

7.4.5 S6 INSTRUMENT - DELEGATION FROM COUNCIL DIRECTLY TO COUNCIL STAFF

Responsible Manager:	Rob Pedder, Acting Manager Corporate Governance & Legal
Responsible Director:	Jarrold Doake, Director City Services

RECOMMENDATION

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Monash City Council (Council) resolves that -

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in the instrument, subject to the conditions and limitations specified in that instrument.**
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.**
- 3. On the coming into force of this instrument all previous delegations to Council staff relating to the powers, duties and functions set out in the instrument (other than to the Chief Executive Officer) are revoked.**
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

INTRODUCTION

At its 28 September 2021 meeting, Council considered a report on a review of its delegations as the legislation required be conducted within 12 months of the October 2020 Council election.

Officers are currently reviewing these delegations and the outcomes are being reported to Council over two meetings.

The first report, to the current meeting, covers legislative instruments which require that the delegation of certain powers, duties and functions, if delegated, be directly from Council to staff. The Instrument used for this purpose is the S6 Instrument provided by Maddocks.

The second report, to the October Council meeting will cover a review of the Instrument of Delegation from Council to the CEO and miscellaneous other delegations from Council to staff.

DISCUSSION

Maddocks provide an *S6 Instrument of Delegation to members of Council staff* covering delegations from a range of legislative instruments. These Acts and Regulations contain a specific power of delegation. The instrument delegates these powers from Council directly to staff, as

opposed to many other pieces of legislation and regulations where Council may delegate powers, duties and functions to the CEO, who may then subdelegate to Council staff.

This attachment is based on the *S6 Instrument of Delegation to members of Council staff*, modified as appropriate to suit Monash's needs. The base instrument has been updated by Maddocks to include all recent legislative updates. Changes to the wording of provisions when compared to the previous instrument are marked in orange.

POLICY IMPLICATIONS

Delegations allow Council to function effectively without every decision having to be made at a Council meeting.

SOCIAL IMPLICATIONS

There are no social implications.

CONSULTATION

No consultation is required.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications.

GENDER IMPACT ASSESSMENT

This proposal does not raise issues of gendered impact and GIA has not been undertaken.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

It is recommended that Council resolve as per the officer recommendation to this report.

ATTACHMENT LIST

Draft S6 Instrument of Delegation to members of Council staff



Maddocks Delegations and Authorisations

S6 Instrument of Delegation – Members of Staff

Monash City Council

Instrument of Delegation

to

Members of Council Staff

(Draft for consideration by Council on 26 September 2023)

Instrument of Delegation

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

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

CCIP – Coordinator Civil Infrastructure Projects
CCL – Coordinator Community Laws
CDE – Coordinator Development Engineering
CEO – Chief Executive Officer
CPH – Coordinator Public Health
CSAM – Coordinator Strategic Asset Management
CSP – Coordinator Statutory Planning
CSTP – Coordinator Strategic Planning
CTE – Coordinator Traffic Engineering
DCD – Director City Development
DCS – Director City Services
EHO – Environmental Health Officer
EHT – Environmental Health Technician
MENG – Manager Engineering
MCA – Manager Community Amenity
MCP – Manager City Planning
MCW – Manager Capital Works
MFIM – Manager Facilities and Infrastructure Maintenance
MCG&L – Manager Corporate Governance & Legal
MHS – Manager Horticultural Services
MSAM – Manager Strategic Asset Management
MSP – Manager Strategic Planning
PP – Principal Planner



SEHO – Senior Environmental Health Officer

SO – Support Officer (includes Coordinator)

SP – Senior Planner (includes Subdivision Planner)

SPIO – Senior Planning Investigations Officer

STP – Strategic Planner

SSP – Senior Strategic Planner

TLPI – Team Leader Planning Investigations

TLSP – Team Leader Statutory Planning

- 3. declares that:
 - 3.1 this Instrument of Delegation is authorised by resolution of Council passed on 26 September 2023; 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;
 - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategyadopted by Council;
 - 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; 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 or delegated committee.



