must consider matters in s 178B</p> <p>Must not be exercised if any of the following conditions apply:</p> <p>C - Call in by relevant ward Councillor</p> |
| s178E(2)(b)                       | Power to amend or end the agreement in a manner that is not substantively different from the proposal   | DPSF, MPB, MDP, MSP, EOPS  | <p>If no objections are made under s 178D</p> <p>Must consider matters in s 178B</p> <p>Must not be exercised if any of the following conditions apply:</p> <p>C - Call in by relevant ward Councillor</p> |

| PLANNING AND ENVIRONMENT ACT 1987 |   |   |   |
|-----------------------------------|---|---|---|
| Column 1                          | Column 2  | Column 3  | Column 4  |
| PROVISION                         | THING DELEGATED   | DELEGATE  | CONDITIONS & LIMITATIONS  |
| s178E(2)(c)                       | Power to refuse to amend or end the agreement   | DPSF, MPB, MDP, MSP, EOPS   | If no objections are made under s 178D<br><br>Must consider matters in s 178B<br><br>Must not be exercised if any of the following conditions apply:<br><br>C - Call in by relevant ward Councillor         |
| s178E(3)(a)                       | Power to amend or end the agreement in accordance with the proposal                                   | DPSF, MPB, MDP, MSP, EOPS   | After considering objections, submissions and matters in s 178B<br><br>Must not be exercised if any of the following conditions apply:<br><br>A - Objections<br><br>C - Call in by relevant ward Councillor |
| s178E(3)(b)                       | Power to amend or end the agreement in a manner that is not substantively different from the proposal | DPSF, MPB, MDP, MSP, EOPS   | After considering objections, submissions and matters in s 178B<br><br>Must not be exercised if any of the following conditions apply:<br><br>A - Objections<br><br>C - Call in by relevant ward Councillor |
| s178E(3)(c)                       | Power to amend or end the agreement in a manner that is substantively different from the proposal     | DPSF, MPB, MDP, MSP, EOPS   | After considering objections, submissions and matters in s 178B<br><br>Must not be exercised if any of the following conditions apply:<br><br>A - Objections<br><br>C - Call in by relevant ward Councillor |
| s178E(3)(d)                       | Power to refuse to amend or end the agreement   | DPSF, MPB, MDP, MSP, EOPS   | After considering objections, submissions and matters in s 178B<br><br>Must not be exercised if any of the following conditions apply:<br><br>A - Objections<br><br>C - Call in by relevant ward Councillor |
| s178F(1)                          | Duty to give notice of its decision under s 178E(3)(a) or (b)   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |   |
| s178F(2)                          | Duty to give notice of its decision under s 178E(2)(c) or (3)(d)                                      | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |   |

| PLANNING AND ENVIRONMENT ACT 1987 |  |   |   |
|-----------------------------------|--|---|---|
| Column 1                          | Column 2   | Column 3  | Column 4  |
| PROVISION                         | THING DELEGATED  | DELEGATE  | CONDITIONS & LIMITATIONS  |
| s178F(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 | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |   |
| s178G                             | Duty to sign amended agreement and give copy to each other party to the agreement  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP,  |   |
| s178H                             | 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  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, TLPO, VCAT                               |   |
| s178I(3)                          | Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB      |   |
| s179(2)                           | Duty to make a copy of each agreement available in accordance with the public availability requirements  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO       |   |
| s181                              | Duty to apply to the Registrar of Titles to record the agreement and   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB      | The DPSF, MPB, MDP or MSP may appoint a consultant or legal representative to act on behalf of Council. |
| s181(1A)(a)                       | Power to apply to the Registrar of Titles to record the agreement  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP   | The DPSF, MPB, MDP or MSP may appoint a consultant or legal representative to act on behalf of Council. |
| s181(1A)(b)                       | Duty to apply to the Registrar of Titles, without delay, to record the agreement   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB      | The DPSF, MPB, MDP or MSP may appoint a consultant or legal representative to act on behalf of Council. |
| s182                              | Power to enforce an agreement  | DPSF, MPB, MDP, MSP, EODC, EOPS, EOSP, PMSP                                     |   |
| s183                              | Duty to tell Registrar of Titles of ending/amendment of agreement  | DPSF, MPB, MDP, MSP, EODC, PPO, VCAT, PO, SSUB, SUB, EOPS, EOSP, PMSP, BSO      | The DPSF, MPB, MDP or MSP may appoint a consultant or legal representative to act on behalf of Council. |
| s184F(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  | DPSF, MPB, MDP, MSP   |   |

