

# Instrument of Delegation to the Chief Executive Officer

Updated ~~March 2017~~ ~~February 2017~~ ~~May 2015~~

## Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* ("**the Act**") and all other powers enabling it, the **Nillumbik Shire Council** ("Council") delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 26 May \_\_\_\_\_ 20157 .
2. the 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 the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until Council resolves to vary or revoke it.
3. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

THE COMMON SEAL of NILLUMBIK     )  
SHIRE COUNCIL was affixed hereto on     )  
                                  the                    day     )  
| of                            20157 on the authority     )  
of the Council and signed by:             )

..... Councillor

..... Chief Executive Officer

## SCHEDULE

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

### Conditions and Limitations

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

1. if the issue, action, act or thing is an issue, action, act or thing which involves
  - 1.1 awarding a contract exceeding the value of:
    - \$150,000 for goods and services, excluding the execution by the Chief Executive Officer of insurance contracts and payment of insurance premiums; and
    - \$200,000 for carrying out of works
    - except in circumstances where the Chief Executive Officer determines that a contract must be entered into because of an emergency in the terms of s 186(5)(a) of the Act.
  - 1.2 making a local law under Part 5 of the Act;
  - 1.3 approval of the Council Plan under s.125 of the Act;
  - 1.4 adoption of the Strategic Resource Plan under s.126 of the Act
  - 1.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
  - 1.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
  - 1.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
  - 1.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
  - 1.9 appointment of councillor or community delegates or representatives to external organisations; or
  - 1.10 the return of the general valuation and any supplementary valuations;
2. if the issue, action, act or thing is an issue, action, act or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
3. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
4. 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
  - 4.1 policy; or

#### 4.2 strategy

adopted by Council; or

5. 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
6. 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.

# Instrument of Delegation to Members of Council Staff

Updated March 2017 ~~February~~ April 2016 ~~7~~

## 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~~ references ~~s~~ in the Schedule ~~are as follows~~ ~~to~~:

'GMCS' means General Manager Corporate Services

'GMEP' means General Manager Environment and Planning

'GMIS' means General Manager Infrastructure Services

'MF' means Manager Finance

'MGC' means Manager Governance and Communications

'MID' means Manager Infrastructure Development

'MIM' means Manager Infrastructure Maintenance

'MRS' means Manager Regulatory Services

'MPHS' means Manager Planning and Health Services

'MSEP' means Manager Strategic and Economic Planning

'EHC' means Environmental Health Coordinator

EHO means Environmental Health Officer

'EHT' means Environmental Health Technician

'PIO' means Planning Investigations Officer

'RSTL' means Revenue Services Team Leader

'SPC' means Statutory Planning Coordinator

'SPCCP' means Statutory Planning Coordinator (Compliance and Projects)

'STPC' means Strategic Planning Coordinator

'SO' means Subdivisions Officer

'SP' means Senior Statutory Planner

'TP' means Town Planner (Statutory Planner or Planning Support Officer)

3. declares that:

3.1 this Instrument of Delegation is authorised by resolution of Council passed on 26 April 20167; 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.

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

3.3.2.1 policy; or

3.3.2.2 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 NILLUMBIK )  
SHIRE COUNCIL was affixed hereto )  
on the day of 20167 )  
on the authority of the Council )  
and signed by : )

..... Councillor

..... Chief Executive Officer

# SCHEDULE



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<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>COMMENTS</b>
s.41A(1)	power to declare a dog to be a menacing dog	GMEP MRS	Council may delegate this power to an authorised officer

**ENVIRONMENT PROTECTION ACT 1970**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.53M(3)	power to require further information	GMEP MPHS EHC EHO EHT	
s.53M(4)	duty to advise applicant that application is not to be dealt with	GMEP MPHS EHC EHO EHT	
s.53M(5)	duty to approve plans, issue permit or refuse permit	GMEP MPHS EHC	refusal must be ratified by Council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	GMEP MPHS EHC	refusal must be ratified by Council or it is of no effect
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	GMEP MPHS EHC	refusal must be ratified by council or it is of no effect

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s. 19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	GMEP MPHS EHC 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	GMEP MPHS EHC EHO	If section 19(1) applies
s. 19(3)	power to direct premises not be used for the sale or preparation of food or for a specified purpose or process	GMEP MPHS EHC	Must be ratified by Council or CEO
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	GMEP MPHS EHC	If section 19(1) applies
s. 19(6)(a)	duty to revoke any order under s.19 if satisfied that an order has been complied with	GMEP MPHS EHC EHO	If section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under s.19(6)(a) if satisfied that an order has been complied with	GMEP MPHS EHC EHO	If section 19(1) applies

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19AA(2)	power to direct, by written order, that a person must take any of the actions described in (a)-(c).	GMEP MPHS EHC	where council is the registration authority
s.19AA(4)(c)	power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	GMEP MPHS EHC	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	GMEP MPHS EHC EHO	where council is the registration authority
s.19CB(4)(b)	power to request copy of records	GMEP MPHS EHC EHO EHT	where council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	GMEP MPHS EHC EHO EHT	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	GMEP MPHS EHC EHO EHT	where council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and	GMEP MPHS	where council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	take actions where deficiencies are identified	EHC EHO	
s.19NA(1)	power to request food safety audit reports	GMEP MPHS EHC EHO EHT	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	GMEP MPHS EHC	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	GMEP MPHS EHC	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	GMEP MPHS EHC 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	GMEP MPHS EHC	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	GMEP MPHS EHC EHO	where council is the registration authority
---	power to register, renew or transfer	GMEP MPHS	where council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	registration	EHC	refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))
s.38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	GMEP MPHS EHC 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)	GMEP MPHS EHC	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	GMEP MPHS EHC EHO EHT	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	GMEP MPHS EHC EHO EHT	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	GMEP MPHS EHC EHO EHT	where council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	GMEP MPHS EHC EHO EHT	where council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and	GMEP MPHS EHC EHO EHT	where council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	inspect the premises if required by section 39		
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	GMEP MPHS EHC EHO	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	GMEP MPHS EHC EHO EHT	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	GMEP MPHS EHC	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).
s.38E(4)	duty to register the food premises when conditions are satisfied	GMEP MPHS EHC	where council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	GMEP MPHS EHC EHO	where council is the registration authority
s.39A	power to register food premises despite minor defects	GMEP MPHS EHC	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 Public Health and Wellbeing Act 2008.	GMEP MPHS EHC	
s.40C(2)	power to grant or renew the registration of	GMEP MPHS	where council is the registration authority



