

Instrument of Delegation by the Council

Port Phillip City Council

Instrument of Delegation

to

Members of council staff

by

the Council

Instrument of Delegation

By this instrument of delegation –

1. Pursuant to section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached schedule, Port Phillip Council delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the position described opposite each such duty and/or function and/or power in column 3 of the Schedule.
2. Declares that this Instrument of Delegation –
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation
 - 2.2 is subject to any conditions and limitations set out in column 4 of the Schedule; and
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts,
 - 2.4 [in relation to the Planning and Environment Act must be exercised in accordance with the attached Signing Protocol.](#)

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The COMMON SEAL of the
COUNCIL of the PORT PHILLIP
CITY COUNCIL was affixed in
the presence of:

[CHIEF EXECUTIVE OFFICER](#)

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DIRECTOR ORGANISATION
SYSTEMS AND SUPPORT

Dated: _____

Deleted: 23 April 2007

CITY OF PORT PHILLIP STATUTORY PLANNING UNIT (AUG 09)

**SIGNING PROTOCOL FOR PLANNING REPORTS DETERMINED UNDER
DELEGATION FROM COUNCIL**

<u>Responsible Officer Level (author).</u>	<u>Delegated officer (for signing planning reports):</u>
<u>Statutory Planner - Band 5</u>	<u>Band 6, 7 & 8 statutory planners, relevant Planning Coordinator, Manager City Development and General Manager Environment and Planning.</u>
<u>Statutory Planner - Band 6</u>	<u>Band 7 & 8 statutory planners, relevant Planning Coordinator, Manager City Development and General Manager Environment and Planning.</u>
<u>Statutory Planner - Band 7</u>	<u>Band 8 statutory Planner, relevant Planning Coordinator, Manager City Development and General Manager Environment and Planning.</u>
<u>Statutory Planner - Band 8</u>	<u>Relevant Planning Coordinator, Manager City Development and General Manager Environment and Planning.</u>
<u>Planning Coordinators</u>	<u>Manager City Development and General Manager Environment and Planning.</u>

Further: No planner is to exercise delegated power with regards to the decision to give or not give notice of an application pursuant to Section 52 of the Planning and Environment Act for an application for which they are themselves responsible.

The decision to advertise or not advertise pursuant to Section 52 of the Planning and Environment Act an application must be signed off by another planner of Band 6 or higher grading.

No planner can exercise delegated power with regards to determining an application for which they are themselves responsible.

Schedule of officers

Within the schedule of delegations any reference to a group of officers shall mean the following:

Group 1 Officers	General Manager Environment and Planning	Deleted: Executive Director Community Development and Planning
	Manager Environment and Renewal	
	Manager City Development	
	Neighbourhood Coordinators	
	Strategic Planning Coordinator	
Group 2 Officers	Chief Executive Officer	Deleted: Executive Director Community Development and Planning
	General Manager Environment and Planning	
	Manager Environment and Renewal	
	Manager City Development	Deleted: Manager Special Prjects
	Neighbourhood Coordinators	
	Band 8 Planners	
	Band 7 Planners	
	Band 6 Planners	
	Subdivision Officer	
Group 3 Officers	Chief Executive Officer	Deleted: Executive Director Community Development and Planning
	General Manager Environment and Planning	
	Manager Environment and Renewal	
	Manager City Development	
	Neighbourhood Coordinators	
	Band 8 Planners	
	Band 7 Planners	
	Band 6 Planners	
	Band 5 Planners	
	Fast Track Planner	
	Subdivision Officer	
Group 4 Officers	General Manager Environment and Planning	Deleted: Executive Director Community Development and Planning
	Manager Health and Amenity	
	Coordinator Health Services	
	Coordinator Development Compliance	
	Planning Compliance Officers	
Group 5 Officers	General Manager Environment and Planning	Deleted: Executive Director Community Development and Planning
	Engineering Approvals Officer	
	Subdivisions Officer	
Group 6 Officers	Chief Executive Officer	Deleted: Executive Director Community Development and Planning
	General Manager Environment and Planning	
	Manager Environment and Renewal	
	Manager City Development	
	Neighbourhood Coordinators	
	Band 8 Planners	
	Band 7 Planners	

	Band 6 Planners
	Band 5 Planners
	Fast Track Planner
	Subdivision Officer
	Business Support Staff - Planning
Group A Officers	Chief Executive Officer
	General Manager Environment and Planning
	General Manager City and Infrastructure Services
	Manager Environment and Renewal
	Manager City Development
	Coordinator Strategic Planning
	Senior Strategic Planners
	Strategic Planners
Group B Officers	(For determination of open space contribution)
	Chief Executive Officer
	General Manager Environment and Planning
	Manager City Development
	Subdivisions Officer

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Planning

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SCHEDULE

DOMESTIC (FERAL & NUISANCE) ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s.41A(1)	power to declare a dog to be a menacing dog	Chief Executive Officer <u>General Manager Environment and Planning</u> Manager Health and Amenity Coordinator Animal Management	
s.41A(3)	power to revoke a declaration made under s.41A(1)	Chief Executive Officer <u>General Manager Environment and Planning</u> Manager Health and Amenity Coordinator Animal Management	

