

3 COUNCIL DELEGATIONS TO MEMBERS OF COUNCIL STAFF

FILE REFERENCE INT1933302

RESPONSIBLE GENERAL MANAGER Andrew Pomeroy

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RECOMMENDATION

In exercising the powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached instrument of delegation, Council resolves that:

1. Duties, functions and powers outlined be delegated to the members of Council staff holding, acting in or performing the duties of the positions referred to in the attached Instrument of Delegation to members of Council staff. The powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff under the Instrument of Delegation dated 17 September 2018 are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Attachments

- 1 Instrument of Delegation to Members of Council Staff 42 Pages

EXECUTIVE SUMMARY

To update the Instrument of Delegation to members of Council staff to take into account the recent structural realignment of the organisation that has resulted in changes to staff and positions within the organisation.

BACKGROUND

Council previously resolved in September 2018 to delegate some duties and functions to specified members of Council staff under various legislative instruments. Due to changes to position titles, reporting lines and responsibilities within the organisation it is necessary to update these delegations taking into account these changes to the organisational structure.

It is not proposed to increase the delegations within the document, merely to update the reference to the relevant responsible positions.

POLICY IMPLICATIONS

Nil.

RELEVANCE TO COUNCIL PLAN

Ensuring appropriate delegations are in place is in keeping with the Council Plan goals of embracing and demonstrating effective governance and transparency and to govern and make decisions in the best interests of the Cardinia Shire community.

CONSULTATION/COMMUNICATION

The document attached has been prepared following consultation with relevant Council Business Units.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONCLUSION

It is necessary to update the Deed of Delegation to staff due to recent changes to the organisation's structure and position titles.

Instrument of Delegation to Members of Council Staff

May 2019

Instrument of Delegation

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

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule; provided however that the delegation may also be exercised by the delegates immediate supervisor.
2. record that references in the Schedule are as follows:
 - GM CPP** means General Manager Customer, People & Performance
 - GM IE** means General Manager Infrastructure & Environment
 - GM LC** means General Manager Liveable Communities
 - EM OC** means Executive Manager Office of the CEO
 - MD CS** means Manager Planning & Development
 - MG** means Manager Governance
 - MIS** means Manager Infrastructure Services
 - MO** means Manager Operations
 - MP DG** means Manager Policy Design Growth Area Planning
 - CFO** means Chief Finance Officer
 - CG AP** means Coordinator Growth Area Planning
 - CC S** means Coordinator Compliance Services
 - MED** means Manager Economic Development
 - CO** means Compliance Officer
 - PO** means Prosecution Officer
 - MBS** means Municipal Building Surveyor
 - STE** means Senior Traffic Engineer
 - CSP** means Coordinator Statutory Planning
 - CSTRP** means Coordinator Strategic Planning
 - PDDP** means staff employed as a Planner in the Liveable Communities and Infrastructure and Environment Divisions
 - TLP** means Team Leader Prosecutions
 - IOO** means Infringements Oversight Officer
3. declares that:
 - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 20 May 2019 and
 - 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; or
- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategyadopted by Council; or
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

The common seal of **Cardinia Shire Council** was here to affixed in the presence of:

Councillor

Chief Executive Officer

SCHEDULE

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

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

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	MDCS	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	MDCS	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	MDCS	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	MDCS	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	MDCS	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	MDCS	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).	MDCS	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	MDCS	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	MDCS	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	MDCS	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	MDCS	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	MDCS	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	MDCS	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	MDCS	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	MDCS	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	MDCS	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	MDCS	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	MDCS	Where Council is the registration authority

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	MDCS	Where Council is the registration authority
---	Power to register, renew or transfer registration	MDCS	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	MDCS	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)	MDCS	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	MDCS	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	MDCS	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	MDCS	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	MDCS	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	MDCS	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	MDCS	Where Council is the registration authority

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	MDCS	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	MDCS	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	MDCS	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	MDCS	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	MDCS	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>	MDCS	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	MDCS	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	MDCS	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	MDCS	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	MDCS	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	MDCS, IOO, PO, TLP	Where Council is the registration authority