<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	food premises for a period of less than 1 year	EHC	
s.40D(1)	power to suspend or revoke the registration of food premises	GMEP MPHS EHC	where council is the registration authority
s.43F(6)	duty to be satisfied requirements are met before registering, transferring or renewing registration of component of a food business	GMEP MPHS EHC	where council is the registration authority
s.43F(7)	power to register those components of a food business that meet requirements and refuse registration of those that do not	GMEP MPHS EHC	where council is the registration authority
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	GMEP MPHS EHC	where council is the registration authority

**HERITAGE ACT 1995**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.84(2)	power to sub-delegate Executive Director's functions	GMEP MPHS MSEP STPC	must obtain Executive Director's written consent first.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.4B	power to prepare an amendment to the Victoria Planning Provisions	GMEP MSEP STPC	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	GMEP MSEP STPC	
s.4H	duty to make amendment to Victoria Planning Provisions available	GMEP MSEP STPC	
s.4I	duty to keep Victoria Planning Provisions and other documents available	GMEP MSEP STPC	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	GMEP MSEP STPC	
s.8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	GMEP MSEP STPC	
s.8A(5)	function of receiving notice of the Minister's decision	GMEP MSEP STPC	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	GMEP MSEP STPC	
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	GMEP MSEP STPC	
s 12A (1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the Planning and Environment (Planning Schemes) Act 1996)	GMEP MSEP STPC	
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	GMEP MSEP STPC	
s.12B(1)	duty to review planning scheme	GMEP MSEP STPC	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.12B(2)	Duty to review planning scheme at direction of Minister	GMEP MSEP STPC	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	GMEP MSEP STPC	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	GMEP MSEP STPC	
s.17(1)	duty of giving copy amendment to the planning scheme	GMEP MSEP STPC	
s.17(2)	duty of giving copy s.173 agreement	GMEP MSEP STPC	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	GMEP MSEP STPC	
s.18	duty to make amendment etc. available	GMEP MSEP STPC	
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	GMEP MSEP STPC	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	under s 19 to a planning scheme		
s.19	function of receiving notice of preparation of an amendment to a planning scheme	GMEP MSEP STPC	where Council is not the planning authority and the amendment affects land within Council's municipal district; or  where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s.20(1)	power to apply to Minister for exemption from the requirements of s 19	GMEP MSEP STPC	
s.21(2)	duty to make submissions available	GMEP MSEP STPC	
s.21A(4)	duty to publish notice in accordance with section	GMEP MSEP STPC	
s.22	duty to consider all submissions	GMEP MSEP STPC	
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	GMEP MSEP STPC	
s.23(2)	power to refer to a panel submissions which do not require	GMEP MSEP STPC	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	a change to the amendment		
s.24	function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	GMEP MSEP STPC	
s.26(1)	power to make report available for inspection	GMEP MSEP STPC	
s.26(2)	duty to keep report of panel available for inspection	GMEP MSEP STPC	
s.27(2)	power to apply for exemption if panel's report not received	GMEP MSEP STPC	
s.28	duty to notify the Minister if abandoning an amendment	GMEP MSEP STPC	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	GMEP MSEP STPC	
s.30(4)(b)	duty to provide information in writing upon request	GMEP MSEP STPC	
s.32(2)	duty to give more notice if required	GMEP MSEP STPC	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.33(1)	duty to give more notice of changes to an amendment	GMEP MSEP STPC	
s.36(2)	duty to give notice of approval of amendment	GMEP MSEP STPC	
s.38(5)	duty to give notice of revocation of an amendment	GMEP MSEP STPC	
s.39	function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT	GMEP MSEP STPC	
s.40(1)	function of lodging copy of approved amendment	GMEP MSEP STPC	
s.41	duty to make approved amendment available	GMEP MSEP STPC	
s.42	duty to make copy of planning scheme available	GMEP MSEP MPHS SPC STPC	
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	GMEP MSEP MPHS STPC	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	planning in Victoria		
s.46GF	duty to comply with directions issued by the Minister	GMEP MSEP MPHS STPC	<del>this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier</del>
s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(1)(c) and (d)	GMEP MSEP MPHS SPC SPCCP SO	<del>this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier</del>
s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	GMEP MSEP MPHS SPC SPCCP SO	where council is a collecting agency <del>this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier</del>
s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	GMEP MSEP MPHS SPC SPCCP SO	where council is a collecting agency <del>this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier</del>
s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land,	GMEP MSEP MPHS SPC SPCCP SO	where council is a collecting agency <del>this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier</del>