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DOMESTIC (FERAL & NUISANCE) ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
s.41B(1)	duty to notify the owner	Chief Executive Officer <u>General Manager</u> <u>Environment and Planning</u> Manager Health and Amenity Coordinator Animal Management	
s.41C	duty to give notice of a menacing dog declaration to owner	Chief Executive Officer <u>General Manager</u> <u>Environment and Planning</u> Manager Health and Amenity Coordinator Animal Management	

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(1)	power to make an order in writing, upon receipt of a report from an authorised officer, directing that food premises be cleaned, etc.	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.19(6)(a)	duty to revoke any order under s.19 where the subject of the order has been attended to	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.19(6)(b)	duty to give written notice of revocation under s.19(6)(a)	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19F(1)(a)	power to issue directive to comply with any specified requirement in the food safety program	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.19F(1)(b)	power to issue directive, if Division 3A applies, to have the food safety program for the premises audited	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.19HA	power to inspect a food premises to determine whether the food business is operating in accordance with the food safety program	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.19HB	duty, where of the opinion that the food safety program has not been implemented or complied with, to advise the proprietor of this opinion, reasons for the opinion, what needs to be remedied and the period within which this must occur	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.20(3)	power to issue certificate to authorised officer	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.26(4)	duty to destroy or dispose of article	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.35	function of registering food premises	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	

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FOOD ACT 1984			
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.39(1)	duty to inspect	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.39(2)(a)	duty to ensure that, if the premises is a declared premises, there is a food safety program for the premises that complies with section 19DC	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.39(2)(b)	duty to ensure that if the premises is a declared premises, there is a food safety program for the premises that complies with section 19D	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.39(2)(c)	duty to ensure that, if the premises is a declared premises, no other ground for the refusal of registration, renewal of registration or the transfer of registration exists under Part IIIB	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.39A	power to register food premises despite minor defects	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.40(1)	duty to issue a certificate of registration in the prescribed form	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under the Health Act 1958	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.40D(1)	power to suspend or revoke the registration of food premises	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.40D(2)	duty to specify how long a suspension is to last under s.40D(1)	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.43(1)	duty to keep register of all registrations, renewals or transfers of registration	Team Leader Records	

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.43(5)	duty to cause a copy of any entry under s.43(1) to be certified as correct and supply it to any person who requests it free of charge	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
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 first person charged	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.54(3)	duty to notify the Secretary where authority is given under s.54(2)	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	

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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.58(1)	duty to notify the Director of Liquor Licensing where an order is made under s.19 of the Act and a licence/permit under the Liquor Control Reform Act 1998 is in force	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.58(2)	duty to notify the Director of Liquor Licensing when a holder of a permit/licence under the Liquor Control Reform Act 1998 is found guilty or pleads guilty and in respect of which no conviction is recorded	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	

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HEALTH ACT 1958			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.41	duty to remedy, as far as is reasonably possible, all nuisances in the municipal district	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.43(2)	duty to investigate any notification of nuisance	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.43(3)	duty to either take action to abate the nuisance or advise of available steps to settle the matter privately	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	

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HEALTH ACT 1958			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.44(1)	power to serve a notice to abate the nuisance	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.44(3)	power to issue proceedings where non-compliance with the notice to abate	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.44(9)	power to enter the land and abate the nuisance, and recover costs where a court orders that nuisance be abated	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	

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HEALTH ACT 1958			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.47B	power to investigate a nuisance occurring outside the municipal district	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.47C	power to enter vacant/unoccupied land and abate the nuisance	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.366C	function of receiving an application for registration of premises	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	

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HEALTH ACT 1958			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.367	function of registration and renewal of registration	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.368(1)	power to specify for what period registration will remain in force	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.368(1A)	power to grant temporary registration	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	

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HEALTH ACT 1958			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.369(2)	power to refuse granting or renewal of registration	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.369(3)	power to suspend or revoke registration where second or subsequent offence under the Act	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	Exercise of delegated power to be reported to councillors as soon as practicable
s.370	power to transfer registration during the currency of the registration	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	Refusal to transfer must be ratified by Council

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HEALTH ACT 1958			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.371(1)	duty to keep a register of all registrations, renewals and transfers	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	
s.372	power to cause inspection to be made before registration and to require alterations or improvements and to grant temporary conditional registration or renewal	Chief Executive Officer <u>General Manager Environment and Planning</u> Environmental Health Officer Coordinator Health Services	

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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 Victoria Planning Provisions upon authorisation by the Minister	<u>General Manager Environment and Planning</u>	Minor and / or administrative matters only.
s.4H	duty to make approved amendments available for inspection	Group A	
s.4I	duty to keep Victoria Planning Provisions and other documents available	Group A	
s.6(2)(h)	power to say that a specified thing has been done to the satisfaction of Council	Group 1	
<u>s.9(2)</u>	<u>power to apply to the Minister for authorisation to prepare an amendment to the planning scheme, including requesting the Minister to prepare an amendment to the planning scheme pursuant to s.8(1)(b) and s.20(4).</u>	<u>Group 1</u>	<u>Council must apply to the Minister for authorisation to prepare amendment</u> <u>Delegation to be exercised generally in relation to ‘minor amendments’ which propose; a ‘correction’ to the planning scheme, removal of a provision that duplicates another provision or has become obsolete, or a plain English translation of an existing provision where the effect of a</u>