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##Insert Council seal

Signed by the Chief Executive Officer of Council)
in the presence of:)

.....
Witness

Date:



Maddocks

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	DCD, MCA, CCL	Council may delegate this power to a Council authorised officer



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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	DCD, MCA, CPH, SEHO, EHO, EHT	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	DCD, MCA, CPH, SEHO, EHO, EHT	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	DCD, MCA, CPH, SEHO, EHO, EHT	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	DCD, MCA, CPH, SEHO, EHO, EHT	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with	DCD, MCA, CPH, SEHO, EHO, EHT	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with	DCD, MCA, CPH, SEHO, EHO, EHT	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority



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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DCD, MCA, CPH, SEHO, EHO, EHT	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	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	DCD, MCA, CPH, SEHO, 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	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority



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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19IA(2)	Duty to give written notice to the proprietor of the premises	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	DCD, MCA, CPH, SEHO, EHO	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	DCD, MCA, CPH, SEHO, EHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	DCD, MCA, CPH, SEHO, 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	DCD, MCA, CPH, EHT	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	DCD, MCA, CPH, SEHO, EHO, EHT	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	DCD, MCA, CPH, SEHO, EHO, EHT	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	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority



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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
---	Power to register or renew the registration of a food premises	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
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	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	DCD, MCA, CPH	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority



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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority; not exceeding the prescribed time limit defined under s 38E(5)



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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	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	DCD, MCA, CPH, SEHO, EHO	Where Council is the registration authority
s 39A	Power to register, or renew the registration of a food premises despite minor defects	DCD, MCA, CPH, SEHO, EHO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	DCD, MCA, CPH, SEHO, EHO	



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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	DCD, MCA, CPH, SEHO, EHO	Where Council is the registration authority
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>	DCD, MCA, CPH, SEHO, EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	DCD, MCA, CPH, SEHO, EHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	DCD, MCA, CPH	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	DCD, MCA, CPH	
s 40F	Power to cancel registration of food premises	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s 43	Duty to maintain records of registration	DCD, MCA, CPH, SEHO, EHO, EHT	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 or renewing registration of a component of a food business	DCD, MCA, CPH, SEHO, EHO, EHT	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	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority
s 45AC	Power to bring proceedings	CEO, DCD, MCA	



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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	DCD, MCA, CPH, SEHO, EHO, EHT	Where Council is the registration authority



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO ¹	

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



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	DCD, MCP, MSP	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	DCD, MCP, MSP, SCTP, SSP, STP	
s 4H	Duty to make amendment to Victorian Planning Provisions available in accordance with public availability requirements	DCD, MCP, MSP, CSTP, SSP, STP, CSP, TLSP, PP, SP, PO, SO	
s 4I(2)	Duty to make a copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	DCD, MCP, MSP, CSTP, SSP, STP, CSP, TLSP, PP, SP, PO, SO	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	DCD, MCP, MSP, CSTP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	DCD, MCP, MSP, CSTP	
s 8A(5)	Function of receiving notice of the Minister's decision	DCD, MCP, MSP, CSTP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DCD, MCP, MSP, CSTP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	DCD, MCP, MSP, CSTP	
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	DCD, MCP, MSP, CSTP	
s 12B(1)	Duty to review planning scheme	DCD, MCP, MSP	
s 12B(2)	Duty to review planning scheme at direction of Minister	DCD, MCP, MSP	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	DCD, MCP, MSP	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	DCD, MCP, MSP, CSTP, CSP	
s 17(1)	Duty of giving copy amendment to the planning scheme	DCD, MCP, MSP, CSTP, CSP, SSP, STP	
s 17(2)	Duty of giving copy s 173 agreement	DCD, MCP, MSP, CSTP, CSP, TLSP, SSP, STP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DCD, MCP, MSP, CSTP, CSP, TLSP, SSP, STP	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	DCD, MCP, MSP, CSTP, CSP, SSP, STP	Until the proposed amendment is approved or lapsed
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	DCD, MCP, MSP, CSTP	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	DCD, MCP, MSP, CSTP	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	DCD, MCP, MSP	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	DCD, MCP, MSP, CSTP, SSP, STP, CSP, TLSP, PP, SP, PO, SSP, STP, SO	Until the end of 2 months after the amendment comes into operation or lapses



