



Maddocks

Maddocks Delegations and Authorisations

S6 Instrument of Delegation – Members of Staff

Southern Grampians Shire Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

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

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

DSI means **Director Shire Infrastructure**

DPD means **Director Planning and Development**

MSSR means **Manager of Shire Strategy and Regulation**

CP means **Coordinator Planning**

SP means **Senior Planner**

EHC means **Environmental Health Coordinator**

declares that:

- 2.1 this Instrument of Delegation is authorised by **resolution** of Council passed on 12 August 2020 and
- 2.2 the delegation:
 - 2.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2.2 remains in force until varied or revoked;
 - 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 2.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 2.3.1 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;
 - 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategyadopted by Council;



- 2.3.3 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
- 2.3.4 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 THE
SOUTHERN GRAMPIANS SHIRE COUNCIL
was affixed by authority of the Council
in the presence of:

)
)
)
)



Councillor

Chief Executive Officer

Date: 14/8/2020



SCHEDULE

INDEX

CEMETERIES AND CREMATORIA ACT 2003.....	Error! Bookmark not defined.
DOMESTIC ANIMALS ACT 1994	1
ENVIRONMENT PROTECTION ACT 1970	2
FOOD ACT 1984	3
HERITAGE ACT 2017	8
LOCAL GOVERNMENT ACT 1989	9
PLANNING AND ENVIRONMENT ACT 1987	10
RESIDENTIAL TENANCIES ACT 1997.....	49
ROAD MANAGEMENT ACT 2004.....	52
CEMETERIES AND CREMATORIA REGULATIONS 2015	Error! Bookmark not defined.
PLANNING AND ENVIRONMENT REGULATIONS 2015	62
PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016	63
RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020	64
ROAD MANAGEMENT (GENERAL) REGULATIONS 2016.....	67
ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015	69



Maddocks

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog	DPD	Council may delegate this power to a Council authorised officer



Maddocks

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



Maddocks

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	EHC, MSSR, DPD	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	EHC, MSSR, DPD	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	EHC, MSSR, DPD	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	EHC, MSSR, DPD	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with	EHC, MSSR, DPD	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with	EHC, MSSR, DPD	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHC	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	EHC, MSSR, DPD	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



Maddocks

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	EHC, MSSR, DPD	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHO, EHC	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHO, EHC	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO, EHC	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHO, EHC	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	EHO, EHC	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	DPD	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHC, MSSR	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHC	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHC	Where Council is the registration authority



Maddocks

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	EHC	Where Council is the registration authority
---	Power to register, renew or transfer registration	EHC	Where Council is the registration authority Refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHC	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	EHC	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	EHC, EHC	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	EHC	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHC	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHC	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	EHC	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHC	Where Council is the registration authority



Maddocks

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38D(3)	Power to request copies of any audit reports	EHO,EHC	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	EHC	Where Council is the registration authority; not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	EHC	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHC	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	EHC	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	EHC	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	EHC	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	EHC	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	EHC	Where Council is the registration authority



Maddocks

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



Maddocks

HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate Executive Director's functions, duties or powers	Not delegated	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation



Maddocks

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO ¹	
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO ²	

¹ The only member of staff who can be a delegate in Column 3 is the CEO.

² The only member of staff who can be a delegate in Column 3 is the CEO.



PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	DPD, MSSR	If authorised by the Minister	
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	DPD, MSSR		
s 4H	Duty to make amendment to Victorian Planning Provisions available	DPD, MSSR		
s 4I	Duty to keep Victorian Planning Provisions and other documents available	DPD, MSSR		
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	DPD, MSSR		
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	Not delegated		
s 8A(5)	Function of receiving notice of the Minister's decision	DPD, MSSR		
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	Planning Committee		
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	DPD, MSSR		



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	DPD, MSSR	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	DPD, MSSR	
s 12B(1)	Duty to review planning scheme	DPD, MSSR	
s 12B(2)	Duty to review planning scheme at direction of Minister	DPD, MSSR	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	DPD, MSSR	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	DPD, MSSR	
s 17(1)	Duty of giving copy amendment to the planning scheme	DPD, MSSR	
s 17(2)	Duty of giving copy s 173 agreement	DPD, MSSR	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DPD, MSSR	
s 18	Duty to make amendment etc. available	DPD, MSSR, CP	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	DPD, MSSR, CP	