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Group A

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<u>provision is unchanged.</u>
s.11(3)(b)	duty to submit amendment to planning scheme to Minister for approval if the Minister withdraws authorisation	Group A	
<u>s.12A(1)</u>	<u>duty to prepare a municipal strategic statement</u>	<u>Group A</u>	
<u>s.12B(1)</u>	<u>duty to review planning scheme</u>	<u>Group A</u>	
<u>s.12B(2)</u>	<u>duty to review planning scheme at direction of Minister</u>	<u>Group A</u>	
s.12(3)	power to carry out studies and do things to ensure proper use of land in which Council is the planning authority and consult with other persons to ensure co-ordination of planning scheme with these persons	Group A	
s.12B(5)	duty to report findings of review of planning scheme to minister without delay	Group A	
s.14	carry out duties of the Responsible Authority	Group 6 <u>Group 4</u> <u>Group A</u>	
s.17(1)	duty of giving copy amendment to the planning scheme	Group 1 Group A	

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Deleted: power to apply to the Minister to prepare an amendment to the planning scheme

Deleted: Council must apply to Minister for authorisation to prepare amendment

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(2)	duty of giving copy s.173 agreement	Group 1 Group A	
s.18	duty to make amendment etc. available	Group 6 <u>Group A</u>	
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	Group 1 Group A	
s.20(1)	power to apply to Minister for exemption from the requirements of s 19	Group 1 ▼	
s.21 (2)	duty to make submissions about an amendment available for inspection	<u>Group A</u> Group 6	
s.22	duty to consider all submissions about an amendment	Group 1 Group A	
s.23(2)	power to refer submissions to a panel	Group 1 Group A	
<u>s.24</u>	<u>function to represent Council and present a submission at a panel hearing (including a hearing referred to in s.96D)</u>	<u>Group A</u> <u>Group 3</u> <u>Group 4</u>	
▼	▼	▼	
▼	▼	▼	
s.26	duty to keep report of panel available for inspection	Group 6 <u>Group A</u>	

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Deleted: s.24(b)

Deleted: function to represent the Planning Authority and present a submission at a panel hearing (including a hearing referred to in s 96D)

Deleted: Group 3

Deleted: s.24(c)

Deleted: function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)

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Group 4¶
Group A

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	Group A	
s.30(4)(a)	duty to say if amendment has lapsed or a longer period has been granted	Group A	
s.30(4)(b)	duty to provide information in writing upon request	Group A	
s.31	duty to submit adopted amendment to Minister and, if applicable, details under s.19(1B)	Group 1 Group A	
s.32(2)	duty to give more notice if required	Group 1 Group A	
s.33(1)	duty to give more notice of changes to an amendment	Group 1 Group A	
s.35A(2)	duty to not approve an amendment under s.35B unless the amendment has been certified by the Secretary	Group 1	
s.35B(1)	power to approve an amendment in the form certified under Section 35A	Group 1	
s.35B(2)	duty to give to Minister notice of approval, copy of approved amendment and other documents	Group A	
s.36(2)	duty to give notice of approval of amendment	Group 1 Group A	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38(5)	duty to give notice of revocation of an amendment by Parliament	Group 1 Group A	
s.39	function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT	Group A Group 1	
s.40(1)	function of lodging copy of approved amendment	Group 1 Group 2 Group A	
s.40(1A)	duty to lodge prescribed documents and copy of approved amendment with the relevant authorities	Group 1 Group A	
s.41	duty to make approved amendment available	Group A Group 6	
s.42	duty to make an up to date copy of planning scheme available	Group A Group 6	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	Group 2 Group A	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	Group 1	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of	Chief Executive Officer General Manager Environment and Planning	Exercise of delegated power to be reported to councillors as

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	development infrastructure levy		soon as practicable
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	Group 2	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	Chief Executive Officer General Manager Environment and Planning	Exercise of delegated power to be reported to councillors as soon as practicable
s.46P(1)	power to require payment of amount of levy under s.46N or s.46O to be satisfactorily secured	Group 1	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	Chief Executive Officer General Manager Environment and Planning	
s.46Q(1)	duty to keep proper accounts of levies paid	Group 1	
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	Group 1	
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of the works, services and facilities in respect of which the levy was paid etc.	Group 1	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	Group 1	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	Group 1	<ul style="list-style-type: none"> • 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	Group A	<ul style="list-style-type: none"> • must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	Group A	<ul style="list-style-type: none"> • 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	Group A	
s.47	power to decide that an application for a planning permit does not comply with that Act and / or Regulations	Group 3	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	Group 6	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.49(2)	duty to make register available for inspection	Group 6	
s.50(4)	duty to amend application	Group 3	
s.50(5)	power to refuse to amend application	Group 2	
s.50(6)	duty to make note of amendment to application in register	Group 6	
s.50A(1)	power to make amendment to application	Group 3	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	Group 2	
s.50A(4)	duty to note amendment to application in register	Group 6	
s.51	duty to make copy of application available for inspection	Group A Group 6	
s.52(1)	function of determining public notification requirements and procedure in accordance with the Act and to give notice and require an applicant to advertise an application in accordance with section 52 of the Act	Group 2	

