



Maddocks

Maddocks Delegations and Authorisations

S6. Instrument of Delegation – Members of Staff

Swan Hill Rural City Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

In exercise of the power conferred by section 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;
2. records that a reference in the Schedule to:

“AC” means Asset Coordinator

“CEO” means Chief Executive Officer

“CSC” means Commercial Service & Revenue Coordinator

“CSO” means Customer Service Officer

“DDP” means Director Development & Planning

“DE” means Design Engineer

“DI” means Director Infrastructure

“DM” Means Development Manager

“EHO” means Environmental Health Officer

“EPAM” means Engineering Projects & Assets Manager

“MBS” means Municipal Building Surveyor

“MERO” means Municipal Emergency Resource Officer

“MFPO” means Municipal Fire Prevention Officer

“PHRSC” means Public Health & Regulatory Services Coordinator

“PO” means Planning Officer

“SPC” means Statutory Planning Coordinator

“SRO” means Senior Revenue Officer

“TOS” means Technical Officer Survey

3. declares that:
 - 3.1 this Instrument of Delegation is authorised by [**#insert "a resolution" or "resolutions"#**] of Council passed on [**#date#**] [**#add "and [date]", if appropriate#**]; 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) strategy

adopted 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 section 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 THE SWAN HILL RURAL CITY COUNCIL)
Was hereunto affixed in the presence of)

Chief Executive Officer

(Print Name)

Councillor _____ Councillor _____

(Print Name) _____ (Print Name) _____



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	DDP, DM, PHRSC, AO	Council may delegate this power to an authorised officer



ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53M(3)	power to require further information	PHRSC, EHO	
s.53M(4)	duty to advise applicant that application is not to be dealt with	PHRSC, EHO	
s.53M(5)	duty to approve plans, issue permit or refuse permit	PHRSC, EHO	refusal must be ratified by council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	PHRSC, EHO	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)	PHRSC,EHO	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	DDP, PHRSC, EHO	If section 19(1) applies
s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	DDP,, PHRSC, EHO	If section 19(1) applies
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	DDP, PHRSC, EHO	If section 19(1) applies
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	PHRSC, EHO, PHRSC	If section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	PHRSC, EHO	If section 19(1) applies
s.19AA(2)	power to direct, by written order, that a person must take any of the actions described in (a)-(c).	DDP, EHO, PHRSC	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	DDP, EHO, PHRSC	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
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	DDP, EHO,PHRSC	where council is the registration authority
s.19CB(4)(b)	power to request copy of records	PHRSC, EHO	where council is the registration authority



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19E(1)(d)	power to request a copy of the food safety program	PHRSC EHO	where council is the registration authority
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	PHRSC, EHO	where council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	DDP, EHO	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	PHRSC, EHO	where council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	PHRSC, EHO	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	PHRSC, EHO	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	PHRSC, EHO	where council is the registration authority
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	DDP, PHRSC, EHO	where council is the registration authority
s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	PHRSC, EHO	where council is the registration authority
---	power to register, renew or transfer registration	DDP, PHRSC, EHO	where council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	PHRSC, EHO	where council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	Not Delegated fixed by Council	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	PHRSC, EHO	where council is the registration authority
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	PHRSC, EHO	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	PHRSC, EHO	where council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	PHRSC, EHO	where council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	PHRSC, EHO	where council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	PHRSC, EHO	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	PHRSC, EHO	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	DDP, PHRSC, EHO	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).



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



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	PHRSC, EHO	where council is the registration authority



HERITAGE ACT 1995			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(2)	power to sub-delegate Executive Director's functions	CEO, DDP, DM	must obtain Executive Director's written consent first.