| PLANNING AND ENVIRONMENT ACT 1987 |   |   |                          |
|-----------------------------------|---|---|--------------------------|
| Column 1                          | Column 2  | Column 3  | Column 4                 |
| PROVISION                         | THING DELEGATED   | DELEGATE  | CONDITIONS & LIMITATIONS |
| s184F(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                                   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB            |                          |
| s184F(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 | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB            |                          |
| s184F(5)                          | Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |                          |
| s184G(2)                          | Duty to comply with a direction of the Tribunal   | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |                          |
| s184G(3)                          | Duty to give notice as directed by the Tribunal   | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB            |                          |
| s185B(1)                          | Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice                     | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO       |                          |
| s198(1)                           | Function to receive application for planning certificate  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO       |                          |
| s199(1)                           | Duty to give planning certificate to applicant  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO       |                          |
| s201(1)                           | Function of receiving application for declaration of underlying zoning  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO       |                          |
| s201(3)                           | Duty to make declaration  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO,                      |                          |

| PLANNING AND ENVIRONMENT ACT 1987 |  |   |   |
|-----------------------------------|--|---|---|
| Column 1                          | Column 2   | Column 3  | Column 4  |
| PROVISION                         | THING DELEGATED  | DELEGATE  | CONDITIONS & LIMITATIONS  |
| -                                 | Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council        | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, PPO, SPO, EODC, TLPO               |   |
|                                   | 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 | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, PPO, SPO, TLPO                     | <p>The decision must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>Must not be exercised if any of the following conditions apply:</p> <p>C – Call in by relevant ward Councillor</p> <p>The above conditions do not apply in circumstances described in the following conditions:</p> <p><del>D</del>F – Call out by relevant ward Councillor</p> <p>E – Summer recess and emergency delegations.</p> |
|                                   | Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit  | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP, PPO, SPO, TLPO, PO                 |   |
| -                                 | Power to give written authorisation in accordance with a provision of a planning scheme  | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB      |   |
| s201UAB(1)                        | Function of providing the Victorian Planning Authority with information relating to any land within municipal district                               | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |   |

| PLANNING AND ENVIRONMENT ACT 1987 |   |   |                          |
|-----------------------------------|---|---|--------------------------|
| Column 1                          | Column 2  | Column 3  | Column 4                 |
| PROVISION                         | THING DELEGATED   | DELEGATE  | CONDITIONS & LIMITATIONS |
| s201UAB(2)                        | Duty to provide the Victorian Planning Authority with information requested under s 201UAB(1) as soon as possible | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PPO, VCAT, PO, SSUB, SUB, BSO |                          |

| RESIDENTIAL TENANCIES ACT 1997 |   |  |                          |
|--------------------------------|---|--|--------------------------|
| Column 1                       | Column 2  | Column 3                               | Column 4                 |
| PROVISION                      | THING DELEGATED   | DELEGATE                               | CONDITIONS & LIMITATIONS |
| s518F                          | Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| s522(1)                        | Power to give a compliance notice to a person   | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| s525(2)                        | Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)  | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| s525(4)                        | Duty to issue identity card to authorised officers  | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| s526(5)                        | Duty to keep record of entry by authorised officer under s 526  | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| s526A(3)                       | Function of receiving report of inspection  | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| s527                           | Power to authorise a person to institute proceedings (either generally or in a particular case)   | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |