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	DPD, MSSR, CP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	Planning Committee	
s 21(2)	Duty to make submissions available	DPD, MSSR, CP	
s 21A(4)	Duty to publish notice	DPD, MSSR, CP	
s 22	Duty to consider all submissions	DPD, MSSR, CP	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	DPD, MSSR, CP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	DPD, MSSR, CP	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	DPD, MSSR, CP	
s 26(1)	Power to make report available for inspection	DPD, MSSR, CP	
s 26(2)	Duty to keep report of panel available for inspection	DPD, MSSR, CP	
s 27(2)	Power to apply for exemption if panel's report not received	DPD, MSSR	



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 28	Duty to notify the Minister if abandoning an amendment	DPD, MSSR	Note: the power to make a decision to abandon an amendment cannot be delegated
s 30(4)(a)	Duty to say if amendment has lapsed	DPD, MSSR	
s 30(4)(b)	Duty to provide information in writing upon request	DPD, MSSR	
s 32(2)	Duty to give more notice if required	DPD, MSSR	
s 33(1)	Duty to give more notice of changes to an amendment	DPD, MSSR	
s 36(2)	Duty to give notice of approval of amendment	DPD, MSSR	
s 38(5)	Duty to give notice of revocation of an amendment	DPD, MSSR	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	DPD, MSSR, CP	
s 40(1)	Function of lodging copy of approved amendment	DPD, MSSR, CP	
s 41	Duty to make approved amendment available	DPD, MSSR, CP	
s 42	Duty to make copy of planning scheme available	DPD, MSSR, CP	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity		Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46AW	Function of being consulted by the Minister	DPD, MSSR	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	DPD, MSSR	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	DPD, MSSR	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	DPD, MSSR, CP	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	DPD, MSSR	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DPD, MSSR	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DPD, MSSR, CP	



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	DPD, MSSR	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DPD, MSSR	
s 46GP	Function of receiving a notice under s 46GO	DPD, MSSR	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	DPD, MSSR	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	DPD, MSSR, CP	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	DPD, MSSR	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	DPD, MSSR	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	DPD, MSSR	



Maddocks

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



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DPD, MSSR	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	DPD, MSSR, CP	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DPD, MSSR	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	DPD, MSSR	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DPD, MSSR, CP	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	DPD, MSSR, CP	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	DPD, MSSR, CP	Where Council is the collecting agency



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DPD, MSSR	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	DPD, MSSR	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	DPD, MSSR	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	DPD, MSSR	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DPD, MSSR	Where Council is the collecting agency under an approved infrastructure contributions plan



Maddocks

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



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(9)	Function of receiving the fee simple in the land	DPD, MSSR	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	DPD, MSSR, CP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	DPD, MSSR, CP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	DPD, MSSR	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	DPD, MSSR	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	DPD, MSSR	Where Council is the development agency under an approved infrastructure contributions plan



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	DPD, MSSR	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	DPD, MSSR	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	DPD, MSSR	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DPD, MSSR	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	DPD, MSSR	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DPD, MSSR	Where Council is the development agency under an approved infrastructure contributions plan



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GGZF(3)	Duty, if land is sold under s 46GGZF(2)(b), to follow the steps in s 46GGZF(3)(a) and (b)	DPD, MSSR	Where Council is the development agency under an approved infrastructure contributions plan
s 46GGZF(3)	s 46GGZF(3)(a) function of receiving proceeds of sale	DPD, MSSR	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GGZF(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 46GGZF(5)	DPD, MSSR	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GGZF(6)	Duty to make the payments under s 46GGZF(4) in accordance with s 46GGZF(6)(a) and (b)	DPD, MSSR	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DPD, MSSR	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	DPD, MSSR, CP	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DPD, MSSR	Where Council is a collecting agency or development agency



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	DPD, MSSR, CP	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	DPD, MSSR	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	DPD, MSSR	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DPD, MSSR	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	DPD, MSSR	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DPD, MSSR	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	DPD, MSSR	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	DPD, MSSR	
s 46Q(1)	Duty to keep proper accounts of levies paid	DPD, MSSR	



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	DPD, MSSR	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	DPD, MSSR	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DPD, MSSR	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	DPD, MSSR	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	DPD, MSSR	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	DPD, MSSR	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	DPD, MSSR	
s 46QD	Duty to prepare report and give a report to the Minister	DPD, MSSR	Where Council is a collecting agency or development agency