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 21A(4)	Duty to publish notice	DCD, MCP, MSP, CSTP, CSP, SSP, STP, SO	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	DCD, MCP, MSP, CSTP	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	DCD, MCP, MSP, CSTP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	Not delegated	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TL, PP, SP, PO	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	DCD, MCP, MSP, CSTP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	DCD, MCP, MSP, CSTP, SSP, STP, CSP, TLSP, PP, SP, PO, SSP, STP, SO	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	DCD, MCP, MSP, CSTP	
s 28(1)	Duty to notify the Minister if abandoning an amendment	DCD, MCP, MSP, CSTP	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 30(4)(a)	Duty to say if amendment has lapsed	DCD, MCP, MSP, CSTP, SSP, STP, CSP, TLSP, PP, SP, PO, SSP, STP, SO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 30(4)(b)	Duty to provide information in writing upon request	DCD, MCP, MSP, CSTP, CSP, SSP, STP	
s 32(2)	Duty to give more notice if required	DCD, MCP, MSP, CSTP, CSP, SSP, STP	
s 33(1)	Duty to give more notice of changes to an amendment	DCD, MCP, MSP, CSTP, CSP, SSP, STP	
s 36(2)	Duty to give notice of approval of amendment	DCD, MCP, MSP, CSTP, CSP, SSP, STP	
s 38(5)	Duty to give notice of revocation of an amendment	DCD, MCP, MSP, CSTP, CSP, SSP, STP	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	DCD, MCP, MSP, CSTP, CSP, SSP, STP	
s 40(1)	Function of lodging copy of approved amendment	DCD, MCP, MSP, CSTP, CSP, SSP, STP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	DCD, MCP, MSP, CSTP, SSP, STP, CSP, TLSP, PP, SP, PO, SO	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	DCD, MCP, MSP, CSTP, SSP, STP, CSP, TLSP, PP, SP, PO, SO	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	DCD, MCP, MSP, CSTP, SSP, STP, CSP, TLSP, PP, SP, PO, SO	
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	Nil	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	Nil	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	Nil	Where Council is a responsible public entity



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	DCD, MCP, MSP, CSTP, CSP	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	DCD, MCP, MSP, CSP, CSTP	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 46GP	Function of receiving a notice under s 46GO	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	DCD, MCP, MSP, CSP, CSTP	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	DCD, MCP, MSP, CSP, CSTP	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DCD, MCP, MSP, CSP, CSTP	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GU	Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DCD, MCP, MSP	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collecting agency



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is a development agency under an approved infrastructure contributions plan



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collecting agency under an approved infrastructure contributions plan



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



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZF(3)	Function of receiving proceeds of sale	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	DCD, MCP, MSP, CSP, CSTP	Subject to any relevant Council Policy
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DCD, MCP, MSP, CSP, CSTP	
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	DCD, MCP, MSP, CSP, CSTP	Subject to any relevant Council Policy
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	DCD, MCP, MSP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	DCD, MCP, MSP	
s 46Q(1)	Duty to keep proper accounts of levies paid	DCD, MCP, MSP, CSP, CSTP	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	DCD, MCP, MSP, VSTP, CSP, SSP, STP	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	DCD, MCP, MSP	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DCD, MCP, MSP	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)	DCD, MCP, MSP	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	DCD, MCP, MSP, CSTP	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	DCD, MCP, MSP	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	DCD, MCP, MSP, CSTP	
s 46QD	Duty to prepare report and give a report to the Minister	DCD, MCP, MSP, CSTP, CSP	Where Council is a collecting agency or development agency