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	Not delegated, considered by Council.	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	DDP, DM, SPC, PO	
s.4H	duty to make amendment to Victoria Planning Provisions available	DDP, DM, SPC, PO	
s.4I	duty to keep Victoria Planning Provisions and other documents available	DDP, DM, SPC, PO	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	DDP, DM, SPC	
s. 8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	Not delegated, considered by Council.	
s.8A(5)	function of receiving notice of the Minister's decision	DDP, DM, SPC	
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	DDP, DM	
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(3)	power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	DDP, DM, SPC, PO	
s 12A(1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	Not delegated, considered by Council.	
s.12B(1)	duty to review planning scheme	Not delegated, considered by Council.	
s.12B(2)	duty to review planning scheme at direction of Minister	Not delegated, considered by Council.	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	Not delegated, considered by Council.	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	Not delegated considered by Council	
s.17(1)	duty of giving copy amendment to the planning scheme	DDP, DM, SPC, PO	
s.17(2)	duty of giving copy s.173 agreement	DDP, DM, SPC, PO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CEO, DDP, DM, SPC, PO	
s.18	duty to make amendment etc. available	DDP, DM, SPC, PO	
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 section 19 to a planning scheme	DDP, DM, SPC	
s.19	function of receiving notice of preparation of an amendment to a planning scheme	DDP, DM, SPC	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	CEO, DDP, DM, SPC	
s.21(2)	duty to make submissions available	DDP, DM, SPC, PO	
s.21A(4)	duty to publish notice in accordance with section	DDP, DM, SPC, PO	
s.22	duty to consider all submissions	Not delegated, considered by Council	
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	DDP, DM	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	CEO, DDP, DM, SPC	
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)	DDP, DM, SPC, PO	
s.26(1)	power to make report available for inspection	DDP, DM, SPC	
s.26(2)	duty to keep report of panel available for inspection	DDP, DM, SPC, PO	
s.27(2)	power to apply for exemption if panel's report not received	DDP, DM, SPC	
s.28	duty to notify the Minister if abandoning an amendment	DDP, DM, SPC	Note: the power to make a decision to abandon an amendment cannot be delegated
s.30(4)(a)	duty to say if amendment has lapsed	DDP, DM, SPC, PO	
s.30(4)(b)	duty to provide information in writing upon request	DDP, DM, SPC, PO	
s.32(2)	duty to give more notice if required	DDP, DM, SPC, PO	
s.33(1)	duty to give more notice of changes to an amendment	DDP, DM, SPC, PO	
s.36(2)	duty to give notice of approval of amendment	DDP, DM, SPC, PO	



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	DDP, DM, SPC	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	Not delegated considered by Council	
s.40(1)	function of lodging copy of approved amendment	DDP, DM, SPC, PO	
s.41	duty to make approved amendment available	DDP, DM, SPC, PO	
s.42	duty to make copy of planning scheme available	DDP, DM, SPC, PO	
s.46AS(ac)	power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	DDP,DM	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	DDP, DM, SPC PO	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	DDP, DM, SPC, PO	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DDP, DM, SPC	
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	DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	DDP, DM, SPC	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	DDP, DM, SPC	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	DDP, DM, SPC	
s.46Q(1)	duty to keep proper accounts of levies paid	DCS, SRO, DM, SPC, PO	
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	DDP, DM, SPC	
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.	DDP, DM, SPC	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	Only applies when levy is paid to Council as a development agency.	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	DDP, DM, SPC	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