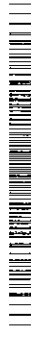


Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	DPD, MSSR	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	DPD, MSSR	
s 47	Power to decide that an application for a planning permit does not comply with that Act	DPD, MSSR, CP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	DPD, MSSR, CP	
s 49(2)	Duty to make register available for inspection	DPD, MSSR, CP	
s 50(4)	Duty to amend application	DPD, MSSR, CP	
s 50(5)	Power to refuse to amend application	DPD, MSSR, CP	
s 50(6)	Duty to make note of amendment to application in register	DPD, MSSR, CP	
s 50A(1)	Power to make amendment to application	DPD, MSSR, CP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	DPD, MSSR, CP	
s 50A(4)	Duty to note amendment to application in register	DPD, MSSR, CP	
s 51	Duty to make copy of application available for inspection	DPD, MSSR, CP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	DPD, MSSR, CP, SP	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	DPD, MSSR, CP, SP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	DPD, MSSR, CP, SP	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	DPD, MSSR, CP, SP	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	DPD, MSSR, CP, SP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	DPD, MSSR, CP, SP	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	DPD, MSSR, CP, SP	
s 52(3)	Power to give any further notice of an application where appropriate	DPD, MSSR, CP, SP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	DPD, MSSR, CP	



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	DPD, MSSR, CP	
s 54(1)	Power to require the applicant to provide more information	DPD, MSSR, CP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	DPD, MSSR, CP	
s 54(1B)	Duty to specify the lapse date for an application	DPD, MSSR, CP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	DPD, MSSR, CP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	DPD, MSSR, CP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DPD, MSSR, CP, SP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	DPD, MSSR	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	DPD, MSSR, CP	
s 57(5)	Duty to make available for inspection copy of all objections	DPD, MSSR, CP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	DPD, MSSR, CP	



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57A(5)	Power to refuse to amend application	DPD, MSSR	
s 57A(6)	Duty to note amendments to application in register	DPD, MSSR, CP	
s 57B(1)	Duty to determine whether and to whom notice should be given	DPD, MSSR, CP, SP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DPD, MSSR, CP	
s 57C(1)	Duty to give copy of amended application to referral authority	DPD, MSSR, CP, SP	
s 58	Duty to consider every application for a permit	DPD, MSSR, CP	
s 58A	Power to request advice from the Planning Application Committee	DPD, MSSR	
s 60	Duty to consider certain matters	DPD, MSSR, CP	
s 60(1A)	Duty to consider certain matters	DPD, MSSR, CP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	DPD, MSSR, CP	



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	Planning Committee, DPD, MSSR, CP	The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DPD, MSSR, CP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DPD, MSSR	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	DPD, MSSR	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DPD, MSSR	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DPD, MSSR, CP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DPD, MSSR, CP	
s 62(2)	Power to include other conditions	DPD, MSSR, CP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DPD, MSSR, CP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DPD, MSSR, CP	



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DPD, MSSR, CP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DPD, MSSR, CP	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	DPD, MSSR, CP	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	DPD, MSSR, CP	



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	DPD, MSSR, CP, SP	SP is authorised to grant permit if no objections are received for the following matters: Buildings and Works: - Single dwelling - 2 dwellings on a lot - Signage (in Heritage Overlay must be referred to Heritage Adviser) - Fences (in Heritage Overlay must be referred to Heritage Adviser) - Extension to Dwelling and/or Store in a Rural Zone (excluding Significant Landscape Overlay and Heritage Overlay) - New farm shed associated with agriculture (excluding Significant Landscape Overlay and Heritage Overlay) - Removal of Native Vegetation (excluding permit application which triggers Section 55 referral to Department of Sustainability and Environment and must be referred to SGSC Natural Resource Management Officer) Subdivision: - Subdivision – Up to two lots (Urban and Rural) - Subdivision – Change to easement or restrictions - Subdivision – Removal of covenant - Boundary realignment - Consolidation Prior to permit, the delegated report must be co-signed by the Planning Co-ordinator, Manager Planning and Environment or delegate(s).

PLANNING AND ENVIRONMENT ACT 1987



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DPD, MSSR, CP	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	DPD, MSSR, CP	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	DPD, MSSR, CP	
s 69(1A)	Function of receiving application for extension of time to complete development	DPD, MSSR, CP	
s 69(2)	Power to extend time	DPD, MSSR, CP	
s 70	Duty to make copy permit available for inspection	DPD, MSSR, CP	
s 71(1)	Power to correct certain mistakes	DPD, MSSR, CP, SP	
s 71(2)	Duty to note corrections in register	DPD, MSSR, CP, SP	



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 73	Power to decide to grant amendment subject to conditions	DPD, MSSR, CP	An application to amend a permit must be referred to the Planning Committee if the value of the original development exceeds \$1 million or if 3 or more objections were received, or if the officer is recommending refusal.