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	works, services or facilities by the applicant		
s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the <i>Planning and Environment Act 1987</i>	GMEP GMCS MSEP MPHS SPC SPCCP SO MF	must be done in accordance <i>with Local Government Act 1989</i> .  <del>this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier</del>
s.46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	GMEP MSEP MPHS SPC SPCCP SO MF	<del>this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier</del>
s.46GI(3)	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	GMEP MSEP MPHS SPC SPCCP SO MF	<del>this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier</del>
s46GI(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the <i>Planning and Environment</i>	GMEP MSEP MPHS MF	<del>this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier</del>

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	<i>Act 1987</i> if satisfied that the development is not to proceed		
s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	GMEP GMCS MSEP MPHS MF	<del>this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier</del>
s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	GMEP GMCS MSEP MPHS MF RSTL	where council is a collecting agency <del>this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier</del>
s.46GM	duty to prepare report and give a report to the Minister	GMEP GMCS MSEP MPHS MF STPC	where council is a collecting agency or development agency <del>this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier</del>
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	GMEP MPHS SPC SPCCP	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	GMEP MPHS SPC SPCCP	
s.46N(2)(d)	power to enter into an agreement	GMEP MPHS SPC SPCCP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	with the applicant regarding payment of development infrastructure levy		
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	GMEP MPHS SPC SPCCP	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMEP MPHS SPC SPCCP	
s.46P(1)	power to require payment of amount of levy under s.46N or s.46O to be satisfactorily secured	GMEP MPHS SPC SPCCP	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	GMEP MPHS SPC SPCCP	
s.46Q(1)	duty to keep proper accounts of levies paid	GMEP MPHS SPC SPCCP	
s.46Q(1A)	duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development	GMEP MPHS SPC SPCCP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	agency or plan preparation costs incurred by a development agency		
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of plan preparation costs <u>or</u> the works, services and facilities in respect of which the levy was paid etc.	GMEP MPHS SPC SPCCP	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	GMEP MPHS	only applies when levy is paid to Council as a 'development agency'
s.46Q(4)(c)	duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the council or for the provision by the council of works, services or facilities in an area under s.46Q(4)(a)	GMEP MPHS SPC SPCCP	<ul style="list-style-type: none"> <li>• 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</li> <li>• <del>this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier</del></li> </ul>
s.46Q(4)(d)	duty to submit to the Minister an	GMEP MSEP MPHS STPC	<ul style="list-style-type: none"> <li>• must be done in accordance</li> </ul>

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	amendment to the approved development contributions plan		with Part 3
s46Q(4)(e)	duty to expend that amount on other works etc.	GMEP MSEP MPHS STPC	<ul style="list-style-type: none"> <li>with the consent of, and in the manner approved by, the Minister</li> </ul>
s.46QC	power to recover any amount of levy payable under Part 3B	GMEP MPHS SPC SPCCP	
s.46QD	duty to prepare report and give a report to the Minister	GMEP MPHS MSEP STPC	<p>where council is a collecting agency or development agency</p> <p><del>this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier</del></p>
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	GMEP MSEP STPC	
s.46Y	duty to carry out works in conformity with the approved strategy plan	GMEP MPHS SPC SPCCP	
s.47	power to decide that an application for a planning permit	GMEP MPHS SPC SPCCP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	does not comply with that Act		
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	GMEP MPHS SPC SPCCP	
s.49(2)	duty to make register available for inspection	GMEP MPHS SPC SPCCP	
s.50(4)	duty to amend application	GMEP MPHS SPC SPCCP SP TP SO	
s.50(5)	power to refuse to amend application	GMEP MPHS SPC SPCCP SP TP SO	
s.50(6)	duty to make note of amendment to application in register	GMEP MPHS SPC SPCCP SP TP SO	
s.50A(1)	power to make amendment to application	GMEP MPHS SPC SPCCP SP TP SO	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	GMEP MPHS SPC SPCCP SP TP SO	
s.50A(4)	duty to note amendment to application in register	GMEP MPHS SPC SPCCP SP TP SO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.51	duty to make copy of application available for inspection	GMEP MPHS SPC SPCCP SP TP SO	
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	GMEP MPHS SPC SPCCP SP	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	GMEP MPHS SPC SPCCP SP	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	GMEP MPHS SPC SPCCP SP	
s.52(1)(ca)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	GMEP MPHS SPC SPCCP SP	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	GMEP MPHS SPC SPCCP SP	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	GMEP MPHS SPC SPCCP SP	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	GMEP MPHS SPC SPCCP SP	
s.52(3)	power to give any further notice of an application where appropriate	GMEP MPHS SPC SPCCP SP	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	GMEP MPHS SPC SPCCP SP	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	GMEP MPHS SPC SPCCP SP	
s.54(1)	power to require the applicant to provide more information	GMEP MPHS SPC SPCCP SP TP SO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.54(1A)	duty to give notice in writing of information required under s.54(1)	GMEP MPHS SPC SPCCP SP TP SO	
s.54(1B)	duty to specify the lapse date for an application	GMEP MPHS SPC SPCCP SP TP SO	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	GMEP MPHS SPC SPCCP SP TP SO	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und s.54A(3)	GMEP MPHS SPC SPCCP SP TP SO	
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	GMEP MPHS SPC SPCCP SP TP SO	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	GMEP MPHS SPC SPCCP SP TP SO	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	GMEP MPHS SPC SPCCP SP TP SO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.57(5)	duty to make available for inspection copy of all objections	GMEP MPHS SPC SPCCP SP TP SO	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to s.57A(5)	GMEP MPHS SPC SPCCP SP TP SO	
s.57A(5)	power to refuse to amend application	GMEP MPHS SPC SPCCP SP TP SO	
s.57A(6)	duty to note amendments to application in register	GMEP MPHS SPC SPCCP SP TP SO	
s.57B(1)	duty to determine whether and to whom notice should be given	GMEP MPHS SPC SPCCP SP TP SO	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	GMEP MPHS SPC SPCCP SP TP SO	
s.57C(1)	duty to give copy of amended application to referral authority	GMEP MPHS SPC SPCCP SP TP SO	
s.58	duty to consider every application for a permit	GMEP MPHS SPC SPCCP SP TP SO	
s.58A	power to request advice from the Planning Application Committee	GMEP MPHS SPC SPCCP SP TP SO	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.60	duty to consider certain matters	GMEP MPHS SPC SPCCP SP TP SO	
s60(1A)	power to consider certain matters before deciding on application	GMEP MPHS SPC SPCCP SP TP SO	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	GMEP MPHS SPC SPCCP SP TP SO	
s.61(1)	power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	GMEP MPHS SPC SPCCP	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> .  In accordance with relevant Council Delegation protocol to Officers
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	GMEP MPHS SPC SPCCP	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	GMEP MPHS SPC SPCCP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	GMEP MPHS SPC SPCCP	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	GMEP MPHS SPC SPCCP	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	GMEP MPHS SPC SPCCP	
s.62(1)	duty to include certain conditions in deciding to grant a permit	GMEP MPHS SPC SPCCP	
s.62(2)	power to include other conditions	GMEP MPHS SPC SPCCP	
s.62(4)	duty to ensure conditions are consistent with subsections (a), (b) and (c)	GMEP MPHS SPC SPCCP	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	GMEP MPHS SPC SPCCP	
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid	GMEP MPHS SPC SPCCP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	for in accordance with section 173 agreement		
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	GMEP MPHS SPC SPCCP	
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 s.62(5) or s.46N	GMEP MPHS SPC SPCCP	
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)	GMEP MPHS SPC SPCCP	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	GMEP MPHS SPC SPCCP SP TP SO	
s.64(1)	duty to give notice of decision to grant a permit to applicant and	GMEP MPHS SPC SPCCP SP TP SO	this provision applies also to a decision to grant an amendment