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	DCD, MCP, MSP, CSTP	
s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period	DCD, MCP, MSP, CSTP	
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	DCD, MCP, MSP, CSTP	
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements	DCD, MCP, MSP, CSTP	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	DCD, MCP, MSP	
s 47	Power to decide that an application for a planning permit does not comply with that Act	DCD, MCP, MSP, CSP, TLSP, PP, SP, PO, SO	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 50(4)	Duty to amend application	DCD, MCP, MSP, CSTP, CSP, SSP, TLSP, PP, SP	
s 50(5)	Power to refuse to amend application	DCD, MCP, MSP, CSP, CSTP, TLSP, PP, SP	
s 50(6)	Duty to make note of amendment to application in register	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 50A(1)	Power to make amendment to applications	DCD, MCP, MSP, CSP, CSTP, TLSP, PP, SP, PO	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	DCD, MCP, MSP, CSP, CSTP, TLSP, PP, SP, PO	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 50A(4)	Duty to note amendment to application in register	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, 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	DCD, MCP, MSP, CSP, CSTP, TLSP, PP	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	DCD, MCP, MSP, CSP, CSTP, TLSP, PP, SP, PO	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	DCD, MCP, MSP, CSP, CSTP, TLSP, PP, SP, 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	DCD, MCP, MSP, CSP, CSTP, TLSP, PP, SP, PO	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DCD, MCP, MSP, CSP, CSTP, TLSP, PP, SP, PO	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	DCD, MCP, MSP, CSP, CSTP, TLSP, PP, SP, PO	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	DCD, MCP, MSP, CSP, CSTP, TLSP, PP, SP, PO	
s 52(3)	Power to give any further notice of an application where appropriate	DCD, MCP, MSP, CSP, CSTP, TLSP, PP, SP, PO	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	DCD, MCP, MSP, CSP, CSTP, TLSP, PP, SP, PO	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	DCD, MCP, MSP, CSP, CSTP, TLSP, PP, SP, PO	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54(1)	Power to require the applicant to provide more information	DCD, MCP, MSP, CSP, CSTP, TLSP, PP, SP, PO	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	
s 54(1B)	Duty to specify the lapse date for an application	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	DCD, MCP, MSP, CSP, TLSP, PP, CSTP, SP, PO	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	DCD, MCP, MSP, CSP, TLSP, PP, CSTP, SP, PO	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DCD, MCP, MSP, CSP, TLSP, PP, CSTP, SP, PO	



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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	DCD, MCP, MSP, CSP, TLSP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	
s 57A(5)	Power to refuse to amend application	DCD, MCP, MSP, CSTP, CSP, TLSP, PP, SP, PO	
s 57A(6)	Duty to note amendments to application in register	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57B(1)	Duty to determine whether and to whom notice should be given	DCD, MCP, MSP, CSP, CSTP, TLSP, PP, SP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DCD, MCP, MSP, CSP, CSTP, TLSP, PP, SP, PO	
s 57C(1)	Duty to give copy of amended application to referral authority	DCD, MCP, MSP, CSP, CSTP, TLSP, PP	
s 58	Duty to consider every application for a permit	DCD, MCP, MSP, CSP, CSTP, TLSP, PP	
s 58A	Power to request advice from the Planning Application Committee	DCD, MCP, MSP, CSP, CSTP, TLSP, PP	
s 60	Duty to consider certain matters	DCD, MCP, MSP, CSP, TLSP, PP, SP, PO	
s 60(1A)	Duty to consider certain matters	DCD, MCP, MSP, CSP, TLSP, PP, SP, PO	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	DCD, MCP, MSP, CSP, TLSP, PP, SP, PO	
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	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	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	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DCD	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 62(2)	Power to include other conditions	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DCD, MCP, MSP, CSP, TLSP, CSTP	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DCD, MCP, MSP, CSP, TLSP, CSTP	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
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)	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	DCD, MCP, MSP, CSP, TLSP, CSTP, PP, SP, PO	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64(3)	Duty not to issue a permit until after the specified period	DCD, MCP, MSP, CSP, TLSP, CSTP, PP, SP, PO	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	DCD, MCP, MSP, CSP, TLSP, CSTP, PP, SP, PO	This provision applies also to a decision to grant an amendment to a permit – see s 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	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	This provision applies also to a decision to grant an amendment to a permit – see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	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	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	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	DCD, MCP, MSP, CSP, TLSP, CSTP, PP, SP, PO, SO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 69(1A)	Function of receiving application for extension of time to complete development	DCD, MCP, MSP, CSP, TLSP, CSTP, PP, SP, PO, SO	
s 69(2)	Power to extend time	DCD, MCP, MSP, CSP, TLSP, CSTP, PP, SP, PO	
s 70	Duty to make copy permit available in accordance with public availability requirements	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 71(1)	Power to correct certain mistakes	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 71(2)	Duty to note corrections in register	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 73	Power to decide to grant amendment subject to conditions	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 74	Duty to issue amended permit to applicant if no objectors	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	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	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, 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