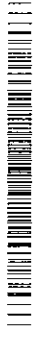


Maddocks

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 74	Duty to issue amended permit to applicant if no objectors	DPD, MSSR, CP, SP	SP is authorised to grant an amended permit and/or amended plans if no objections are received for the following matters: Buildings and Works: - Single dwellings - 2 dwellings on a lot - Signage (in Heritage Overlay must be referred to Heritage Adviser) - Fences (in Heritage Overlay must be referred to Heritage Adviser) - Extension to Dwelling and/or Store in a Rural Zone (excluding Significant Landscape Overlay and Heritage Overlay) - New farm shed associated with agriculture (excluding Significant Landscape Overlay and Heritage Overlay) - Removal of Native Vegetation (excluding permit application which triggers Section 55 referral to Department of Sustainability and Environment and must be referred to SGSC Natural Resource Management Officer) Subdivision: - Subdivision – Up to two lots (Urban and Rural) - Subdivision – Change to easement or restrictions - Subdivision – Removal of covenant - Boundary realignment - Consolidation Prior to permit being issued, the delegated report must be co-signed by either the Manager Planning and Environment, the Planning Co-ordinator, Director Shire Futures or delegate.	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DPD, MSSR, CP		



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	DPD, MSSR, CP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DPD, MSSR, CP	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DPD, MSSR, CP	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	DPD, MSSR, CP	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	DPD, MSSR	
s 83	Function of being respondent to an appeal	DPD, MSSR	
s 83B	Duty to give or publish notice of application for review	DPD, MSSR	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DPD, MSSR, CP	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	DPD, MSSR, CP	



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DPD, MSSR, CP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	DPD, MSSR, CP	
s 84AB	Power to agree to confining a review by the Tribunal	DPD, MSSR	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	DPD, MSSR, CP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DPD, MSSR	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	DPD, MSSR, CP	
s 91(2)	Duty to comply with the directions of VCAT	DPD, MSSR, CP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DPD, MSSR, CP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	DPD, MSSR, CP	
s 93(2)	Duty to give notice of VCAT order to stop development	DPD, MSSR, CP	
s 95(3)	Function of referring certain applications to the Minister	DPD, MSSR, CP	
s 95(4)	Duty to comply with an order or direction	DPD, MSSR, CP	



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DPD, MSSR, CP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DPD, MSSR	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	DPD, MSSR	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	DPD, MSSR, CP	
s 96F	Duty to consider the panel's report under s 96E	DPD, MSSR, CP	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	DPD, MSSR	
s 96H(3)	Power to give notice in compliance with Minister's direction	DPD, MSSR, CP	
s 96J	Power to issue permit as directed by the Minister	DPD, MSSR, CP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	DPD, MSSR, CP	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	DPD, MSSR, CP	



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97C	Power to request Minister to decide the application	Planning Committee	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	DPD, MSSR	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	DPD, MSSR	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	DPD, MSSR	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	DPD, MSSR	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DPD, MSSR	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DPD, MSSR	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	DPD, MSSR	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DPD, MSSR	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DPD, MSSR	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97Q(4)	Duty to comply with directions of VCAT	DPD, MSSR, CP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	DPD, MSSR	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DPD, MSSR, CP	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DPD, MSSR, CP	
s 101	Function of receiving claim for expenses in conjunction with claim	DPD, MSSR, CP	
s 103	Power to reject a claim for compensation in certain circumstances	DPD, MSSR	
s 107(1)	Function of receiving claim for compensation	DPD, MSSR, CP	
s 107(3)	Power to agree to extend time for making claim	DPD, MSSR	
s 114(1)	Power to apply to the VCAT for an enforcement order	DPD, MSSR	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	DPD, MSSR, CP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DPD, MSSR	



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 123(1)	Power to carry out work required by enforcement order and recover costs	DPD, MSSR	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DPD, MSSR	Except Crown Land
s 129	Function of recovering penalties	DPD, MSSR	
s 130(5)	Power to allow person served with an infringement notice further time	DPD, MSSR	
s 149A(1)	Power to refer a matter to the VCAT for determination	DPD, MSSR	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	DPD, MSSR	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	DPD, MSSR	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	DPD, MSSR, CP	
s 171(2)(g)	Power to grant and reserve easements	DPD, MSSR	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	Not delegated	Where Council is a development agency specified in an approved infrastructure contributions plan