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	DDP, DM, SPC	must be done in accordance with Part 3
s46Q(4)(e)	duty to expend that amount on other works etc.	DDP, DM, SPC	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	DDP, DM, SPC	
s.46V(3)	duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	Not Applicable	
s.46Y	duty to carry out works in conformity with the approved strategy plan	Not Applicable	
s.47	power to decide that an application for a planning permit does not comply with that Act	CEO, DDP, DM, SPC	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	DDP, DM, SPC, PO	
s.49(2)	duty to make register available for inspection	DDP, DM, SPC, PO	
s.50(4)	duty to amend application	DDP, DM, SPC, PO	
s.50(5)	power to refuse to amend application	DDP, DM, SPC	
s.50(6)	duty to make note of amendment to application in register	DDP, DM, SPC, PO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.50A(1)	power to make amendment to application	DDP, DM, SPC, PO	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	DDP, DM, SPC, PO	
s.50A(4)	duty to note amendment to application in register	DDP, DM, SPC, PO	
s.51	duty to make copy of application available for inspection	DDP, DM, SPC, PO	
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	DDP, DM, SPC, PO	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	DDP, DM, SPC, PO	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	DDP, DM, SPC, PO	
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	DDP, DM, SPC, PO	
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	DDP, DM, SPC, PO	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	DDP, DM, SPC, PO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	DDP, DM, SPC, PO	
s.52(3)	power to give any further notice of an application where appropriate	DDP, DM, SPC, PO	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	DDP, DM, SPC, PO	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	DDP, DM, SPC, PO	
s.54(1)	power to require the applicant to provide more information	DDP, DM, SPC, PO	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	DDP, DM, SPC, PO	
s.54(1B)	duty to specify the lapse date for an application	DDP, DM, SPC, PO	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	DDP, DM, SPC, PO	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	DDP, DM, SPC, PO	
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DDP, DM, SPC, PO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	CEO, DDP, DM, SPC	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	DDP, DM, SPC, PO	
s.57(5)	duty to make available for inspection copy of all objections	DDP, DM, SPC, PO	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	DDP, DM, SPC, PO	
s.57A(5)	power to refuse to amend application	DDP, DM, SPC	
s.57A(6)	duty to note amendments to application in register	DDP, DM, SPC, PO	
s.57B(1)	duty to determine whether and to whom notice should be given	DDP, DM, SPC, PO	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	DDP, DM, SPC, PO	
s.57C(1)	duty to give copy of amended application to referral authority	DDP, DM, SPC, PO	
s.58	duty to consider every application for a permit	DDP, DM, SPC, PO	
s.58A	power to request advice from the Planning Application Committee	DDP, DM, SPC	



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	DDP, DM, SPC, PO	
s60(1A)	power to consider certain matters before deciding on application	DDP, DM, SPC, PO	
s.61(1)A	power to determine permit application, either to decide to grant a permit.	CEO, DDP, DM, SPC	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> Where no objections are received in relation to the permit application.
s.61(1)B	power to determine permit application, to decide to grant a permit with conditions.	CEO, DDP, DM, SPC	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> Where no objections are received in relation to the permit application.
s.61(1)C	power to determine permit application or to refuse a permit application.	Not Delegated considered by Council	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	CEO, DDP, DM, SPC, PO	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	DDP, DM, PC	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	DDP, DM, SPC, PO	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DDP, DM, SPC, PO	
s.62(1)	duty to include certain conditions in deciding to grant a permit	DDP, DM, SPC, PO	
s.62(2)	power to include other conditions	DDP, DM, SPC, PO	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DDP, DM, SPC, PO	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	DDP, DM, SPC, PO	
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	DDP, DM, SPC, PO	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	DDP, DM, SPC, PO	
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 section 62(5) or section 46N	DDP, DM, SPC, PO	