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	Group 2	
s.52(1)(b)	duty to give notice of the application to other municipal councils considering whether the application may materially affect land in a municipal district (of which the Responsible Authority is not the council)	Group 2	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	Group 2	
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	Group 2	
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	Group 2	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	Group 2	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.52(1A)	power to refuse an application	Group 2	When an applicant has not met the specified requirements relating to giving notice, satisfying the Responsible Authority that the notice has been given, providing further information about the application within 4 months of the first request by the Responsible Authority.
s.52(3)	power to give any further notice of an application where appropriate	Group 2	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	Group 2	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	Group 2	
s.53(2)	function of being satisfied that the applicant has given notice	Group 3	
s.54(1)	power to require the applicant to provide more information	Group 3	
s.54(1A)	duty to give notice in writing of information required under s.54(1)	Group 3	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(1B)	duty to specify the lapse date for an application	Group 3	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	Group 2	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time under s.54A(3)	Group 3	
s.55(1)	duty to give copy application to every referral authority specified in the planning scheme or being satisfied that the referral authority has considered the application in the past 3 months and does not object to the granting of a permit	Group 3	
s.55(1)	duty to give copy application to every referral authority specified in the planning scheme	Group 6	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	Group 2	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Group 6	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57(5)	duty to make available for inspection copy of all objections	Group 6	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to s.57A(5)	Group 3	
s.57A(5)	power to refuse to amend application	Group 3	
s.57A(6)	duty to note amendments to application in register	Group 6	
s.57B(1)	duty to determine whether and to whom notice should be given	Group 2	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	Group 2	
s.57C(1)	duty to give copy of amended application to referral authority	Group 6	
s.58	duty to consider every application for a permit	Group 3	
s.60	duty to consider certain matters	Group 3	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(1)(a), (b), (c) s. 62(1),(2) s.63 s.64(3) s.72 s.74 s84(1)	power to decide to grant a permit or amended permit, power to decide to grant a permit or amended permit with conditions, power to refuse the permit or amended permit, duty to include certain conditions in deciding to grant a permit or amended permit, power to include other conditions, unless otherwise stated in the Conditions / Limitations column	Group 2 (unless otherwise stated)	For the purposes of this condition/limitation a minor amendment is defined as being something that does not require public notification as it has no third party impact.
		Group 2	Issuing permits and/or amended permits once a notice of decision to grant a permit has been issued and no appeals have been made to the Tribunal within the prescribed time
		Group 2	Issuing permits, amended permits, notices of decision to grant a permit, notices of decision to grant an amended permit, notices of refusal to grant a permit and notices of refusal to grant an amended permit, in accordance with a decision of the Tribunal

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		Group 2	Issuing permits, amended permits, notices of decision to grant a permit, notices of decision to grant an amended permit, notices of refusal to grant a permit and notices of refusal to grant an amended permit, in accordance with a decision of the Statutory Planning Committee or Ordinary Council
		No delegation. To be reported to Statutory Planning Committee or Ordinary Council	Applications where 16 or more objections are received and where the application has not been refused under delegation
		No delegation. To be reported to Statutory Planning Committee or Ordinary Council	Where a Councillor requests the application be determined by the Council

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		No delegation. To be reported to Statutory Planning Committee or Ordinary Council	Application raises issue of policy that should be debated at Council (strategic or substantive policy issues) as determined by the Manager City Development and/or Neighbourhood Coordinators, Urban Planning
		No delegation. To be reported to Statutory Planning Committee or Ordinary Council	The application involves substantive non-compliance with the Planning Scheme or Council policy but officers consider the application should be supported
		No delegation. To be reported to Statutory Planning Committee or Ordinary Council	Non-compliance with residential parking requirements (except that a minor dispensation can be determined by the Manager City Development or Neighbourhood Coordinators <u>unless a councillor requests that the application be determined by Council.</u>
		Group 1	The application involves the

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			total demolition of a building in a heritage overlay with a 'contributory' or 'significant' grading, the policy tests for demolition at Clause 22.04-4 are met and <u>unless a councillor requests that the application be determined by Council.</u>
		Group 1	Decision to grant a permit where the application involves a two storey extension and a 'line of sight' principle is involved and the proposal does not meet the prescription but does, in the officers view, meet the performance approach set out in the Heritage Policy and <u>unless a councillor requests that the application be determined by Council.</u>
<u>s.61(2)</u>	<u>duty to decide to refuse to grant a permit if referral authority objects to grant of permit</u>	<u>Group 3</u>	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Group 2	