| ROAD MANAGEMENT ACT 2004 |   |   |   |
|--------------------------|---|---|---|
| Column 1                 | Column 2  | Column 3                                  | Column 4  |
| PROVISION                | THING DELEGATED   | DELEGATE                                  | CONDITIONS & LIMITATIONS  |
| s11(1)                   | Power to declare a road by publishing a notice in the Government Gazette                            | DBEI, DCS                                 | Obtain consent in circumstances specified in s 11(2)  |
| s11(8)                   | Power to name a road or change the name of a road by publishing notice in Government Gazette        | EOGRC, <del>MISMIO</del> , MOPI           |   |
| s11(9)(b)                | Duty to advise Registrar  | EOGRC, <del>MISMIO</del> , MOPI           |   |
| s11(10)                  | Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc. | EOGRC, <del>MISMIO</del> , MOPI           | Subject to s 11(10A)  |
| s11(10A)                 | Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person | <del>MISMIO</del> , <del>EOISIEOSTT</del> | Where Council is the coordinating road authority  |
| s12(2)                   | Power to discontinue road or part of a road   | <del>MISMIO</del> , <del>EOISIEOSTT</del> | Where Council is the coordinating road authority<br><br>Delegation relates to publishing notice in Government Gazette; power of coordinating road authority to discontinue road is not delegated. |
| s12(4)                   | Duty to publish, and provide copy, notice of proposed discontinuance                                | <del>MISMIO</del> , <del>EOISIEOSTT</del> | Power of coordinating road authority where it is the discontinuing body<br><br>Unless s 12(11) applies  |
| s12(5)                   | Duty to consider written submissions received within 28 days of notice                              | Not delegated                             | Duty of coordinating road authority where it is the discontinuing body<br><br>Unless s 12(11) applies   |
| s12(6)                   | Function of hearing a person in support of their written submission                                 | Not delegated                             | Function of coordinating road authority where it is the discontinuing body<br><br>Unless s 12(11) applies   |
| s12(7)                   | Duty to fix day, time and place of meeting under s 12(6) and to give notice                         | <del>MISMIO</del> , <del>EOISIEOSTT</del> | Duty of coordinating road authority where it is the discontinuing body<br><br>Unless s 12(11) applies   |
| s12(10)                  | Duty to notify of decision made   | <del>MISMIO</del> , <del>EOISIEOSTT</del> | Duty of coordinating road authority where it is the discontinuing body<br><br>Does not apply where an exemption is specified by the regulations or given by the minister                          |



| ROAD MANAGEMENT ACT 2004 |  |                          |  |
|--------------------------|--|--------------------------|--|
| Column 1                 | Column 2   | Column 3                 | Column 4   |
| PROVISION                | THING DELEGATED  | DELEGATE                 | CONDITIONS & LIMITATIONS   |
| s13(1)                   | Power to fix a boundary of a road by publishing notice in Government Gazette   | <del>MIS</del> MIO       | Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate |
| s14(4)                   | Function of receiving notice from the Head, Transport for Victoria   | DBEI                     |  |
| s14(7)                   | Power to appeal against decision of the Head, Transport for Victoria   | DBEI, <del>MIS</del> MIO |  |
| s15(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 | DBEI                     |  |
| s15(1A)                  | Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority   | DBEI, <del>MIS</del> MIO |  |
| s15(2)                   | Duty to include details of arrangement in public roads register  | <del>MIS</del> MIO       |  |
| s16(7)                   | Power to enter into an arrangement under s 15  | DBEI                     |  |
| s16(8)                   | Duty to enter details of determination in public roads register  | <del>MIS</del> MIO       |  |
| s17(2)                   | Duty to register public road in public roads register  | <del>MIS</del> MIO       | Where Council is the coordinating road authority   |
| s17(3)                   | Power to decide that a road is reasonably required for general public use  | <del>MIS</del> MIO       | Where Council is the coordinating road authority   |
| s17(3)                   | Duty to register a road reasonably required for general public use in public roads register  | <del>MIS</del> MIO       | Where Council is the coordinating road authority   |
| s17(4)                   | Power to decide that a road is no longer reasonably required for general public use  | <del>MIS</del> MIO       | Where Council is the coordinating road authority   |
| s17(4)                   | Duty to remove road no longer reasonably required for general public use from public roads register  | <del>MIS</del> MIO       | 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   |
| s18(1)                   | Power to designate ancillary area  | <del>MISMIO</del>       | Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2) |
| s18(3)                   | Duty to record designation in public roads register  | <del>MISMIO</del>       | Where Council is the coordinating road authority   |
| s19(1)                   | Duty to keep register of public roads in respect of which it is the coordinating road authority                  | <del>MISMIO</del>       |  |
| s19(4)                   | Duty to specify details of discontinuance in public roads register   | <del>MISMIO</del>       |  |
| s19(5)                   | Duty to ensure public roads register is available for public inspection  | <del>MISMIO</del>       |  |
| s21                      | Function of replying to request for information or advice  | <del>MISMIO</del>       | Obtain consent in circumstances specified in s 11(2)   |
| s22(2)                   | Function of commenting on proposed direction   | DBEI                    |  |
| s22(4)                   | Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report          | DBEI                    |  |
| s22(5)                   | Duty to give effect to a direction under this section.   | DBEI                    |  |
| s40(1)                   | Duty to inspect, maintain and repair a public road   | DBEI                    |  |
| s40(5)                   | Power to inspect, maintain and repair a road which is not a public road  | DBEI                    |  |
| s41(1)                   | Power to determine the standard of construction, inspection, maintenance and repair                              | DBEI                    |  |
| s42(1)                   | Power to declare a public road as a controlled access road   | DBEI                    | Power of coordinating road authority and sch 2 also applies  |
| s42(2)                   | Power to amend or revoke declaration by notice published in Government Gazette                                   | DBEI, <del>MISMIO</del> | Power of coordinating road authority and sch 2 also applies  |
| s42A(3)                  | Duty to consult with the Head, Transport for Victoria and Minister for Local Government before road is specified | DBEI, <del>MISMIO</del> | Where Council is the coordinating road authority<br><br>If road is a municipal road or part thereof        |