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 section 62(1)(a)	DDP, DM, SPC, PO	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	DDP, DM, SPC, PO	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	DDP, DM, SPC, PO	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(3)	duty not to issue a permit until after the specified period	DDP, DM, SPC, PO	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	DDP, DM, SPC, PO	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	DDP, DM, SPC	this provision applies also to a decision to grant an amendment to a permit - see section 75A
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	DDP, DM, SPC, PO	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	DDP, DM, SPC, PO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	DDP, PM, PO, DM	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	DDP, PM, PO, DM	if the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s.66(6)	duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	DDP, DM, SPC	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s.69(1)	function of receiving application for extension of time of permit	DDP, DM, SPC, PO	
s.69(1A)	function of receiving application for extension of time to complete development	DDP, DM, SPC	
s.69(2)	power to extend time	DDP, DM, SPC	
s.70	duty to make copy permit available for inspection	DDP, DM, SPC, PO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.71(1)	power to correct certain mistakes	DDP, DM, SPC, PO	
s.71(2)	duty to note corrections in register	DDP, DM, SPC, PO	
s.73	power to decide to grant amendment subject to conditions	DDP, DM, SPC	
s.74	duty to issue amended permit to applicant if no objectors	DDP, DM, SPC	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DDP, DM, SPC, PO	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	DDP, DM, SPC, PO	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DDP, DM, SPC	if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	DDP, DM, SPC, PO	if the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76	DDP, DM, SPC	if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.76D	duty to comply with direction of Minister to issue amended permit	CEO, DDP, DM, SPC	
s.83	function of being respondent to an appeal	CEO, DDP, DM, SPC	
s.83B	duty to give or publish notice of application for review	DDP, DM, SPC, PO	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DDP, DM, SPC	
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	DDP, DM, SPC	
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	DDP, DM, SPC	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	DDP, DM, SPC	
s.86	duty to issue a permit at order of Tribunal within 3 working days	DDP, DM, SPC	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	CEO, DDP, DM, SPC	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.91(2)	duty to comply with the directions of VCAT	DDP, DM, SPC, PO	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	DDP, DM, SPC, PO	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	DDP, DM, SPC, PO	
s.93(2)	duty to give notice of VCAT order to stop development	DDP, DM, SPC, PO	
s.95(3)	function of referring certain applications to the Minister	CEO, DDP, DM, SPC, PO	
s.95(4)	duty to comply with an order or direction	DDP, DM, SPC, PO	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	CEO, DDP, DM, SPC	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, DDP, DM, SPC	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	DDP, DM, SPC	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96F	duty to consider the panel's report under section 96E	Not Delegated considered by Council	
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 section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	DDP, DM, SPC	
s.96H(3)	power to give notice in compliance with Minister's direction	DDP, DM, SPC, PO	
s.96J	power to issue permit as directed by the Minister	DDP, DM, SPC, PO	
s.96K	duty to comply with direction of the Minister to give notice of refusal	DDP, DM, SPC, PO	
s. 96Z	duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate	DDP, DM, SPC, PO	Note: this provision is not yet in force and will commence on 1 July 2015
s.97C	power to request Minister to decide the application	Not delegated, considered by Council.	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	CEO, DDP, DM, SPC	
s.97G(3)	function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CEO, DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	CEO, DDP, DM, SPC, PO	
s.97L	duty to include Ministerial decisions in a register kept under section 49	CEO, DDP, DM, SPC	
s.97MH	duty to provide information or assistance to the Planning Application Committee	DDP, DM, SPC	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	DDP, DM, SPC	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	DDP, DM, SPC	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, DDP, DM, SPC	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, DDP, DM, SPC	
s.97Q(4)	duty to comply with directions of VCAT	CEO, DDP, DM, SPC	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	CEO, DDP, DM, SPC	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	CEO, DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DDP, DM, SPC	
s.101	function of receiving claim for expenses in conjunction with claim	CEO, DDP, DM, SPC	
s.103	power to reject a claim for compensation in certain circumstances	CEO, DDP, DM, SPC	
s.107(1)	function of receiving claim for compensation	CEO, DDP, DM, SPC	
s.107(3)	power to agree to extend time for making claim	CEO, DDP, DM, SPC	
s.114(1)	power to apply to the VCAT for an enforcement order	CEO, DDP, DM, SPC	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	CEO, DDP, DM, SPC, PO,	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	CEO, DDP, DM, SPC, PO,	
s.123(1)	power to carry out work required by enforcement order and recover costs	DDP, DM, SPC	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	CEO, DDP, DM, SPC	except Crown Land
s.129	function of recovering penalties	DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.130(5)	power to allow person served with an infringement notice further time	CEO, DDP, DM, SPC	
s.149A(1)	power to refer a matter to the VCAT for determination	CEO	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DDP, DM, SPC	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B)power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	CEO, DDP, DM, SPC	where council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	Not delegated, considered by Council.	
s.171(2)(g)	power to grant and reserve easements	Not delegated considered by Council.	
s.173	power to enter into agreement covering matters set out in section 174	DDP, DI, EPAM, DM, SPC	
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	DDP, DI, EPAM, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act</i> 1987 requires that something may not be done without the consent of Council or Responsible Authority	Not delegated, considered by Council.	
s.177(2)	power to end a section 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	Not delegated, considered by Council.	
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	Not delegated, considered by Council.	
s.178A(1)	function of receiving application to amend or end an agreement	CEO, DDP	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	DDP	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, DDP	
s.178A(5)	power to propose to amend or end an agreement	CEO, DDP	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	DDP, DM, SPC	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178C(2)	duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DDP, DM, SPC	
s.178C(4)	function of determining how to give notice under s.178C(2)	DDP, DM, SPC	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	CEO, DDP	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	CEO, DDP	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	CEO, DDP	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	CEO, DDP	If no objections are made under s.178D Must consider matters in s.178B
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	CEO, DDP	After considering objections, submissions and matters in s.148B
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DDP	After considering objections, submissions and matters in s.148B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DDP	After considering objections, submissions and matters in s.148B