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		If authorised by the Minister Not delegated – Council resolution required
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A		Not delegated – Council resolution required
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	GMLC, MPDG	
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	GMLC, MPDG	
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	GMLC, GMIE, MPDG, MDCS	
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	GMLC, MPDG, CGAP, PDDP	
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	GMLC, MPDG	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	GMLC	
s 26(1)	Power to make report available for inspection	PDDP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 27(2)	Power to apply for exemption if panel's report not received	GMLC, MPDG	
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	GMLC, MPDG	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 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	GMLC, MPDG	
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	GMLC, MPDG	
s 46GV(3)(b)	Power to enter into an agreement with the applicant	GMLC, MPDG	Where Council is the collecting agency
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	GMLC, MPDG	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	GMLC, MPDG	Where Council is the collecting agency
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CFO	Where Council is the collecting agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	GMLC, GMIE, MPDG, MDCS, CGAP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	GMLC, GMIE, MPDG, MDCS, CGAP	
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	GMLC, MPDG	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMLC, GMIE, MPDG, MDCS, MBS, CFO	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	GMLC, GMIE, MDCS	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	GMLC, GMIE, MPDG, MDCS, CGAP	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CFO	Only applies when levy is paid to Council as a 'development agency'

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)	CFO	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 46QC	Power to recover any amount of levy payable under Part 3B	CFO	
s 47	Power to decide that an application for a planning permit does not comply with that Act	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 50(5)	Power to refuse to amend application	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 50A(1)	Power to make amendment to application	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	

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	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 52(1)(b)	Duty to give notice of the application to other municipal Council where appropriate	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
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	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
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	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 52(3)	Power to give any further notice of an application where appropriate	GMLC, GMIE, MPDG, MDSCS, CSP, CGAP, PDDP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	GMLC, GMIE, MPDG, MDSCS, CSP, CGAP, PDDP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	GMLC, GMIE, MPDG, MDSCS, CSP, CGAP, PDDP	
s 54(1)	Power to require the applicant to provide more information	GMLC, GMIE, MPDG, MDSCS, CSP, CGAP, PDDP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	GMLC, GMIE, MPDG, MDSCS, CSP, CGAP, PDDP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	GMLC, GMIE, MPDG, MDSCS, CSP, CGAP	