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	objectors		to a permit - see section 75
s.64(3)	duty not to issue a permit until after the specified period	GMEP MPHS SPC SPCCP SP TP SO	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	GMEP MPHS SPC SPCCP SP TP SO	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	GMEP MPHS SPC SPCCP SP TP SO	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	GMEP MPHS SPC SPCCP SP TP SO	
s.66	duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities	GMEP MPHS SPC SPCCP SP TP SO	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	GMEP MPHS SPC SPCCP SP TP SO	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	GMEP MPHS SPC SPCCP SP TP SO	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	GMEP MPHS SPC SPCCP SP TP SO	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	GMEP MPHS SPC SPCCP SP TP SO	
s.69(1A)	function of receiving application for extension of time to complete	GMEP MPHS SPC SPCCP SP TP SO	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	development		
s.69(2)	power to extend time	GMEP MPHS SPC SPCCP	
s.70	duty to make copy permit available for inspection	GMEP MPHS SPC SPCCP SP TP SO	
s.71(1)	power to correct certain mistakes	GMEP MPHS SPC SPCCP	
s.71(2)	duty to note corrections in register	GMEP MPHS SPC SPCCP SP TP SO	
s.73	power to decide to grant amendment subject to conditions	GMEP MPHS SPC SPCCP	
s.74	duty to issue amended permit to applicant if no objectors	GMEP MPHS SPC SPCCP SP TP SO	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	GMEP MPHS SPC SPCCP SP TP SO	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	GMEP MPHS SPC SPCCP SP TP SO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	GMEP MPHS SPC SPCCP SP TP SO	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	GMEP MPHS SPC SPCCP SP TP SO	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	GMEP MPHS SPC SPCCP SP TP SO	if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s.76D	duty to comply with direction of Minister to issue amended permit	GMEP MPHS SPC SPCCP SP TP SO	
s.83	function of being respondent to an	GMEP MPHS SPC SPCCP SP	GMEP or MPHS may appoint a consultant or legal representative