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(3)(d)	power to refuse to amend or end the agreement	CEO	After considering objections, submissions and matters in s.148B
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	CEO, DDP	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	CEO, DDP	
s.178F(4)	duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	CEO, DDP	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	CEO	
s.178H	power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, DDP	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, DDP	
s.179(2)	duty to make available for inspection copy agreement	DDP, PO, DM, PC	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DDP, DM, SPC	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	DDP, DM, SPC	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	DDP, DM, SPC	
s.182	power to enforce an agreement	CEO, DDP, DM, SPC	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	DDP, DM, SPC, PO,	
s.184F(1)	power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, DDP	
s.184F(2)	duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, DDP	
s.184F(3)	duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	DDP, DM, SPC	
s.184F(5)	function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DDP, DM, SPC	
s.184G(2)	duty to comply with a direction of the Tribunal	DDP, DM, SPC	
s.184G(3)	duty to give notice as directed by the Tribunal	DDP, DM, SPC	
s.198(1)	function to receive application for planning certificate	DDP, DM, SPC, PO,	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.199(1)	duty to give planning certificate to applicant	DDP, DM, SPC, PO,	
s.201(1)	function of receiving application for declaration of underlying zoning	DDP, DM, SPC, PO,	
s.201(3)	duty to make declaration	DDP, DM, SPC	
-	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	DDP, DM, SPC, PO,	
	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	DDP, DM, SPC, PO,	
	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	DDP, DM, SPC, PO,	
-	power to give written authorisation in accordance with a provision of a planning scheme	DDP, DM, SPC, PO,	
s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	Not Applicable	
s.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	Not Applicable	



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



RAIL SAFETY ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	EPAM, WM	where council is the relevant road authority
s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	DI, EPAM	where council is the relevant road authority
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DI, EPAM	where council is the relevant road authority
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	EPAM, WM	where council is the relevant road authority
s.34I	function of entering into safety interface agreements	DI,EPAM	where council is the relevant road authority
s.34J(2)	function of receiving notice from Safety Director	EPAM, WM	where council is the relevant road authority
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	EPAM, WM	where council is the relevant road authority
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	EPAM, WM	where council is the relevant road authority



RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142D	function of receiving notice regarding an unregistered rooming house	DDP, PHRSC	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	DDP, PHRSC, MBS	
s. 142G(2)	power to enter certain information in the Rooming House Register	DDP, PHRSC, MBS	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	DDP, PHRSC, MBS	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	DDP, PHRSC, MBS	where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	DDP, PHRSC, MBS	where council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	DDP,, PHRSC, MBS	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	DDP, PHRSC, MBS	
s.522(1)	power to give a compliance notice to a person	PHRSC, EHO MBS	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	CEO	