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	Not delegated	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	Not delegated	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	DPD, MSSR	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	DPD, MSSR	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	DPD, MSSR	
---	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	DPD, MSSR	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DPD, MSSR	



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178	Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DPD, MSSR	
s 178A(1)	Function of receiving application to amend or end an agreement	DPD, MSSR, CP	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DPD, MSSR, CP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DPD, MSSR, CP	
s 178A(5)	Power to propose to amend or end an agreement	DPD, MSSR	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DPD, MSSR	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DPD, MSSR, CP	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DPD, MSSR, CP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	DPD, MSSR	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DPD, MSSR	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DPD, MSSR	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DPD, MSSR	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	DPD, MSSR	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DPD, MSSR	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DPD, MSSR	After considering objections, submissions and matters in s 178B



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	DPD, MSSR	After considering objections, submissions and matters in s 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	DPD, MSSR	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	DPD, MSSR, CP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DPD, MSSR, CP	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	DPD, MSSR, CP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DPD, MSSR, CP	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	DPD, MSSR	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DPD, MSSR, CP	
s 179(2)	Duty to make available for inspection copy agreement	DPD, MSSR, CP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DPD, MSSR, CP	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DPD, MSSR, CP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DPD, MSSR, CP	
s 182	Power to enforce an agreement	DPD, MSSR	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DPD, MSSR, CP	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DPD, MSSR	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	DPD, MSSR, CP	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	DPD, MSSR, CP	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DPD, MSSR, CP	



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 184G(2)	Duty to comply with a direction of the Tribunal	DPD, MSSR	
s 184G(3)	Duty to give notice as directed by the Tribunal	DPD, MSSR	
s 198(1)	Function to receive application for planning certificate	DPD, MSSR, CP	
s 199(1)	Duty to give planning certificate to applicant	DPD, MSSR, CP, SP	
s 201(1)	Function of receiving application for declaration of underlying zoning	DPD, MSSR, CP	
s 201(3)	Duty to make declaration	DPD, MSSR, CP	
-	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	DPD, MSSR	
	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	DPD, MSSR	
	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	DPD, MSSR, CP	
-	Power to give written authorisation in accordance with a provision of a planning scheme	DPD, MSSR, CP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	DPD, MSSR, CP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	DPD, MSSR	



Maddocks

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	DPD	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	DPD	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	DPD	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	DPD	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 142D	Function of receiving notice regarding an unregistered rooming house	EHC	



Maddocks

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	EHC	
s 142G(2)	Power to enter certain information in the Rooming House Register	EHC	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	EHC	
s 206AZA(2)	Function of receiving written notification	EHC	Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 207ZE(2)	Function of receiving written notification	EHC	Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 311A(2)	Function of receiving written notification	EHC	
s 317ZDA(2)	Function of receiving written notification	EHC	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	EHC, DPD	
s 522(1)	Power to give a compliance notice to a person	EHC, DPD	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	EHC, DPD	



Maddocks

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 525(4)	Duty to issue identity card to authorised officers	EHC, DPD	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	EHC, DPD	
s 526A(3)	Function of receiving report of inspection	EHC, DPD	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	EHC, DPD	



Maddocks

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	DSI	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	Not delegated	
s 11(9)(b)	Duty to advise Registrar	DSI	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DSI	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DSI	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	Not delegated	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	DSI	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	Not delegated	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(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 Unless s 12(11) applies



Maddocks

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	Not delegated	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	DSI	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	DSI	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	DSI	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	DSI	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	DSI	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DSI	
s 15(2)	Duty to include details of arrangement in public roads register	DSI	
s 16(7)	Power to enter into an arrangement under s 15	DSI	



Maddocks

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 16(8)	Duty to enter details of determination in public roads register	DSI	
s 17(2)	Duty to register public road in public roads register	DSI	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	DSI	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	DSI	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	DSI	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	DSI	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	DSI	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	DSI	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	DSI	
s 19(4)	Duty to specify details of discontinuance in public roads register	DSI	
s 19(5)	Duty to ensure public roads register is available for public inspection	DSI	



Maddocks

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 21	Function of replying to request for information or advice	DSI	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	DSI	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	DSI	
s 22(5)	Duty to give effect to a direction under s 22	DSI	
s 40(1)	Duty to inspect, maintain and repair a public road.	DSI	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	DSI	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DSI	
s 42(1)	Power to declare a public road as a controlled access road	DSI	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	DSI	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with VicRoads before road is specified	DSI	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	DSI	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	DSI	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	DSI	
s 49	Power to develop and publish a road management plan	DSI	
s 51	Power to determine standards by incorporating the standards in a road management plan	DSI	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	DSI	
s 54(2)	Duty to give notice of proposal to make a road management plan	DSI	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	DSI	
s 54(6)	Power to amend road management plan	DSI	
s 54(7)	Duty to incorporate the amendments into the road management plan	DSI	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	DSI	