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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	Group 2	
S61(4)	duty to refuse application in breach of a restrictive covenant	Group 3	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	Group 2	
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	Group 3	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	Group 3	
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 .62(5) or s.46N	Group 3	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)	Group 3	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	Group 6	
s.65(1)	duty to give notice of refusal to grant permit to applicant and objector	Group 6	
s.66	duty to give notice under s.64 or s.65 and a copy of permit to referral authorities	Group 6	
s.69(1)	function of receiving application for extension of time of permit	Group 3	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.69(2)	power to extend time	Group 2	Consent for extension of time for commencement is to be granted only where no change in planning circumstance has occurred since the grant of the permit, or since the first extension (whichever is applicable) which would bring the proposal into conflict with current planning controls or instruments or bring the proposal into conflict with a seriously entertained planning proposal.
s.70	duty to make copy of permits available for inspection	Group 6	
s.71(1)	power to correct certain mistakes	Group 3	
s.71(2)	duty to note corrections in register	Group 3	
s.74	duty to issue amended permit to applicant if no objectors	Group 2	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Group 3	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.76A	duty to give referral authorities copy of amended permit and copy of notice	Group 3	
s.76(D)	duty to comply with direction of Minister to issue amended permit	Group 2	
s.82B	function of seeking leave to appeal / seeking Responsible Authority comments	Group 3	
s.83	function of being respondent to an appeal	Group 6	Planning officers representing the Responsible Authority as a respondent at a VCAT mediation hearing are subject to consultation with and approval by the Manager City Development and / or Neighbourhood Coordinators prior to a hearing.
s.83B	duty to give or publish notice of application for review	Group 6	
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	Group 2	

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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	Group 6	
s.84(6)	duty to issue permit on receipt of advice from principal registrar within 3 working days	Group 6	
s.85	duty to carry out the directions of Tribunal	Group 3	
s.86	duty to issue a permit at order of Tribunal within 3 working days	Group 6	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	Group 1 <u>Group 4</u>	Where the tests of s.87(1) are clear and obvious
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	Group 4 Group 6	
s.91(2)	duty to comply with the directions of the VCAT	Group 3 Group 4	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	Group 3	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	Group 3 Group 4	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.93(2)	duty to give notice of VCAT order to stop development	Group 1 Group 4	
s.95(3)	function of referring certain applications to the Minister	Group 3	
s.95(4)	duty to comply with an order or direction	Group 3	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	Group 1	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	Group 1	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	Group 1	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	Group 1	
s.96F	obligation to consider panel's report	Group 1 Group A	
s.96G	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	Group 3	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>		
s.96H	power to give notice in compliance with Minister's direction	Group 2	
s.96J	power to issue permit as directed by the Minister	Group 2	
s.96K	duty to comply with direction of the Minister to give notice of refusal	Group 1	
s.97B(2)	duty to comply with direction of the Minister	Group 2	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	Group 2	
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	Group 6	
s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	Group 6	
s.97L	duty to include Ministerial decisions in a register kept under s.49	Group 6	
s.97N	function of receiving an application for Certificate of Compliance	Group 6	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	Group 3 Group 4	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	All Planning and Building Services staff	
s.97Q(1)	power to seek the cancellation of a certificate of compliance due to material misstatement or concealment of fact or material mistake	Group 2	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Group 2	
s.97Q(4)	duty to comply with directions of VCAT	Group 2	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	All Planning and Building Services staff	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	Group 1	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	Group 1	
s.101	function of receiving claim for expenses in conjunction with claim	Group 1	

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	General Manager Environment and Planning	
s.107	function of receiving claim for compensation	Group 1	
s.114(1)	power to apply to the VCAT for an enforcement order	Group 1 Group A Group 4	
s.117(1)(a)	function of appearing and / or making a submission to the VCAT where objections are received regarding an enforcement order	All Planning Officers	
s.120(1)	power to apply for an interim enforcement order where s.114 application has been made	Group 1 Group A Group 4 & Neighborhood co-ordinators	
s.123(1)	power to carry out work required by enforcement order and recover costs	General Manager Environment and Planning	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under s.123(1)	General Manager Environment and Planning	Except Crown Land
s.125	Power to apply for an injunction	Group 1 Group A Group 4 & Neighborhood co-ordinators	
s.126	power to institute legal proceedings	Group 1 Group A Group 4 & Neighborhood co-ordinators	If a clear and obvious contravention of the Planning Scheme, Permit or Agreement is occurring

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.129	function of recovering penalties	Group 4	
s.130(1)	power to issue a planning infringement notice	Group 3 Group 4 & Neighborhood co-ordinators Group A	
s.130(5)	power to allow person served with an infringement notice further time	Group 3 Group 4 & Neighborhood co-ordinators Group A	
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.....	
s.133	power to act as an authorised officer to enter any land to carry out specific functions	Group 3 Group 4 Group 5 Group A	
s.134(1)	duty to obtain consent from occupier prior to entering any land	Group 3 Group 4	
s.134(2)	power to apply to the Magistrates Court for a warrant	General Manager Environment and Planning Manager City Development Group 4	
s.135	powers of an authorised officer	Group 3 Group 4 Group 5 Group A	
s.146	duty to give copies of Schemes and Group	Group 2	