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



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	Not delegated considered by Council.	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	Not delegated considered by Council.	
s.11(9)(b)	duty to advise Registrar	DI, AC, EPAM	
s.11(10)	duty to inform Secretary to Department of Sustainability and Environment of declaration etc.	DI, AC, EPAM	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Sustainability and Environment or nominated person	DI, AC, EPAM	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	DI, AC, EPAM	where council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	Not delegated, considered by Council.	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	DI, AC, EPAM	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(6)	function of hearing a person in support of their written submission	DI, AC, EPAM	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	DI, AC, EPAM	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	DI, AC, EPAM	duty of coordinating road authority where it is the discontinuing body does not apply where an exemption is specified by the regulations or given by the Minister
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	DI, AC, EPAM	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	CEO, DI	
s.14(7)	power to appeal against decision of VicRoads	DI, AC, EPAM	
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	CEO, DI, AC, EPAM	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CEO, DI, AC, EPAM	
s.15(2)	duty to include details of arrangement in public roads register	DI, AC, EPAM	
s.16(7)	power to enter into an arrangement under section 15	CEO, DI, AC, EPAM	
s.16(8)	duty to enter details of determination in public roads register	DI, AC, EPAM	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(2)	duty to register public road in public roads register	DI, AC, EPAM	where council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	DI, AC, EPAM	where council is the coordinating road authority
s.17(3)	duty to register a road reasonably required for general public use in public roads register	DI, AC, EPAM	where council is the coordinating road authority
s.17(4)	power to decide that a road is no longer reasonably required for general public use	Not delegated, considered by Council.	where council is the coordinating road authority
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	EPAM, TOS, AC	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	DI, AC, EPAM	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	DI, AC, EPAM	where council is the coordinating road authority
s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	DI, AC, EPAM	
s.19(4)	duty to specify details of discontinuance in public roads register	DI, AC, EPAM	
s.19(5)	duty to ensure public roads register is available for public inspection	DI, AC, EPAM	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.21	function of replying to request for information or advice	CEO, DI, AC, EPAM	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	CEO, DI, AC, EPAM	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	CEO, DI, AC, EPAM	
s.22(5)	duty to give effect to a direction under this section.	DI, EPAM	
s.40(1)	duty to inspect, maintain and repair a public road.	DI, AC, EPAM	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	DI, AC, EPAM	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	AC, EPAM	
s.42(1)	power to declare a public road as a controlled access road	DI, AC, EPAM	power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	DI, AC, EPAM	power of coordinating road authority and Schedule 2 also applies
s.42A(3)	duty to consult with VicRoads before road is specified	DI, AC, EPAM	where council is the coordinating road authority if road is a municipal road or part thereof



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	DI, AC, EPAM	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.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	DI, AC, EPAM	where council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the Secretary for purposes of developing guidelines under section 48M	DI, AC, EPAM	
s.48N	duty to notify the Secretary of the location of the bus stopping point and the action taken by council	DI, AC, EPAM	
s.49	power to develop and publish a road management plan	DI, AC, EPAM	
s.51	power to determine standards by incorporating the standards in a road management plan	DI, AC, EPAM	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	Not delegated, considered by Council.	
s.54(2)	duty to give notice of proposal to make a road management plan	DI, AC, EPAM	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	DI, AC, EPAM	
s.54(6)	power to amend road management plan	DI, AC, EPAM	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(7)	duty to incorporate the amendments into the road management plan	DI, AC, EPAM	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	DI, AC, EPAM	
s.63(1)	power to consent to conduct of works on road	DI, AC, EPAM	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	DI, AC, EPAM	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	DI, AC, EPAM	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	DI, AC, EPAM	where council is the coordinating road authority
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	DI, AC, EPAM	where council is the coordinating road authority
s.67(3)	power to request information	DI, AC, EPAM	where council is the coordinating road authority
s.68(2)	power to request information	DI, AC, EPAM	where council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	CEO, DI, AC, EPAM	
s.72	duty to issue an identity card to each authorised officer	CEO	
s.85	function of receiving report from authorised officer	DI, AC, EPAM	
s.86	duty to keep register re section 85 matters	DI, AC, EPAM	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.87(1)	function of receiving complaints	DI, AC, EPAM	
s.87(2)	duty to investigate complaint and provide report	CEO, DI, AC, EPAM	
s.112(2)	power to recover damages in court	CEO, DI, AC, EPAM	
s.116	power to cause or carry out inspection	DI, AC, EPAM	
s.119(2)	function of consulting with VicRoads	DI, AC, EPAM	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	DI, EPAM	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	DI, AC, EPAM	
s.121(1)	power to enter into an agreement in respect of works	DI, AC, EPAM	
s.122(1)	power to charge and recover fees	DI, AC, EPAM	
s.123(1)	power to charge for any service	DI, AC, EPAM	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	Not delegated, considered by Council.	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	Not delegated, considered by Council.	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	Not delegated, considered by Council.	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	DI, AC, EPAM	
Schedule 2 Clause 5	duty to publish notice of declaration	DI, AC, EPAM	
Schedule 7, Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	DI, AC, EPAM	where council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	DI, AC, EPAM	where council is the infrastructure manager or works manager
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	DI, AC, EPAM	where council is the infrastructure manager or works manager responsible for non-road infrastructure