Maddocks

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 63(1)	Power to consent to conduct of works on road	DSI	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	DSI	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	DSI	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DSI	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	DSI	Where Council is the coordinating road authority
s 67(3)	Power to request information	DSI	Where Council is the coordinating road authority
s 68(2)	Power to request information	DSI	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	DSI	
s 72	Duty to issue an identity card to each authorised officer	DSI	
s 85	Function of receiving report from authorised officer	DSI	
s 86	Duty to keep register re s 85 matters	DSI	
s 87(1)	Function of receiving complaints	DSI	
s 87(2)	Duty to investigate complaint and provide report	DSI	
s 112(2)	Power to recover damages in court	DSI	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to cause or carry out inspection	DSI	
s 119(2)	Function of consulting with the Head, Transport for Victoria	DSI	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	DSI	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	DSI	
s 121(1)	Power to enter into an agreement in respect of works	DSI	
s 122(1)	Power to charge and recover fees	DSI	
s 123(1)	Power to charge for any service	DSI	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DSI	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	DSI	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	DSI	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	DSI	
sch 2 cl 5	Duty to publish notice of declaration	DSI	



Maddocks

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	DSI	Where Council is the infrastructure manager or works manager
sch 7 cl 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	DSI	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	DSI	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DSI	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DSI	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	DSI	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DSI	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
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	DSI	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	DSI	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	DSI	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	DSI	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	DSI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	DSI	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	DSI	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	DSI	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	DSI	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	DSI	Where Council is the coordinating road authority



Maddocks

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	DSI	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	DSI	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	DSI	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DSI	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DSI	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	DSI	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	DSI	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	DSI	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	DSI	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)



Maddocks

PLANNING AND ENVIRONMENT REGULATIONS 2015				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS	
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	DPD, MSSR	Where Council is not the planning authority and the amendment affects land within its municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.	
r 21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act	DPD, MSSR		
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) available for inspection free of charge	DPD, MSSR	Where Council is the responsible authority	
r 25(b))	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	DPD, MSSR	Where Council is not the responsible authority but the relevant land is within Council's municipal district	
r 42	Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	DPD, MSSR	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.	



Maddocks

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	DPD, MSSR	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DPD, MSSR	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r19 or 20	DPD, MSSR	



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 7	Power to enter into a written agreement with a caravan park owner	EHC	
r 10	Function of receiving application for registration	EHC	
r 11	Function of receiving application for renewal of registration	EHC	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHC	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHC	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHC	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHC	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHC	
r 12(4) & (5)	Duty to issue certificate of registration	EHC	
r 14(1)	Function of receiving notice of transfer of ownership	EHC	
r 14(3)	Power to determine where notice of transfer is displayed	EHC	



Maddocks

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 15(1)	Duty to transfer registration to new caravan park owner	EHC		
r 15(2)	Duty to issue a certificate of transfer of registration	EHC		
r 15(3)	Power to determine where certificate of transfer of registration is displayed	EHC		
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	Not delegated		
r 17	Duty to keep register of caravan parks	EHC		
r 18(4)	Power to determine where the emergency contact person's details are displayed	EHC		
r 18(6)	Power to determine where certain information is displayed	EHC		
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	EHC		
r 22(2)	Duty to consult with relevant emergency services agencies	EHC		
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHC		
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHC		
r 25(3)	Duty to consult with relevant floodplain management authority	EHC		



Maddocks

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 26	Duty to have regard to any report of the relevant fire authority	EHC	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHC	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHC	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHC	
r 41(4)	Function of receiving installation certificate	EHC	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	EHC	
Sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	EHC	



Maddocks

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 8(1)	Duty to conduct reviews of road management plan	DSI	
r 9(2)	Duty to produce written report of review of road management plan and make report available	DSI	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	DSI	Where Council is the coordinating road authority
r 10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	DSI	
r 13(1)	Duty to publish notice of amendments to road management plan	DSI	Where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	DSI	
r 16(3)	Power to issue permit	DSI	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	DSI	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	DSI	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	DSI	Where Council is the coordinating road authority



Maddocks

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	DSI	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	DSI	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	DSI	



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