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	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	DCD, MCP, MSP, CSTP, CSP, TLSP	
s 83	Function of being respondent to an appeal	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	
s 83B	Duty to give or publish notice of application for review	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DCD, MCP, MSP, CSP, TLSP, CSTP	
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	DCD, MCP, MSP, CSP, TLSP, CSTP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 84AB	Power to agree to confining a review by the Tribunal	DCD, MCP, MSP, CSP, TLSP, CSTP, PP, SP, PO	Except where the decision is made at a Council meeting, where only the DCD is delegated to exercise this power.
s 86	Duty to issue a permit at order of Tribunal within 3 business days	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DCD, MCP, MSP	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	



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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	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 93(2)	Duty to give notice of VCAT order to stop development	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 95(3)	Function of referring certain applications to the Minister	DCD, MCP, MSP	
s 95(4)	Duty to comply with an order or direction	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DCD, MCP, MSP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DCD	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	DCD, MCP, MSP, CSP, CSTP	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	DCD, MCP, MSP	
s 96F	Duty to consider the panel's report under s 96E	DCD, MCP, MSP, CSTP, CSP	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	DCD, MCP, MSP, CSTP, CSP	
s 96H(3)	Power to give notice in compliance with Minister's direction	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96J	Duty to issue permit as directed by the Minister	DCD, MCP, MSP, CSTP, CSP, SSP, TLSP, PP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	DCD, MCP, MSP, CSTP, CSP, SSP, TLSP, PP	
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	DCD, MCP, MSP, CSP, TLSP, CSTP, PP	
s 97C	Power to request Minister to decide the application	DCD, MCP, MSP, CSP, CSTP	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP	
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	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	



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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 s 97F available in accordance with public availability requirements	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DCD, MCP, MSP, CSTP, CSP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DCD, MCP, MSP, CSTP, CSP	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	DCD, MCP, MSP, CSP, TLSP	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DCD, MCP, MSP, CSTP, CSP, TLSP, PP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DCD, MCP, MSP, CSTP, CSP, SSP, TLSP, PP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97Q(4)	Duty to comply with directions of VCAT	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TL, PP, SP, PO	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TL, PP, SP, PO, SO	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DCD, MCP, MSP, CSTP, CSP	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DCD, MCP, MSP, CSTP, CSP, TLSP	
s 101	Function of receiving claim for expenses in conjunction with claim	DCD, MCP, MSP	
s 103	Power to reject a claim for compensation in certain circumstances	DCD, MCP, MSP	
s 107(1)	Function of receiving claim for compensation	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 107(3)	Power to agree to extend time for making claim	DCD, MCP, MSP	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	DCD	
s 114(1)	Power to apply to the VCAT for an enforcement order	DCD, MCP, MSP, CSP, CSTP	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, TPLI, SPIO	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DCD, MCP, MSP	
s 123(1)	Power to carry out work required by enforcement order and recover costs	DCD, MCP, MSP	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DCD, MCP, MSP	Except Crown Land
s 129	Function of recovering penalties	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, TPLI, SPIO	