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	appeal	TP SO	to represent Council at a proceeding
s.83B	duty to give or publish notice of application for review	GMEP MPHS SPC SPCCP SP TP SO	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	GMEP MPHS SPC SPCCP	Must only be exercised in a manner consistent with the delegations applicable to section 61 decisions
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	GMEP MPHS SPC SPCCP SP TP SO	
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	GMEP MPHS SPC SPCCP SP TP SO	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	GMEP MPHS SPC SPCCP SP TP SO	
s.86	duty to issue a permit at order of Tribunal within 3 working days	GMEP MPHS SPC SPCCP SP TP SO	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a	GMEP MPHS SPC SPCCP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	permit		
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	GMEP MPHS SPC SPCCP SP TP SO	GMEP or MPHS may appoint a consultant or legal representative to represent Council at a proceeding
s.91(2)	duty to comply with the directions of VCAT	GMEP MPHS SPC SPCCP SP TP SO	
s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	GMEP MPHS SPC SPCCP SP TP SO	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	GMEP MPHS SPC SPCCP SP TP SO	
s.93(2)	duty to give notice of VCAT order to stop development	GMEP MPHS SPC SPCCP SP TP SO	
s.95(3)	function of referring certain applications to the Minister	GMEP MPHS SPC SPCCP	
s.95(4)	duty to comply with an order or direction	GMEP MPHS SPC SPCCP SP TP SO	
s.96(1)	duty to obtain a permit from the Minister to use and develop its	GMEP MPHS SPC SPCCP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	land		
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	GMEP MPHS SPC SPCCP	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	GMEP MPHS MSEP SPC SPCCP STPC	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	GMEP MPHS MSEP SPC SPCCP STPC	
s.96F	duty to consider the panel's report under section 96E	GMEP MPHS MSEP SPC SPCCP STPC	
s.96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes)	GMEP MPHS MSEP SPC SPCCP STPC	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	Act 1996)		
s.96H(3)	power to give notice in compliance with Minister's direction	GMEP MPHS MSEP SPC SPCCP STPC	
s.96J	power to issue permit as directed by the Minister	GMEP MPHS MSEP SPC SPCCP STPC	
s.96K	duty to comply with direction of the Minister to give notice of refusal	GMEP MPHS MSEP SPC SPCCP STPC	
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	GMEP MPHS MSEP SPC SPCCP STPC	
s.97C	power to request Minister to decide the application	GMEP MPHS MSEP SPC SPCCP STPC	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	GMEP MPHS SPC SPCCP	
s.97G(3)	function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit	GMEP MPHS SPC SPCCP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	granted by the Minister		
s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	GMEP MPHS SPC SPCCP	
s.97L	duty to include Ministerial decisions in a register kept under s.49	GMEP MPHS SPC SPCCP	
s.97MH	duty to provide information or assistance to the Planning Application Committee	GMEP MPHS SPC SPCCP	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	GMEP MPHS SPC SPCCP	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	GMEP MPHS SPC SPCCP	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	GMEP MPHS SPC SPCCP SP TP SO	
s.97Q(2)	function of being heard by VCAT at hearing of request for	GMEP MPHS SPC SPCCP SP TP SO	GMEP or MPHS may appoint a consultant or legal representative

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	amendment or cancellation of certificate		to represent Council at a proceeding
s.97Q(4)	duty to comply with directions of VCAT	GMEP MPHS SPC SPCCP SP TP SO	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	GMEP MPHS SPC SPCCP	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	GMEP MPHS MSEP SPC SPCCP	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	GMEP MPHS MSEP	
s.101	function of receiving claim for expenses in conjunction with claim	GMEP MPHS MSEP	
s.103	power to reject a claim for compensation in certain circumstances	GMEP MPHS MSEP	
s.107(1)	function of receiving claim for compensation	GMEP MPHS MSEP	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.107(3)	power to agree to extend time for making claim	GMEP MPHS MSEP	
s.114(1)	power to apply to the VCAT for an enforcement order	GMEP MPHS SPCCP	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	GMEP MPHS SPCCP PIO	GMEP or MPHS may appoint a consultant or legal representative to represent Council at a proceeding
s.120(1)	power to apply for an interim enforcement order where s.114 application has been made	GMEP MPHS SPCCP	
s.123(1)	power to carry out work required by enforcement order and recover costs	GMEP MPHS	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under s.123(1)	GMEP MPHS	Except Crown Land
s.129	function of recovering penalties	GMEP MPHS	
s.130(5)	power to allow person served with an infringement notice further time	GMEP MPHS SPC SPCCP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.149A(1)	power to refer a matter to the VCAT for determination	GMEP MPHS SPC SPCCP	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	GMEP MPHS SPC SPCCP	
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)	GMEP MPHS	Where council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	GMEP MPHS MSEP STPC	
s.171(2)(g)	power to grant and reserve easements	GMEP MPHS	
s.173	power to enter into agreement	GMEP MPHS MSEP STPC	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	covering matters set out in s.174		
---	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	GMEP MPHS MSEP STPC SPC SPCCP	
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	GMEP MPHS MSEP STPC SPC SPCCP	
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	GMEP MPHS MSEP STPC	
s.178	power to amend a s.173 agreement with the agreement of	GMEP MPHS MSEP STPC	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9		
s.178A(1)	function of receiving application to amend or end an agreement	GMEP MPHS MSEP SPC SPCCP SP TP SO	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	GMEP MPHS MSEP SPC SPCCP SP	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	GMEP MPHS MSEP SPC SPCCP SP	
s.178A(5)	power to propose to amend or end an agreement	GMEP MPHS MSEP SPC SPCCP	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	GMEP MPHS MSEP SPC SPCCP SP TP SO	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	GMEP MPHS MSEP SPC SPCCP SP TP SO	
s.178C(2)	duty to give notice of the proposal to all parties to the agreement and	GMEP MPHS MSEP SPC SPCCP SP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	other persons who may be detrimentally affected by decision to amend or end		
s.178C(4)	function of determining how to give notice under s.178C(2)	GMEP MPHS MSEP SPC SPCCP SP	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	GMEP MPHS MSEP SPC SPCCP	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	GMEP MPHS MSEP	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	GMEP MPHS MSEP	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	GMEP MPHS MSEP	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	GMEP MPHS MSEP	After considering objections, submissions and matters in s.178B

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	proposal		
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	GMEP MPHS MSEP	After considering objections, submissions and matters in s.178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	GMEP MPHS MSEP	After considering objections, submissions and matters in s.178B
s.178E(3)(d)	power to refuse to amend or end the agreement	GMEP MPHS MSEP	After considering objections, submissions and matters in s.178B
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	GMEP MPHS MSEP SPC SPCCP SP TP SO	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	GMEP MPHS MSEP SPC SPCCP SP TP SO	
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	GMEP MPHS MSEP SPC SPCCP SP TP SO	