| ROAD MANAGEMENT ACT 2004 |  |               |  |
|--------------------------|--|---------------|--|
| Column 1                 | Column 2   | Column 3      | Column 4   |
| PROVISION                | THING DELEGATED  | DELEGATE      | CONDITIONS & LIMITATIONS   |
| s42A(4)                  | Power to approve Minister's decision to specify a road as a specified freight road   | DBEI          | Where Council is the coordinating road authority<br><br>If road is a municipal road or part thereof and where road is to be specified a freight road |
| s48EA                    | 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) | <u>MISMIO</u> | Where Council is the responsible road authority, infrastructure manager or works manager   |
| s48M(3)                  | Function of consulting with the relevant authority for purposes of developing guidelines under s 48M   | <u>MISMIO</u> |  |
| s49                      | Power to develop and publish a road management plan  | <u>MISMIO</u> |  |
| s51                      | Power to determine standards by incorporating the standards in a road management plan  | <u>MISMIO</u> |  |
| s53(2)                   | Power to cause notice to be published in Government Gazette of amendment etc. Of document in road management plan  | <u>MISMIO</u> |  |
| s54(2)                   | Duty to give notice of proposal to make a road management plan   | <u>MISMIO</u> |  |
| s54(5)                   | Duty to conduct a review of road management plan at prescribed intervals   | <u>MISMIO</u> |  |
| s54(6)                   | Power to amend road management plan  | <u>MISMIO</u> |  |
| s54(7)                   | Duty to incorporate the amendments into the road management plan   | <u>MISMIO</u> |  |
| s55(1)                   | Duty to cause notice of road management plan to be published in Government Gazette and newspaper   | <u>MISMIO</u> |  |
| s63(1)                   | Power to consent to conduct of works on road   | <u>MISMIO</u> | Where Council is the coordinating road authority   |
| s63(2)(e)                | Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency   | <u>MISMIO</u> | Where Council is the infrastructure manager  |

| ROAD MANAGEMENT ACT 2004 |  |                                      |  |
|--------------------------|--|--------------------------------------|--|
| Column 1                 | Column 2   | Column 3                             | Column 4   |
| PROVISION                | THING DELEGATED  | DELEGATE                             | CONDITIONS & LIMITATIONS                                     |
| s64(1)                   | Duty to comply with cl 13 of sch 7   | <del>M</del> <u>ISMIO</u>            | Where Council is the infrastructure manager or works manager |
| s66(1)                   | Power to consent to structure etc  | <del>M</del> <u>ISMIO</u>            | Where Council is the coordinating road authority             |
| s67(2)                   | Function of receiving the name & address of the person responsible for distributing the sign or bill                               | <del>M</del> <u>ISMIO</u>            | Where Council is the coordinating road authority             |
| s67(3)                   | Power to request information   | <del>M</del> <u>ISMIO</u>            | Where Council is the coordinating road authority             |
| s68(2)                   | Power to request information   | <del>M</del> <u>ISMIO</u>            | Where Council is the coordinating road authority             |
| s71(3)                   | Power to appoint an authorised officer   | DBEI                                 |  |
| s72                      | Duty to issue an identity card to each authorised officer  | DBEI, <del>M</del> <u>ISMIO</u>      |  |
| s85                      | Function of receiving report from authorised officer   | <del>M</del> <u>ISMIO</u>            |  |
| s86                      | Duty to keep register re s 85 matters  | <del>M</del> <u>ISMIO</u>            |  |
| s87(1)                   | Function of receiving complaints   | <del>M</del> <u>ISMIO</u>            |  |
| s87(2)                   | Duty to investigate complaint and provide report   | <del>M</del> <u>ISMIO</u>            |  |
| s 96                     | Power to authorise a person for the purpose of instituting legal proceedings   | <del>M</del> <u>ISMIO</u> , MPB, MCW |  |
| s112(2)                  | Power to recover damages in court  | DBEI                                 |  |
| s116                     | Power to cause or carry out inspection   | <del>M</del> <u>ISMIO</u>            |  |
| s119(2)                  | Function of consulting with the Head, Transport for Victoria   | DBEI, <del>M</del> <u>ISMIO</u>      |  |
| s120(1)                  | Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)             | <del>M</del> <u>ISMIO</u>            |  |
| s120(2)                  | Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1) | <del>M</del> <u>ISMIO</u>            |  |