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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	DCD, MCP, MSP, CSP, TLPI, SPIO	
s 149A(1)	Power to refer a matter to the VCAT for determination	DCD, MCP, MSP, CSP, TLPI, SPIO	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	DCD, MCP, MSP, CSP, TLPI, SPIO	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	DCD, MCP, MSP, CSTP, CSP	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	DCD, MCP, MSP	
s 171(2)(g)	Power to grant and reserve easements	DCD, MCP, MSP	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DCD	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DCD	Where Council is a collecting agency specified in an approved infrastructure contributions plan



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	DCD	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	DCD, MCP, MSP	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	DCD, MCP, MSP	Where Council is the relevant responsible authority
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	DCD, MCP, MSP	
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	DCD, MCP, MSP	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DCD, MCP, MSP	
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	DCD, MCP, MSP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178A(1)	Function of receiving application to amend or end an agreement	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DCD, MCP, MSP	MCP, MSD with prior discussions with DCD.
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DCD, MCP, MSP	MCP, MSD with prior discussions with DCD.
s 178A(5)	Power to propose to amend or end an agreement	DCD, MCP, MSP	MCP, MSD with prior discussions with DCD.
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DCD, MCP, MSP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DCD, MCP, MSP	
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	DCD, MCP, MSP, CSTP, CSP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	DCD, MCP, MSP, CSTP, CSP	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DCD, MCP, MSP, CSTP, CSP	



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



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	DCD	After considering objections, submissions and matters in s 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	DCD, MCP, MSD	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)	DCD, MCP, MSP, CSTP, CSP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DCD, MCP, MSP, CSTP, CSP	
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	DCD, MCP, MSP, CSTP, CSP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DCD	
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	DCD, MCP, MSP, CSTP, CSP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178l(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DCD, MCP, MSP, CSTP, CSP	
s 179(2)	Duty to make a copy of each agreement available in accordance with the public availability requirements	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 181	Duty to apply to the Registrar of Titles to record the agreement	DCD, MCP, MSP, CSP, TLSP, CSTP	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DCD, MCP, MSP, CSP, TLSP, CSTP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DCD, MCP, MSP, CSP, TLSP, CSTP	
s 182	Power to enforce an agreement	DCD, MCP, MSP	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DCD, MCP, MSP	MCP, MSO with prior discussions and agreement with DCD
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	DCD, MCP, MSP, CSP, TLSP, CSTP	
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	DCD, MCP, MSP, CSP, TLSP, CSTP	
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	DCD, MCP, MSP, CSP, TLSP, CSTP	
s 184G(2)	Duty to comply with a direction of the Tribunal	DCD, MCP, MSP, CSP, TLSP, CSTP	
s 184G(3)	Duty to give notice as directed by the Tribunal	DCD, MCP, MSP, CSP, TLSP, CSTP	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 198(1)	Function to receive application for planning certificate	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 199(1)	Duty to give planning certificate to applicant	DCD, MCP, MSP, CSTP, CSP, TLSP	
s 201(1)	Function of receiving application for declaration of underlying zoning	DCD, MCP, MSP, CSTP, CSP, SSP, STP, TLSP, PP, SP, PO, SO	
s 201(3)	Duty to make declaration	DCD, MCP, MSP	
-	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	DCD, MCP, MSP	
-	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	DCD, MCP, MSP	
-	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	DCD, MCP, MSP	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	Power to give written authorisation in accordance with a provision of a planning scheme	DCD, MCP, MSP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	DCD, MCP, MSP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	DCD, MCP, MSP	

PLANNING AND ENVIRONMENT ACT 1987 – Monash Planning Scheme, Planning Permits and Section 173 Agreements			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
Planning scheme provision	Power to determine that a thing or specified document required under the Monash Planning Scheme (eg. a development plan required under the Development Plan Overlay) is to the satisfaction of the Council	DCD, MCP, MSP, CSTP, CSP, TLSP, PP	
Planning scheme provision	Power to determine that a planning permit application is generally in accordance with a specified document prepared and approved pursuant to the Monash Planning Scheme (eg. a planning permit application made following the approval of a development plan prepared pursuant to the Development	DCD, MCP, MSP, CSTP, CSP, TLSP, PP	