**PLANNING AND ENVIRONMENT ACT 1987**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	Tribunal has been determined or withdrawn		
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	GMEP MPHS MSEP SPC SPCCP	
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	GMEP MPHS MSEP SPC SPCCP	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	GMEP MPHS MSEP SPC SPCCP	
s.179(2)	duty to make available for inspection copy agreement	GMEP MPHS MSEP STPC	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	GMEP MPHS	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	GMEP MPHS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	GMEP MPHS	
s.182	power to enforce an agreement	GMEP MPHS SPC SPCCP	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	GMEP MPHS SPC SPCCP	
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	GMEP MPHS SPC SPCCP	
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	GMEP MPHS SPC SPCCP	
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	GMEP MPHS SPC SPCCP	
s.184F(5)	function of receiving advice from	GMEP MPHS SPC SPCCP	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	the principal registrar that the agreement may be amended or ended in accordance with Council's decision		
s.184G(2)	duty to comply with a direction of the Tribunal	GMEP MPHS SPC SPCCP	
s.184G(3)	duty to give notice as directed by the Tribunal	GMEP MPHS SPC SPCCP	
s.198(1)	function to receive application for planning certificate	GMEP MPHS SPC SPCCP	
s.199(1)	duty to give planning certificate to applicant	GMEP MPHS SPC SPCCP	
s.201(1)	function of receiving application for declaration of underlying zoning	GMEP MPHS SPC SPCCP	
s.201(3)	duty to make declaration	GMEP MPHS SPC SPCCP	
-	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.	GMEP MPHS MSEP SPC SPCCP STPC	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
-	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	GMEP MPHS MSEP SPC SPCCP STPC	
-	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.	GMEP MSEP MPHS SPC SPCCP STPC	
-	power to give a written authorisation in accordance with a provision of a planning scheme.	GMEP MSEP STPC	
s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	GMEP MSEP MPHS SPC SPCCP STPC	
s.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	GMEP MSEP MPHS SPC SPCCP STPC	

<b>PLANNING AND ENVIRONMENT REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>COMMENTS</b>
r. 6	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	GMEP MSEP STPC	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.
r21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	GMEP MPHS SPC SPCCP SP TP SO	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	GMEP MPHS SPC SPCCP	where Council is the responsible authority
r.25(b))	function of receiving a copy of any document considered under	GMEP MPHS SPC SPCCP	where Council is not the responsible authority but the

	section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge		relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	GMEP MSEP MPHS STPC	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.

**PLANNING AND ENVIRONMENT (FEES) ~~INTERIM~~ REGULATIONS 2015<sup>6</sup>**

*\* These regulations expire on 14 October 2016*

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
<a href="#">r.16</a>	<del>power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme</del>	<del>GMEP MPHS MSEP</del>	
<a href="#">r.179</a>	power to waive or rebate a fee relating to an amendment of a planning scheme	GMEP MPHS MSEP	
<a href="#">r.20</a>	<del>power to waive or rebate a fee that does not relate</del> <del>other than a fee relating to an amendment to a planning scheme</del>	<del>GMEP MPHS MSEP</del> <a href="#">SPC</a>	
<a href="#">r.1821</a>	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under <a href="#">r.1619</a> or <a href="#">1720</a>	GMEP MPHS MSEP STPC	

<b>RAIL SAFETY (LOCAL OPERATIONS) ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.33	duty to comply with a direction of the Safety Director under this section	GMIS	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	GMIS	duty of council as a road authority under the Road Management Act 2004
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)	GMIS	where council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	GMIS MID MIM	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	GMIS MID MIM	where council is the relevant road authority
s.34D(2)	function of receiving written notice of opinion	GMIS MID MIM	where council is the relevant road authority

<b>RAIL SAFETY (LOCAL OPERATIONS) ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	GMIS MID MIM	where council is the relevant road authority
s.34E(1)(a)	duty to identify and assess risks to safety	GMIS MID MIM	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)	GMIS MID MIM	where council is the relevant road authority
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	GMIS MID MIM	where council is the relevant road authority
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	GMIS MID MIM	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)	GMIS MID MIM	where council is the relevant road authority
s.34F(2)	duty to seek to enter into a safety interface agreement with rail	GMIS MID MIM	where council is the relevant road authority

<b>RAIL SAFETY (LOCAL OPERATIONS) ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	infrastructure manager		
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)	GMIS MID MIM	where council is the relevant road authority
s.34I	function of entering into safety interface agreements	GMIS MID MIM	where council is the relevant road authority
s.34J(2)	function of receiving notice from Safety Director	GMIS MID MIM	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)	GMIS MID MIM	where council is the relevant road authority
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	GMIS MID MIM	where council is the relevant road authority



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s11(1)	power to declare a road by publishing a notice in the Government Gazette	GMIS MID	obtain consent in circumstances specified in section 11(2)
s11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	GMCS GMIS MGC SO	
s11(9)(b)	duty to advise Registrar	GMCS GMIS MGC SO	
s11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	GMIS GMCS	clause subject to section 11(10A)
s11(10A)	duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	GMIS MID	where council is the coordinating road authority
s12(2)	power to discontinue road or part of a road	GMIS	where council is the coordinating road authority
s12(4)	power to publish and provide a copy, notice of proposed discontinuance	GMIS MID	<ul style="list-style-type: none"> <li>• Power of coordinating road authority where it is the discontinuing body</li> <li>• unless subsection (11) applies</li> </ul>
s12(5)	duty to consider written submissions received within 28 days of notice	GMIS MID	<ul style="list-style-type: none"> <li>• duty of coordinating road authority where it is the discontinuing body</li> <li>• unless subsection (11) applies</li> </ul>