| ROAD MANAGEMENT ACT 2004   |  |                         |  |
|----------------------------|--|-------------------------|--|
| Column 1                   | Column 2   | Column 3                | Column 4   |
| PROVISION                  | THING DELEGATED  | DELEGATE                | CONDITIONS & LIMITATIONS   |
| s121(1)                    | Power to enter into an agreement in respect of works   | <del>MISMIO</del>       |  |
| s122(1)                    | Power to charge and recover fees   | <del>MISMIO</del>       |  |
| s123(1)                    | Power to charge for any service  | DBEI, <del>MISMIO</del> |  |
| Schedule 2<br>Clause 2(1)  | Power to make a decision in respect of controlled access roads   | DBEI                    |  |
| Schedule 2<br>Clause 3(1)  | Duty to make policy about controlled access roads  | DBEI                    |  |
| Schedule 2<br>Clause 3(2)  | Power to amend, revoke or substitute policy about controlled access roads  | <del>MISMIO</del>       |  |
| Schedule 2<br>Clause 4     | Function of receiving details of proposal from the Head, Transport for Victoria  | <del>MISMIO</del>       |  |
| Schedule 2<br>Clause 5     | Duty to publish notice of declaration  | <del>MISMIO</del>       |  |
| Schedule 7,<br>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   | <del>MISMIO</del>       | Where Council is the infrastructure manager or works manager   |
| Schedule 7,<br>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                                     | <del>MISMIO</del>       | Where Council is the infrastructure manager or works manager   |
| Schedule 7,<br>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 | <del>MISMIO</del>       | Where Council is the infrastructure manager or works manager responsible for non-road infrastructure |
| Schedule 7,<br>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  | <del>MISMIO</del>       | Where Council is the infrastructure manager or works manager   |

| ROAD MANAGEMENT ACT 2004 |  |                          |   |
|--------------------------|--|--------------------------|---|
| Column 1                 | Column 2   | Column 3                 | Column 4  |
| PROVISION                | THING DELEGATED  | DELEGATE                 | CONDITIONS & LIMITATIONS  |
| Schedule 7, Clause 10(2) | Where sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected | <del>MIS</del> MIO       | 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   | <del>MIS</del> MIO       | Where Council is the coordinating road authority  |
| Schedule 7 Clause 12(3)  | Power to take measures to ensure reinstatement works are completed   | <del>MIS</del> MIO       | Where Council is the coordinating road authority  |
| Schedule 7 Clause 12(4)  | Duty to ensure that works are conducted by an appropriately qualified person   | <del>MIS</del> MIO       | Where Council is the coordinating road authority  |
| Schedule 7 Clause 12(5)  | Power to recover costs   | <del>MIS</del> MIO       | 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 sch 7, cl 13(2)             | <del>MIS</del> MIO       | Where Council is the works manager  |
| Schedule 7 Clause 13(2)  | Power to vary notice period  | <del>MIS</del> MIO       | 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 sch 7, cl 13(1)   | <del>MIS</del> MIO       | Where Council is the infrastructure manager   |
| Schedule 7 Clause 16(1)  | Power to consent to proposed works   | <del>MIS</del> MIO       | Where Council is the coordinating road authority  |
| Schedule 7 Clause 16(4)  | Duty to consult  | <del>MIS</del> MIO       | Where Council is the coordinating road authority, responsible authority or infrastructure manager |
| Schedule 7 Clause 16(5)  | Power to consent to proposed works   | <del>MIS</del> MIO       | Where Council is the coordinating road authority  |
| Schedule 7 Clause 16(6)  | Power to set reasonable conditions on consent  | <del>MIS</del> MIO       | Where Council is the coordinating road authority  |
| Schedule 7 Clause 16(8)  | Power to include consents and conditions   | <del>MIS</del> MIO       | 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   | <del>MIS</del> MIO       | Where Council is the coordinating road authority  |
| Schedule 7 Clause 18(1)  | Power to enter into an agreement   | DBEI, <del>MIS</del> MIO | 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<br>Clause 19(1)       | Power to give notice requiring rectification of works   | <a href="#">MISMIO</a> | Where Council is the coordinating road authority  |
| Schedule 7<br>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    | <a href="#">MISMIO</a> | Where Council is the coordinating road authority  |
| Schedule 7<br>Clause 20(1)       | Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure                                      | <a href="#">MISMIO</a> | Where Council is the coordinating road authority  |
| Schedule 7A<br>Clause 2          | Power to cause street lights to be installed on roads   | <a href="#">MISMIO</a> | Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road                                  |
| Schedule 7A<br>Clause 3(1)(d)    | Duty to pay installation and operation costs of street lighting - where road is not an arterial road                                  | <a href="#">MISMIO</a> | Where Council is the responsible road authority   |
| Schedule 7A<br>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 | <a href="#">MISMIO</a> | Where Council is the responsible road authority   |
| Schedule 7A<br>Clause (3)(1)(f), | Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4  | <a href="#">MISMIO</a> | Duty of Council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs) |