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Group 4¶
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- Deleted: power to institute legal proceedings if payment of infringement notice is not made in prescribed time
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Group 4¶
Group A
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Community Development and Planning

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	Amendments	Group A	
s.149A(1)	power to refer a matter to the VCAT for determination	Group 1 Group A Group 4	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	Group 1	
s.162	power to appear before a panel	Group 3 Group A	
s.171(2)(f)	power to carry out studies and commission reports	Group 2 Group A	
s.171(2)(g)	power to grant and reserve easements	Group 2 Group 5	
s.178	power to amend a s.173 agreement	General Manager Environment and Planning	Minor and / or administrative amendments only.
s.179(1)	duty to lodge agreement with Minister	Group 3 Group A Team Leader Records	
s.179(2)	duty to make available for inspection copy agreement	Group 3 Group A Team Leader Records	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.181	power to apply to the Registrar of Titles for registration of the agreement and to deliver a memorial to Registrar-General	Group 3 Group 4 Group 5 Group A	
s.182	power to enforce a covenant	Group 1 Group A	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	Group 2 Group A	
s.198(1)	function to receive application for planning certificate	All Planning and Building Services staff	
s.199(1)	duty to give planning certificate to applicant	Group 3 Group A <u>Manager Governance and Risk Management</u> Rates and Revenue Manager	
s.199(2)	power of an authorised officer to produce and issue a planning certificate	Group 3 Group A <u>Manager Governance and Risk Management</u> Rates and Revenue Manager	
s.201(1)	function of receiving application for declaration of underlying zoning	All Planning and Building Services staff	
s.201(3)	duty to make declaration	Group 1 Group A	Only if Planning Scheme shows the underlying zoning

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RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.522	give a compliance notice to a person	<u>Manager Governance and Risk Management</u> <u>Manager Building Services</u>	
s.525(2)	power to authorise an officer to exercise powers in s.526 (either generally or in a particular case)	<u>Manager Governance and Risk Management</u> <u>Manager Building Services</u>	
s.525(4)	duty to issue identity card to authorised officers	<u>Manager Governance and Risk Management</u> <u>Manager Building Services</u>	
s.526(5)	duty to keep record of entry by authorised officer under section 526	<u>Manager Governance and Risk Management</u> <u>Manager Building Services</u>	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	<u>Manager Governance and Risk Management</u> <u>Manager Building Services</u>	

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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 1999

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.8(a)	power to: grant registration or renewal of registration issue a certificate of registration or renewal of registration	Manager Health and Amenity Coordinator Health Services	
r.11	power to grant transfer of registration and duty to cause current certificate of registration to be endorsed	Manager Health and Amenity Coordinator Health Services	
r.13	keep a register of caravan parks	Manager Health and Amenity Coordinator Health Services	
r.14(3)	approve place for display of certificate and other documents	Manager Health and Amenity Coordinator Health Services	
r.20	determine a lesser time for notification of details of intended installation	Manager Health and Amenity Coordinator Health Services	
r.33	power to form view that refuse receptacles are sufficient and clean	Manager Health and Amenity Coordinator Health Services	
r.34	power to form view that refuse is disposed of adequately	Manager Health and Amenity Coordinator Health Services	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 1999

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.35	duty to consult with the relevant fire authority and determine: the fire fighting facilities to be provided space for firefighter access	Manager Health and Amenity Coordinator Health Services	
r.36	duty to consult with the relevant fire authority and determine an emergency management plan	Manager Health and Amenity Coordinator Health Services	
r.38	power to approve the installation of a rigid annexe in a caravan park	Manager Health and Amenity Coordinator Health Services	
r.39	power to approve lighting	Manager Health and Amenity Coordinator Health Services	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s11(10)	duty to inform Secretary to Department of Sustainability and Environment of declaration etc.	<u>Manager Governance and Risk Management</u>	
s13(1)	power to fix a boundary road by publishing notice in Government Gazette	Manager Asset Services Manager Infrastructure Services	power of coordinating road authority and obtain consent under s13(3) and s13(4) as appropriate
s14(7)	power to appeal against decision of VicRoads	Manager Asset Services Manager Infrastructure Services	
s15(1)	power to enter into arrangement with another road authority <u>or a utility</u> to transfer a road management function <u>of the road authority to the other road authority or to the utility</u>	Manager Asset Services Manager Infrastructure Services	

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Manager Infrastructure Services
- Deleted: s11(9)(b)
- Deleted: duty to advise Registrar
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- Deleted: Manager Governance and Community Relations
- Deleted: s12(4)
- Deleted: power to publish, and provide copy, notice of proposed discontinuance
- Deleted: power of coordinating road authority
- Deleted: Manager Asset Services¶
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Manager Infrastructure Services
- Deleted: s12(10)
- Deleted: duty to notify of decision made
- Deleted: power of coordinating road authority
- Deleted: Manager Asset Services¶
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Manager Infrastructure Services