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s12(6)	function of hearing a person in support of their written submission	GMIS MID	<ul style="list-style-type: none"> <li>function of coordinating road authority where it is the discontinuing body</li> <li>unless subsection (11) applies</li> </ul>
s12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	GMIS MID	<ul style="list-style-type: none"> <li>duty of coordinating road authority where it is the discontinuing body</li> <li>unless subsection (11) applies</li> </ul>
s12(10)	duty to notify of decision made	GMIS MID	<ul style="list-style-type: none"> <li>duty of coordinating road authority where it is the discontinuing body</li> <li>does not apply where an exemption is specified by the regulations or given by the Minister.</li> </ul>
s13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	GMIS MID	power of coordinating road authority and obtain consent under s13(3) and s13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	GMIS	
s14(7)	power to appeal against decision of VicRoads	GMIS	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s15(1)	power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority or to the utility or provider of public transport	GMIS MID	
s15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMIS MID	
s15(2)	duty to include details of arrangement in public roads register	GMIS MID	
s16(7)	power to enter into an arrangement under s15	GMIS MID	
s16(8)	duty to enter details of determination in public roads register	GMIS MID	
s17(2)	duty to register public road in public roads register	GMIS MID	where council is the coordinating road authority
s17(3)	power to decide that a road is reasonably required for general public use	GMIS MID	where council is the coordinating road authority
s17(3)	duty to register a road reasonably required for general public use in public roads register	GMIS MID	where council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s17(4)	power to decide that a road is no longer reasonably required for general public use	GMIS MID	where council is the coordinating road authority
s17(4)	duty to remove road no longer reasonably required for general public use from public roads register	GMIS MID	where council is the coordinating road authority
s18(1)	power to designate ancillary area	GMIS MID	where council is the coordinating road authority, and obtain consent in circumstances specified in s18(2)
s18(3)	duty to record designation in public roads register	GMIS MID	where council is the coordinating road authority
s19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	GMIS MID	
s19(4)	duty to specify details of discontinuance in public roads register	GMIS MID	
s19(5)	duty to ensure public roads register is available for public inspection	GMIS MID	
s.21	function of replying to request for information or advice	GMIS MID	obtain consent in circumstances specified in s11(2)
s.22(2)	function of commenting on proposed direction	GMIS MID	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	GMIS	
s.22(5)	duty to give effect to a direction under this section.	GMIS	
s.40(1)	duty to inspect, maintain and repair a public road	GMIS MID MIM	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	GMIS MID MIM	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	GMIS MID MIM	
s42(1)	power to declare a public road as a controlled access road	GMIS MID	power of coordinating road authority and Schedule 2 also applies
s42(2)	power to amend or revoke declaration by notice published in Government Gazette	GMIS MID	power of coordinating road authority and Schedule 2 also applies
s42A(3)	duty to consult with VicRoads before road is specified	GMIS MID	<ul style="list-style-type: none"> <li>• where council is the coordinating road authority</li> <li>• if road is a municipal road or part thereof</li> </ul>
s42A(4)	power to approve Minister's decision to specify a road as a specified freight road	GMIS MID	<ul style="list-style-type: none"> <li>• where council is the coordinating road authority</li> </ul>

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			<ul style="list-style-type: none"> <li>if road is a municipal road or part thereof and where road is to be specified a freight road</li> </ul>
s48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	GMIS MID	where council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the <a href="#">Secretary relevant authority</a> for purposes of developing guidelines under section 48M	GMIS MID	
<del>s.48N</del>	<del>duty to notify the Secretary of the location of the bus stopping point and the action taken by council</del>	<del>GMIS MID</del>	
s.49	power to develop and publish a road management plan	GMIS MID MIM	
s.51	power to determine standards by incorporating the standards in a road management plan	GMIS MID MIM	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMIS MID	
s.54(2)	duty to give notice of proposal to make a road management plan	GMIS MID	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	GMIS MID MIM	
s.54(6)	power to amend road management plan	GMIS MID MIM	
s.54(7)	duty to incorporate the amendments into the road management plan	GMIS MID MIM	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMIS MID MIM	
s.63(1)	power to consent to conduct of works on road	GMIS MID	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	GMIS MID MIM	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	GMIS MID MIM	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	GMIS MID	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	GMIS MID MIM	where council is the coordinating road authority
s.67(3)	power to request information	GMIS MID	where council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.68(2)	power to request information	GMIS MID	where council is the coordinating road authority
s71(3)	power to appoint an authorised officer	GMIS	
s.72	duty to issue an identity card to each authorised officer	GMIS MID MIM	
s.85	function of receiving report from authorised officer	GMIS MID MIM	
s.86	duty to keep register re section 85 matters	GMIS MID	
s.87(1)	function of receiving complaints	GMIS MID MIM	
s87(2)	duty to investigate complaint and provide report	GMIS MID	
s.112(2)	power to recover damages in court	GMIS MID MIM	
s116	power to cause or carry out inspection	GMIS MID	
s.119(2)	function of consulting with VicRoads	GMIS MID	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	GMIS MID MIM	
s120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	GMIS MID	



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s121(1)	power to enter into an agreement in respect of works	GMIS MID	
s.122(1)	power to charge and recover fees	GMIS MID	
s.123(1)	power to charge for any service	GMIS MID	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	GMIS MID	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	GMIS MID	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	GMIS MID	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	GMIS MID	
Schedule 2 Clause 5	duty to publish notice of declaration	GMIS MID	
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	GMIS MIM	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	GMIS MID	where council is the infrastructure manager or works manager

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	affected by any proposed installation of infrastructure or related works on a road or road reserve of any road		
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	GMIS MID	where council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where infrastructure manager or works manager 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	GMIS MID	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	GMIS MID	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	GMIS MID	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	GMIS MID	where council is the coordinating road authority
Schedule 7	duty to ensure that works are conducted by an	GMIS MID	where council is the coordinating road