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DI, AC, EPAM	where council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DI, AC, EPAM	where council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	DI, AC, EPAM	where council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	DI, AC, EPAM	where council is the infrastructure manager



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 16(1)	power to consent to proposed works	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	DI, AC, EPAM	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DI, AC, EPAM	where council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DI, AC, EPAM	where council is the coordinating road authority



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7A Clause 2	power to cause street lights to be installed on roads	DI, AC, EPAM	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	DI, AC, EPAM	where council is the responsible road authority
Schedule 7A Clause 3(1)(e)	duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	DI, AC, EPAM	where council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	DI, AC, EPAM	duty of council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)



PLANNING AND ENVIRONMENT REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.6	duty of responsible authority to provide copy of matter considered under section 60(1A)(g) for inspection free of charge	SPC, PO	
r. 8	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	DDP,DM	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
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	CEO, DDP, DM, SPC	
r.40	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of an amendment to a planning scheme	DDP, DM	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
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	SPC, PO	



PLANNING AND ENVIRONMENT (FEES) FURTHER INTERIM REGULATIONS 2014			
Note: these Regulations expire on 16 October 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.16	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, DDP, DM, SPC	
r.17	power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, DDP, DM, SPC	
r.18	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.16 or 17	DM, SPC	



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.7	function of entering into a written agreement with a caravan park owner	DDP, PHRSC	
r.11	function of receiving application for registration	PHRSC, EHO	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	DDP, PHRSC, EHO	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	PHRSC, EHO	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	DDP, PHRSC, EHO	
r.13(4) & (5)	duty to issue certificate of registration	PHRSC, EHO	
r.15(1)	function of receiving notice of transfer of ownership	PHRSC, EHO	
r.15(3)	power to determine where notice of transfer is displayed	PHRSC, EHO	
r.16(1)	duty to transfer registration to new caravan park owner	PHRSC, EHO	
r.16(2)	duty to issue a certificate of transfer of registration	Set by Legislation Not Applicable	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	PHRSC, EHO	
r.18	duty to keep register of caravan parks	PHRSC, EHO	



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.19(4)	power to determine where the emergency contact person's details are displayed	DDP, PHRSC, EHO	
r.19(6)	power to determine where certain information is displayed	DDP, PHRSC, EHO	
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	DDP, PHRSC, EHO, CSO	
r.22A(2)	duty to consult with relevant emergency services agencies	DDP, MERO, MFPO	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	DDP, PHRSC, EHO	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	DDP, EPAM, PHRSC, EHO	
r.25(3)	duty to consult with relevant floodplain management authority	DDP, SPC, PHRSC, EHO	
r.26	duty to have regard to any report of the relevant fire authority	DDP, EPAM, MBS, PHRSC, EHO	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	DDP, PHRSC, EHO	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	DDP, MBS, PHRSC, EHO	



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	DDP, MBS, PHRSC, EHO	
r.40(4)	function of receiving installation certificate	DDP, PHRSC, EHO	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	DDP, MBS, PHRSC, EHO	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	DDP, PHRSC, EHO, MBS	



ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.301(1)	duty to conduct reviews of road management plan	DI, AC, EPAM	
r.302(2)	duty to give notice of review of road management plan	DI, AC, EPAM	
r.302(5)	duty to produce written report of review of road management plan and make report available	DI, AC, EPAM	
r.303	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	DI, AC, EPAM	
r.306(2)	duty to record on road management plan the substance and date of effect of amendment	DI, AC, EPAM	
r.501(1)	power to issue permit	DI, AC, EPAM	where council is the coordinating road authority
r.501(4)	power to charge fee for issuing permit under regulation 501(1)	DI, AC, EPAM	where council is the coordinating 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	DI, AC, EPAM	where council is the coordinating road authority
r.508(3)	power to make submission to Tribunal	DI, AC, EPAM	where council is the coordinating road authority
r.509(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	DI, AC, EPAM	where council is the responsible road authority
r.509(2)	power to sell or destroy things removed from road or part of road (after first complying with regulation 509(3))	DI, AC, EPAM	where council is the responsible road authority



ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.509(4)	power to recover in the Magistrates' Court, expenses from person responsible	DI, DDP	



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