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	GMLC, GMIE, MPDG, MDSC, CSP, CGAP, PDDP	
s 57B(1)	Duty to determine whether and to whom notice should be given	GMLC, GMIE, MPDG, MDSC, CSP, CGAP, PDDP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	GMLC, GMIE, MPDG, MDSC, CSP, CGAP, PDDP	
s 57C(1)	Duty to give copy of amended application to referral authority	GMLC, GMIE, MPDG, MDSC, CSP, CGAP, PDDP	
s 58	Duty to consider every application for a permit	GMLC, GMIE, MPDG, MDSC, CSP, CGAP, PDDP	
s 58A	Power to request advice from the Planning Application Committee	GMLC, GMIE, MPDG, MDSC	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 60	Duty to consider certain matters	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 60(1A)	Duty to consider certain matters	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
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	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	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	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 62(2)	Power to include other conditions	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
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	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 69(2)	Power to extend time	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 71(1)	Power to correct certain mistakes	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 73	Power to decide to grant amendment subject to conditions	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	GMLC, GMIE, MPDG, MDCS, CSP, CGAP	
s 84AB	Power to agree to confining a review by the Tribunal	GMLC, MPDG	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	GMLC, GMIE, MPDG, MDCS, CCS, TLP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	GMLC, GMIE	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	GMLC, GMIE, MPDG, MDCS	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	GMLC, GMIE, MPDG, MDCS	
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>)	GMIE, GMIE, MPDG, MDCS	
s 96H(3)	Power to give notice in compliance with Minister's direction	GMIE, GMIE, MPDG, MDCS	
s 96J	Power to issue permit as directed by the Minister	GMIE, GMIE, MPDG, MDCS	
s 97C	Power to request Minister to decide the application	GMIE, GMIE, MPDG, MDCS	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	GMLC, GMIE, MPDG, MDCS	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 103	Power to reject a claim for compensation in certain circumstances	GMLC, GMIE, MPDG, MDCS	
s 107(3)	Power to agree to extend time for making claim	GMLC, GMIE, MPDG, MDCS	
s 114(1)	Power to apply to the VCAT for an enforcement order	GMLC, GMIE, MPDG, MDCS, CCS, TLP, PO, CO, IOO,	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	GMLC, GMIE, MPDG, MDCS, CCS, TLP, PO, IOO	
s 123(1)	Power to carry out work required by enforcement order and recover costs	GMLC, GMIE, MPDG, MDCS, CCS	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	GMLC, GMIE, MPDG, MDCS	Except Crown Land
s 130(5)	Power to allow person served with an infringement notice further time	GMLC, GMIE, MPDG, MDCS,	
s 149A(1)	Power to refer a matter to the VCAT for determination	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, CCS, TLP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, CCS, TLP	
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)	GMLC, MPDG	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	GMLC, GMIE, MPDG, MDCS	
s 171(2)(g)	Power to grant and reserve easements	GMLC, GMIE, MPDG, MDCS	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	GMLC, GMIE, MPDG, MDCS	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	GMLC, GMIE, MPDG, MDCS	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)	GMLC, GMIE, MPDG, MDCS	Where Council is the development 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
s 173(1)	Power to enter into agreement covering matters set out in s 174	GMLC, GMIE, MPDG, MDCS	
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	GMLC, GMIE, MPDG, MDCS	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	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
---	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	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
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	GMLC, GMIE, MPDG, MDCS, CSP, CGAP	
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	GMLC, GMIE, MPDG, MDCS, CSP, CGAP	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 178A(5)	Power to propose to amend or end an agreement	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, PDDP	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	GMLC, GMIE, MPDG, MDCS, CSP, CGAP	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	GMLC, GMIE, MPDG, MDCS, CSP, CGAP	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	GMLC, GMIE, MPDG, MDCS, CSP, CGAP	If no objections are made under s 178D Must consider matters in s 178B

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	GMLC, GMIE, MPDG, MDCS, CSP, CGAP	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	GMLC, GMIE, MPDG, MDCS, CSP, CGAP	After considering objections, submissions and matters in s 178B
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	GMLC, GMIE, MPDG, MDCS, CSP, CGAP	After considering objections, submissions and matters in s 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	GMLC, GMIE, MPDG, MDCS, CSP, CGAP	After considering objections, submissions and matters in s 178B
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	GMLC, GMIE, MPDG, MDCS	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	GMLC, GMIE, MPDG, MDCS, CSP, CGAP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 182	Power to enforce an agreement	GMLC, GMIE, MPDG, MDCS, CCS, TLP, PO, CO	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	GMLC, GMIE, MPDG, MDCS, CSP, CGAP	
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	GMLC, GMIE, MPDG, MDCS, CSP, CGAP	
s 201(3)	Duty to make declaration	GMLC, GMIE, MPDG, MDCS	
-	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	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, CCS, TLP, PO, CO, PDDP	
	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	GMLC, GMIE, MPDG, MDCS, CSP, CGAP, CCS, TLP, PO, CO, PDDP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	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	GMLC, GMIE, MPDG, MDSC, CSP, CGAP, CCS, TLP, PO, CO, PDDP	
-	Power to give written authorisation in accordance with a provision of a planning scheme	GMLC, GMIE, MPDG, MDSC, CSP, CGAP, CCS, TLP, PO, CO, PDDP	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 142G(2)	Power to enter certain information in the Rooming House Register	MDCS	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	MDCS	
s 252	Power to give tenant a notice to vacate rented premises if s 252(1) applies	MDCS	Where Council is the landlord
s 262(1)	Power to give tenant a notice to vacate rented premises	MDCS	Where Council is the landlord
s 262(3)	Power to publish its criteria for eligibility for the provision of housing by Council	MDCS	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	MDCS	
s 522(1)	Power to give a compliance notice to a person	MDCS	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	GMLC, GMIE	
s 525(4)	Duty to issue identity card to authorised officers	MG	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	GMLC, GMIE	