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.15(1A)	power to enter into an arrangement with a utility to transfer a road management function of the utility to the road authority	Manager Asset Services Manager Infrastructure Services	
s15(2)	duty to include details of arrangement in public roads register	Manager Asset Services Manager Infrastructure Services	
s16(7)	power to enter into an arrangement under s15	Manager Asset Services Manager Infrastructure Services	
s16(8)	duty to enter details of determination in public roads register	Manager Asset Services	
s17(2)	duty to register public road in public roads register	Manager Asset Services	power of coordinating road authority
s17(3)	power to decide that a road is reasonably required for general public use	Manager Asset Services Manager Infrastructure Services	power of coordinating road authority
s17(3)	duty to register a road reasonably required for general public use in public roads register	Manager Asset Services	power of coordinating road authority
s17(4)	power to decide that a road is no longer reasonably required for general public use	Manager Asset Services	power of coordinating road authority

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s17(4)	duty to remove road no longer reasonably required for general public use from public roads register	Manager Asset Services ▼	power of coordinating road authority
s18(1)	power to designate ancillary area	Manager Asset Services ▼	power of coordinating road authority, and obtain consent in circumstances specified in s18(2)
s18(3)	duty to record designation in public roads register	Manager Asset Services ▼	power of coordinating road authority
s19(1)	duty to keep register of public roads	Manager Asset Services ▼	
s19(4)	duty to specify details of discontinuance in public roads register	Manager Asset Services ▼	
s19(5)	duty to ensure public roads register is available for public inspection	Manager Asset Services ▼	
s.21	power to reply to request for information or advice	<u>General Manager City and Infrastructure Services</u> ▼	obtain consent in circumstances specified in s11(2)
s.22(2)	power to comment on proposed direction	<u>General Manager City and Infrastructure Services</u> ▼	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		<u>Infrastructure Services</u>	
<u>s.40(1)</u>	<u>duty to inspect, maintain and repair a public road</u>	<u>Manager Asset Services</u> <u>Manager Infrastructure Services</u>	
s42(1)	power to declare a public road as a controlled access road	Manager Asset Services	power of coordinating road authority and Schedule 2 also applies
s42(2)	power to amend or revoke declaration by notice published in Government Gazette	Manager Asset Services	power of coordinating road authority and Schedule 2 also applies
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	Manager Asset Services	
s.54(2)	duty to give notice of proposal to make a road management plan	Manager Asset Services	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	Manager Asset Services	
<u>s.63(2)(e)</u>	<u>power to conduct or to authorize the conduct of</u>	<u>General Manager City and</u>	

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Manager Infrastructure Services

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	<u>works in, on, under or over a road in an emergency</u>	<u>Infrastructure Services</u> <u>Manager Asset Services</u> <u>Manager Infrastructure Services</u>	
s.66(1)	power to consent to structure etc	<u>Manager City Development</u> ▼	power of coordinating road authority
s.67(3)	power to request information	<u>Manager City Development</u> ▼	power of coordinating road authority
s.68(2)	power to request information	<u>Manager City Development</u> ▼	power of coordinating road authority
s71(3)	power to appoint an authorised officer	<u>General Manager City and Infrastructure Services</u>	
s86	duty to keep register re s85 matters	Manager Asset Services Manager Infrastructure Services	
s87(2)	power to investigate complaint and provide report	Manager Asset Services Manager Infrastructure Services	
s116	power to cause or carry out inspection	Manager Asset Services Manager Infrastructure Services	
s120(2)	power to seek consent of VicRoads	Manager Asset Services	

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- Deleted: Manager Infrastructure Services
- Deleted: Executive Director Community Assets and Services

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		Manager Infrastructure Services	
s121(1)	power to enter into an agreement re works	Manager Asset Services Manager City Development	
Schedule 2 Clause 2(1)	power to make a decision re controlled access roads	Manager Asset Services ▼	
Schedule 2 Clause 3(1)	power to make policy about controlled access roads	Manager Asset Services ▼	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	Manager Asset Services ▼	
Schedule 2 Clause 5	duty to publish notice of declaration	Manager Asset Services ▼	
Schedule 5A Clause 15(3)	duty to provide a certificate under clause 15(2)(d)(ii) of schedule 5A on the written request of VicRoads	Chief Financial Officer Manager Rates	
Schedule 5A Clause 26	duty to surrender land to the Crown following an order of the Governor in Council	Manager Governance and Risk Management	
Schedule 5A Clause 27	duty to surrender Council's interest in any Crown land to the Crown following an order of the	Manager Governance and Risk Management	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	<u>Governor in Council</u>		
<u>Schedule 5A Clause 51</u>	<u>power to claim from VicRoads an amount for loss or expense incurred as a result of an order under Division 2 Part 5 of the Act</u>	<u>Manager Governance and Risk Management</u>	
<u>Schedule 7 Clause 7(1)</u>	<u>duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve</u>	<u>Manager Asset Services</u> <u>Manager Infrastructure Services</u>	
<u>Schedule 7 Clause 8(1)</u>	<u>duty to give notice to nay 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 on any road</u>	<u>Manager Asset Services</u> <u>Manager Infrastructure Services</u>	
<u>Schedule 7 Clause 9(1)</u>	<u>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</u>	<u>Manager Asset Services</u> <u>Manager Infrastructure Services</u>	
<u>Schedule 7 Clause 9(2)</u>	<u>duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location</u>	<u>Manager Asset Services</u> <u>Manager Infrastructure Services</u>	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	<u>shown on records, appear to be in an unsafe condition or appear to need maintenance</u>		
<u>Schedule 7 Clause 10(2)</u>	<u>where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected</u>	<u>Manager Asset Services</u> <u>Manager Infrastructure Services</u>	
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	Manager Asset Services Manager Infrastructure Services	power of coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	Manager Asset Services Manager Infrastructure Services	power of coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	Manager Asset Services Manager Infrastructure Services	power of coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	<u>Manager Asset Services</u> <u>Manager Infrastructure Services</u>	power of coordinating road authority
<u>Schedule 7 Clause 13(1)</u>	<u>Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)</u>	<u>Manager Asset Services</u> <u>Manager Infrastructure Services</u>	
Schedule 7 Clause 13(2)	power to vary notice period	Manager Asset Services Manager Infrastructure Services	power of coordinating road authority