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Clause 12(4)	appropriately qualified person		authority
Schedule 7 Clause 12(5)	power to recover costs	GMIS MID MIM	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)	GMIS MID MIM	where council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	GMIS MID MIM	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)	GMIS MID MIM	where council is the infrastructure manager
Schedule 7 Clause 16 (1)	power to consent to proposed works	GMIS MID	where council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	GMIS MID	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	GMIS MID	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	GMIS MID	where council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 16(8)	power to include consents and conditions	GMIS MID	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	GMIS MID	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	GMIS MID	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	GMIS MID	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	GMIS MID	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	GMIS MID	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	GMIS MID	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	GMIS MID	where council is the responsible road authority for the road
Schedule 7A	duty to pay installation and operation costs of street lighting – where road is a service road on an arterial	GMIS MID	where council is the responsible road

**ROAD MANAGEMENT ACT 2004**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Clause 3(1)(e)	road and adjacent areas		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	GMIS MID	duty of council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS <a href="#">2005</a> <a href="#">2016</a></b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
<a href="#">r.3018(1)</a>	duty to conduct reviews of road management plan	GMIS MID MIM	
<del><a href="#">r.302(2)</a></del>	<del>duty to give notice of review of road management plan</del>	<del>GMIS MID MIM</del>	
<del><a href="#">r.302(5)9(2)</a></del>	duty to produce written report of review of road management plan and make report available	GMIS MID MIM	
<a href="#">r.9(3)</a>	<a href="#">Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)</a>	<a href="#">GMIS MID MIM</a>	<a href="#">where council is the coordinating road authority</a>
<a href="#">r.30310</a>	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	GMIS MID MIM	
<a href="#">r.13(1)</a>	<a href="#">Duty to publish notice of amendments to road management plan</a>	<a href="#">GMIS MID MIM</a>	<a href="#">where council is the coordinating road authority</a>
<del><a href="#">r.306(2)13(3)</a></del>	duty to record on road management plan the substance and date of effect of amendment	GMIS MID MIM	
<del><a href="#">r.501(4)16(3)</a></del>	power to issue permit	GMIS MID	power of coordinating road authority
<del><a href="#">r.501(4)</a></del>	<del>power to charge fee for issuing permit under r.501(4)</del>	<del>GMIS MID</del>	<del>power of coordinating road authority</del>
<del><a href="#">r.503(4)18(1)</a></del>	power to give written consent <del>re to person to drive on road a vehicle which is likely to cause</del> damage to	GMIS MID	power of coordinating road authority

**ROAD MANAGEMENT (GENERAL) REGULATIONS [2005](#) [2016](#)**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	road		
<a href="#">r.508(3)23(2)</a>	power to make submission to Tribunal	GMIS MID	power of coordinating road authority
<a href="#">r.23(4)</a>	<a href="#">power to charge a fee for application under section 66(1) Road Management Act</a>	<a href="#">GMIS MID MIM</a>	<a href="#">where council is the coordinating road authority</a>
<a href="#">r.509(4)25(1)</a>	power to remove objects, refuse, rubbish or other material deposited or left on road	GMIS MID MIM	power of responsible road authority
<a href="#">r.509(2)25(2)</a>	power to sell or <del>destroy</del> <a href="#">dispose of</a> things removed from road or part of road (after first complying with <a href="#">r.509(3)25(3)</a> )	GMIS MID	power of responsible road authority
<a href="#">r.509(4)25(5)</a>	power to recover in the Magistrates' Court, expenses from person responsible	GMIS MID	

**ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.15	power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	GMIS MID	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.22(2)	power to waive whole or part of fee in certain circumstances	GMIS MID	where council is the coordinating road authority



**RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.7	function of entering into a written agreement with a caravan park owner	MPHS EHC	
r. 11(1)	function of receiving applications for registration	MPHS EHC	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	MPHS EHC	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	MPHS EHC	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MPHS EHC	
r.13(4) & (5)	duty to issue certificate of registration	MPHS EHC	
r.15(1)	function of receiving notice of transfer of ownership	MPHS EHC EHO	
r.15(3)	power to determine where notice of transfer is displayed	MPHS EHC EHO	
r.16(1)	duty to transfer registration to new caravan park owner	MPHS EHC	
r.16(2)	duty to issue certificate of transfer of registration	MPHS EHC	

**RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	MPHS EHC	
r.18	duty to keep register of caravan parks	MPHS EHC	
r.19(4)	power to determine where the emergency contact person's details are displayed	MPHS EHC EHO	
r.19(6)	power to determine where certain information is displayed	MPHS EHC EHO	
r.22A(1)	duty to notify a caravan park owner of the relevant emergency service agencies for the caravan park, on the request of the caravan park owner	MPHS EHC EHO	
r.22A(2)	duty to consult with relevant emergency services agencies	MPHS EHC EHO	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	MPHS EHC EHO	
r.24(1)	power to determine places in which caravan park owner must display copy of public emergency warnings	MPHS EHC EHO	

**RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.25(3)	duty to consult with relevant floodplain management authority	MPHS EHC EHO	
r.26	duty to have regard to any report of the relevant fire authority	MPHS EHC EHO	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	MPHS EHC	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MPHS EHC EHO	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MPHS EHC EHO	
r.40(4)	function of receiving installation certificate	MPHS EHC EHO	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MPHS EHC	
Schedule clause 4(3) 3	power to approve the removal of wheels and axles from unregistrable movable dwelling	MPHS EHC	