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	GMIE	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	GMIE, MG	
s 12(2)	Power to discontinue road or part of a road	GMIE, MG	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	GMIE, MG	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	GMIE	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(7)	Power to appeal against decision of VicRoads	GMIE, MO, STE	
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	GMIE, MO, STE,	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMIE	
s 16(7)	Power to enter into an arrangement under s 15	GMIE, MO, STE	
s 17(3)	Power to decide that a road is reasonably required for general public use	GMIE, MIS, MO, STE,	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	GMIE, MIS, MO	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	GMIE, MIS, MO	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	MO	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	GMIE, MIS, MO	
s 42(1)	Power to declare a public road as a controlled access road	GMIE	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	GMIE, MO, STE,	Power of coordinating road authority and sch 2 also applies
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	GMIE, MIS, STE	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 49	Power to develop and publish a road management plan	GMIE, MIS	
s 51	Power to determine standards by incorporating the standards in a road management plan	GMIE, MIS	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMIE, MIS	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54(6)	Power to amend road management plan	GMIE	
s 63(1)	Power to consent to conduct of works on road	GMIE, MIS, MO, STE	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	GMIE, MIS, MO, STE	Where Council is the infrastructure manager
s 66(1)	Power to consent to structure etc	GMIE, MIS, MO, STE	Where Council is the coordinating road authority
s 67(3)	Power to request information	GMIE, MIS, MO, STE	Where Council is the coordinating road authority
s 68(2)	Power to request information	GMIE, MIS, MO, STE	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	MG	
s 112(2)	Power to recover damages in court	GMIE, MIS, MO	
s 116	Power to cause or carry out inspection	GMIE, MIS, MO, STE	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of VicRoads)	GMIE, MIS, MO	
s 121(1)	Power to enter into an agreement in respect of works	GMIE, MIS, MO, STE	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 122(1)	Power to charge and recover fees	GMIE, MIS, MO, STE	
s 123(1)	Power to charge for any service	GMIE, MIS, MO, STE	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	GMIE, MIS, MO, STE	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	GMIE, MIS, MO, STE	
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	GMIE, MIS, MO	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	GMIE, MIS, MO, STE	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	GMIE, MIS, MO, STE	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)	GMIE, MIS, MO	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	GMIE, MIS, MO	Where Council is the coordinating road authority
sch 7 cl 16(1)	Power to consent to proposed works	GMIE, MIS, MO, STE	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 16(5)	Power to consent to proposed works	GMIE, MIS, MO, STE	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	GMIE, MIS, MO, STE	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	GMIE, MIS, MO, STE	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	GMIE, MIS, MO, STE	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	GMIE, MIS, MO, STE	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	GMIE, MIS, MO, STE	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	GMIE, MIS, MO	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	GMIE, MIS, MO, STE	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	GMIE, MIS, MO, STE	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
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	GMIE, GMLC, MPDG, MDCS, CGAP	

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	GMLC, MPDG	
r20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	GMLC, GMIE, MPDG, MDCS, CGAP	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	MDCS	
r 13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	MDCS	
r 13(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MDCS	
r 15(3)	Power to determine where notice of transfer is displayed	MDCS	
r 17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	MDCS	
r 19(4)	Power to determine where the emergency contact person's details are displayed	MDCS	
r 19(6)	Power to determine where certain information is displayed	MDCS	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	MDCS	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	MDCS	
r28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	MDCS	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MDCS	
r 42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MBS	
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	MBS	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 16(3)	Power to issue permit	GMIE, MIS, MO, STE	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	GMIE, MIS, MO, STE	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	GMIE, MIS, MO, STE	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	GMIE, MIS, MO, STE	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	GMIE, MIS, MO, STE	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))	MDCS, CCS	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	GMIE, MIS, MO, STE, TLP, CCS	

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	GMIE, MIS, MO, STE	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	GMIE, MIS, MO, STE	Where Council is the coordinating road authority

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