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	Manager Asset Services Manager Infrastructure Services	
Schedule 7 Clause 16	power to consent to proposed works	Manager Asset Services Manager Infrastructure Services	power of coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent	Manager Asset Services Manager Infrastructure Services	power of coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	Manager Asset Services Manager Infrastructure Services	power of coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	Manager Asset Services Manager Infrastructure Services	power of coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	Manager Asset Services Manager Infrastructure Services	power of coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	Manager Asset Services	
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting – where road is not an arterial road	Manager Asset Services	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
<u>Schedule 7A Clause 3(1)(e)</u>	<u>duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas</u>	<u>Manager Asset Services</u>	
<u>Schedule 7A Clause (3)(1)(f)</u>	<u>duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4</u>	<u>Manager Asset Services</u>	

PLANNING AND ENVIRONMENT REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
r.6	duty of responsible authority to provide copy of matter considered under section 60(1A)(g) for inspection free of charge	Group 6	
r.7	duty of responsible authority to provide copy of information or report requested by the Minister	Group 6	
r.22	power of responsible authority to require verification of information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in application for permit or to amend a permit or any information provided under section 54 of the Act	Group B	
r.55	duty of responsible authority to tell Registrar of Titles under section 183 of the Act of the cancellation or amendment of an agreement	Group B	

PLANNING AND ENVIRONMENT (fees) REGULATIONS 2000			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
r.13(1)	power to waive or rebate fee in prescribed circumstances	Group B	
r.13(2)	power to waive or rebate fee for amendment to a planning scheme in prescribed circumstances	Group B	
r.13(3)	duty if fee waived or rebated to record the matters taken into account and which formed the basis of the decision	Group 6	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.301	duty to conduct reviews of road management plan	Manager Asset Services	
r.302(2)	duty to give notice of review of road management plan	Manager Asset Services	
r.302(5)	duty to produce written report of review of road management plan and make report available	Manager Asset Services	
r.303	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	Manager Asset Services	
r.306(2)	duty to record on road management plan the substance and date of effect of amendment	Manager Asset Services	
r.501(1)	power to issue permit	Manager Asset Services Coordinator Development Compliance	power of responsible road authority

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ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.501(4)	power to charge fee for issuing permit under r.501(1)	Manager Asset Services Coordinator Development Compliance	power of responsible road authority
r.503(1)	power to give written consent to person to drive on road a vehicle which is likely to cause damage to road	Manager Asset Services Manager Infrastructure Services	power of responsible road authority
r.508(3)	power to make submission to Tribunal	Manager Asset Services	power of responsible road authority
r.509(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	Manager Infrastructure Services	power of responsible road authority
r.509(2)	power to sell or destroy things removed from road or part of road (after first complying with r.509(3))	Manager Infrastructure Services	power of responsible road authority
r.509(4)	power to recover in the Magistrates' Court, expenses from person responsible	Manager Asset Services Manager Infrastructure Services	

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ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.10	power, where consent given under s.63(1) of the Act, to exempt a person from requirement under clause 13(1) of Schedule 7 to that Act to give notice as to the completion of those work	Manager Asset Services Manager Infrastructure Services	power of coordinating road authority
r.18(2)	power to waive whole or part of fee in certain circumstances	Manager Asset Services Manager Infrastructure Services	power of coordinating road authority

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MISCELLANEOUS			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Section B - Finance Issues			
	power to authorise purchase orders for the purchase of goods and services and approve invoices and accounts for payments	Chief Executive Officer (\$1M)	
	power to award, enter and sign contracts		
	- where price accepted is the lowest	Chief Executive Officer (\$1M)	
	- where price accepted is not the lowest	Chief Executive Officer (\$500k)	

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Deleted: Section C - Miscellaneous Issues

Deleted: power to set Council fees and charges

Deleted: Chief Executive Officer

Deleted: Exercise of delegated power to be in line with Council's five year financial strategy.