| PLANNING AND ENVIRONMENT REGULATIONS 2015 |  |   |   |
|---|--|---|---|
| Column 1                                  | Column 2   | Column 3  | Column 4  |
| PROVISION                                 | THING DELEGATED  | DELEGATE  | CONDITIONS AND LIMITATIONS  |
| r6  | Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO, BSO | Where Council is not the planning authority, and the amendment affects land within its municipal district; or<br><br>Where the amendment will amend the planning scheme to designate Council as an acquiring authority. |

| PLANNING AND ENVIRONMENT REGULATIONS 2015 |   |   |   |
|---|---|---|---|
| Column 1                                  | Column 2  | Column 3  | Column 4  |
| PROVISION                                 | THING DELEGATED   | DELEGATE  | CONDITIONS AND LIMITATIONS  |
| r21                                       | Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act | MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO, BSO |   |
| r25(a)                                    | Duty to make copy of matter considered under s 60(1A)(g) in accordance with the public availability requirements  | MDP, MSP, EOSP, PMSP                                | Where Council is the responsible authority  |
| r25(b)                                    | Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements  | MDP, MSP, EOSP, PMSP                                | Where Council is not the responsible authority, but the relevant land is within Council's municipal district  |
| r42                                       | Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application   | MDP, MSP, EOSP, PMSP                                | Where Council is not the planning authority, and the amendment affects land within Council's municipal district; or<br><br>Where the amendment will amend the planning scheme to designate Council as an acquiring authority. |

| PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016 |  |                                       |                            |
|--|--|---------------------------------------|----------------------------|
| Column 1   | Column 2   | Column 3                              | Column 4                   |
| PROVISION  | THING DELEGATED  | DELEGATE                              | CONDITIONS AND LIMITATIONS |
| r19  | Power to waive or rebate a fee relating to an amendment of a planning scheme   | DPSF, MDP, MSP, EOSP, PMSP            |                            |
| r20  | Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme                                | DPSF, MDP, MSP, EOPS                  |                            |
| r21  | Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20 | DPSF, MPB, MDP, MSP, EOPS, EOSP, PMSP |                            |



# RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020

| Column 1      | Column 2  | Column 3                                     | Column 4                 |
|---------------|---|--|--------------------------|
| PROVISION     | THING DELEGATED   | DELEGATE                                     | CONDITIONS & LIMITATIONS |
| r7            | Power to enter into a written agreement with a caravan park owner   | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO       |                          |
| r10           | Function of receiving application for registration  | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO, BOPS |                          |
| r 11          | Function of receiving application for renewal of registration   | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO, BOPS |                          |
| r 12(1)       | Duty to grant the registration if satisfied that the caravan park complies with these regulations                           | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO       |                          |
| r 12(1)       | Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations            | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO       |                          |
| r 12(2)       | Duty to renew the registration if satisfied that the caravan park complies with these regulations                           | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO       |                          |
| r 12(2)       | Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations            | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO       |                          |
| r 12(3)       | Duty to have regard to matters in determining an application for registration or an application for renewal of registration | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO       |                          |
| r 12(4) & (5) | Duty to issue certificate of registration   | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO       |                          |
| r 14(1)       | Function of receiving notice of transfer of ownership   | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO       |                          |
| r 14(3)       | Power to determine where notice of transfer is displayed  | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO       |                          |
| r 15(1)       | Duty to transfer registration to new caravan park owner   | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO       |                          |
| r 15(2)       | Duty to issue a certificate of transfer of registration   | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO       |                          |
| r 15(3)       | Power to determine where certificate of transfer of registration is displayed   | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO       |                          |

**RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020**

| Column 1  | Column 2   | Column 3                               | Column 4                 |
|-----------|--|--|--------------------------|
| PROVISION | THING DELEGATED  | DELEGATE                               | CONDITIONS & LIMITATIONS |
| r 16(1)   | Power to determine the fee to accompany applications for registration or applications for renewal of registration                              | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| r 17      | Duty to keep register of caravan parks   | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| r 18(4)   | Power to determine where the emergency contact person's details are displayed  | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| r 18(6)   | Power to determine where certain information is displayed  | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| r 22(1)   | Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| r 22(2)   | Duty to consult with relevant emergency services agencies  | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| r 23      | Power to determine places in which caravan park owner must display a copy of emergency procedures  | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| r 24      | Power to determine places in which caravan park owner must display copy of public emergency warnings   | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| r 25(3)   | Duty to consult with relevant floodplain management authority  | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| r 26      | Duty to have regard to any report of the relevant fire authority   | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| r 28(c)   | Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling                             | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| r 40      | Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe  | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| r 40(b)   | Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe  | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |

# RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020

| Column 1               | Column 2  | Column 3                               | Column 4                 |
|------------------------|---|--|--------------------------|
| PROVISION              | THING DELEGATED   | DELEGATE                               | CONDITIONS & LIMITATIONS |
| r 41(4)                | Function of receiving installation certificate  | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| r 43                   | Power to approve use of a non-habitable structure as a dwelling or part of a dwelling | DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |
| Schedule 3 clause 4(3) | Power to approve the removal of wheels and axles from unregistrable movable dwelling  | DSED, MCW, EOSC, EHO, EPHL, SCPL, CSCO |                          |

# ROAD MANAGEMENT (GENERAL) REGULATIONS 2016

| Column 1  | Column 2   | Column 3               | Column 4   |
|-----------|--|------------------------|--|
| PROVISION | THING DELEGATED  | DELEGATE               | CONDITIONS & LIMITATIONS                         |
| r8(1)     | Duty to conduct reviews of road management plan  | <a href="#">MISMIO</a> |  |
| r9(2)     | Duty to produce written report of review of road management plan and make report available   | <a href="#">MISMIO</a> |  |
| r9(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) | <a href="#">MISMIO</a> | Where Council is the coordinating road authority |
| r10       | Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act          | <a href="#">MISMIO</a> |  |
| r13(1)    | Duty to publish notice of amendments to road management plan   | <a href="#">MISMIO</a> | Where Council is the coordinating road authority |
| r13(3)    | Duty to record on road management plan the substance and date of effect of amendment   | <a href="#">MISMIO</a> |  |
| r16(3)    | Power to issue permit  | <a href="#">MISMIO</a> | Where Council is the coordinating road authority |
| r18(1)    | Power to give written consent to person to drive on road a vehicle which is likely to cause damage to road                                   | <a href="#">MISMIO</a> | Where Council is the coordinating road authority |

| ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 |   |               |  |
|--|---|---------------|--|
| Column 1                                   | Column 2  | Column 3      | Column 4   |
| PROVISION                                  | THING DELEGATED   | DELEGATE      | CONDITIONS & LIMITATIONS                         |
| r23(2)                                     | Power to make submission to Tribunal  | DBEI          | Where Council is the coordinating road authority |
| r23(4)                                     | Power to charge a fee for application under s 66(1) Road Management Act                                   | <u>MISMIO</u> | Where Council is the coordinating road authority |
| r25(1)                                     | Power to remove objects, refuse, rubbish or other material deposited or left on road                      | <u>MISMIO</u> | Where Council is the responsible road authority  |
| r25(2)                                     | Power to sell or dispose of things removed from road or part of road (after first complying with r 25(3)) | <u>MISMIO</u> | Where Council is the responsible road authority  |
| r25(5)                                     | Power to recover in the Magistrates' Court, expenses from person responsible                              | <u>MISMIO</u> |  |

| ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015 |   |               |   |
|---|---|---------------|---|
| Column 1  | Column 2  | Column 3      | Column 4  |
| PROVISION   | THING DELEGATED   | DELEGATE      | CONDITIONS & LIMITATIONS  |
| r15   | Power to exempt a person from requirement under cl 13(1) of sch 7 to the Act to give notice as to the completion of those works | <u>MISMIO</u> | Where Council is the coordinating road authority and where consent given under s 63(1) of the Act |
| r22(2)  | Power to waive whole or part of fee in certain circumstances  | <u>MISMIO</u> | Where Council is the coordinating road authority  |

## PLANNING AND ENVIRONMENT ACT 1987

### Conditions that apply to specific delegations in Schedule

#### Interpretation of conditions A to E

*For the purposes of these conditions:*

- use and development definitions are as defined in the Yarra Ranges Planning Scheme.
- 'application' means a planning permit application, planning permit amendment application, or secondary consent application.
- 'objection' means a submission or petition objecting to the approval of an application. Each signature on a petition is counted as an objection.
- 'relevant Ward Councillor' means the Councillor representing the ward in which all or part of the subject land is located.
- 'Mayor' includes the Deputy Mayor if the Mayor is the relevant Ward Councillor or absent on official leave.

#### **A - Objections**

The application has received more than 10 objections. *Multi-signatory objection and/or petition to be counted as multiple objections*

#### **B - Major development**

The application is to develop land where the estimated value of development is greater than five (5) million dollars.

An amendment to an existing planning permit where the estimated value of development proposed by the amendment application is greater than five million dollars.

An application or an amendment to an existing planning permit made under Schedule 1 to the Comprehensive Development Zone (former Lilydale Quarry) is excluded from this definition.

#### **C - Call in by relevant Ward Councillor**

Applies to any application or other matter (where the conditions or limitations specified in the instrument provide a call in provision), nominated by the relevant Ward Councillor by written notice.

The notice must include a statement of reasons for the call-in. The notice must be signed by the relevant Ward Councillor, seconded by at least one other Councillor and signed by the Mayor and submitted to the Manager Planning and Building before a decision is made under delegated authority.

The Mayor shall also have authority to call in any application for any Ward by written notice with the signature of the Deputy Mayor and a third Councillor (where possible the ward Councillor). The Manager Planning and Building (or delegate) must attach the original notice to the application file and record in the Council report that the application has been called in for a decision by Council.

#### **~~D~~ – Former Lilydale Quarry development site (Kinley Estate)**

~~The power to determine any application which is generally consistent with the approved Former Lilydale Quarry Comprehensive Development Plan (CDP) be delegated to the Manager of Strategic Projects or the Manager of Planning and Building.~~

#### **ED - To decide a planning application when a beneficiary of a covenant objects**

The power to determine any planning application when a beneficiary of a covenant objects to the covenant being removed or varied to be delegated to the Manager of Planning and Building or the Executive Officer of Planning Services.

Before determining any application under this condition, the Director Planning and Sustainable Futures or Manager Planning and Building must consult with the relevant Ward Councillor about the recommendation. The relevant Ward Councillor may call in the application in accordance with Condition C.

#### **FE - Call out by relevant Ward Councillor**

The power to determine any application or other matter normally determined by Council under Conditions A and B may be delegated to the Manager Planning and Building by written notice. The notice must include a statement of reasons for the call-out. The notice must be signed by the relevant Ward Councillor, seconded by the Mayor and signed by a third Councillor and submitted to the Manager Planning and Building before a report on the application is included on the Council Agenda. The Manager Planning and Building (or delegate) must attach the original notice to the application file and record in the delegate report that the application has been called out for a decision by Manager Planning and Building.

#### **GF - Summer recess and emergency delegations**

The power to determine any application normally determined by Council under Conditions A and B is delegated to the Director Planning and Sustainable Futures and the Manager Planning and Building during the following periods:

- between the final Council meeting of the calendar year and the first Council meeting of the following calendar year.
- during the activation of the Municipal Emergency Coordination Centre, business continuity plan or crisis management plan.