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PLANNING AND ENVIRONMENT ACT 1987 – Monash Planning Scheme, Planning Permits and Section 173 Agreements			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
	Plan Overlay)		
Planning scheme provision	Any other discretion vested in the Council under the Monash Planning Scheme	DCD, MCP, MSP, CSTP, CSP, TLSP, PP	
Condition in planning permit	Power vested in Council under a planning permit to provide secondary consent under a planning permit condition to allow modifications to an endorsed plan/s	DCD, MCP, MSP, CSTP, CSP, TLSP, PP, SP	
Clause in agreement made under s173 of the <i>Planning and Environment Act 1987</i> or s52A of <i>Town and Country Planning Act 1961</i>	Power vested in Council under agreement made under s173 of the <i>Planning and Environment Act 1987</i> or s52A of <i>Town and Country Planning Act 1961</i> to provide secondary consent for an amendment of a specified document	DCD, MCP, MSP, CSTP, CSP, TLSP, PP	
Clause in agreement made under s173 of the <i>Planning and Environment Act 1987</i>	Power to decide whether something is to the satisfaction of Council, where an agreement made under s173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or the Responsible Authority	DCD, MCP, MSP, CSTP, CSP, TLSP	



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PLANNING AND ENVIRONMENT ACT 1987 – Monash Planning Scheme, Planning Permits and Section 173 Agreements			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
Clause in agreement made under s173 of the <i>Planning and Environment Act 1987</i>	Power to give consent on behalf of Council, where an agreement made under s173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or the Responsible Authority	DCD, MCP, MSP, CSTP, CSP, TL	

FURTHER CONDITIONS AND LIMITATIONS FOR DELEGATIONS RELATING TO THE PLANNING AND ENVIRONMENT ACT 1987, MONASH PLANNING SCHEME, PLANNING PERMITS, AND SECTION 173 AGREEMENTS, AND THE ASSOCIATED REGULATIONS

General

Consideration is to be given to the following matters when exercising the relevant duty/function/power/discretion conferred by this Instrument of Delegation.

A register is to be kept of all delegated decisions.

Notice of Application

Sections 52 and 57B of the Planning & Environment Act 1987

Requirements:

- 1.0 Notice shall be given by the applicant
 - 1.1 to the owners and occupiers of allotments adjoining and opposite the land, unless the Monash Planning Scheme exempts it or it is considered the grant of a permit would not cause material detriment



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- 1.2 to a Municipal Council where the application may affect land within its district
 - 1.3 to any person whom the Planning Scheme requires it to give notice; and
 - 1.4 to any person where the grant of a permit may cause material detriment to them.
- 2.0 Notice shall be given by all or any of the following methods
- 2.1 placing a sign/s on the land and maintaining the sign in good order for 14 days
 - 2.2 publishing a notice in local newspaper(s)
 - 2.3 by giving written notice by certified mail; or
 - 2.4 by any other way considered appropriate.
- 3.0 Applications in respect of the following uses and the relevant codes shall be notified as follows:
- 3.1 Multi Unit Developments
Notice of application shall be given in accordance with 2.1 and 2.3.
 - 3.2 Commercial and Community Uses in Residential Zones
Notice of application shall be given in accordance with 2.1 and 2.3

Where a proposal may have a wider impact on the community advertising should be in accordance with guidelines 2.1, 2.2 and 2.3.

Guideline 2.4 to be applied as considered relevant.
 - 3.3 Commercial, Business and Industrial
Where the size, nature or operation may cause detriment, the application shall be advertised in accordance with guidelines 2.1, 2.3 and as appropriate guidelines 2.2 and 2.4
 - 3.4 Convenience Stores
Notice of all applications shall be given in accordance with guidelines 2.1 and 2.3 and as considered appropriate guidelines 2.2 and 2.4.
- 4.0 A delegated officer shall authorise correspondence requiring the notification of a Planning Application and must advise and have consent of the Manager City Planning or Coordinator Statutory Planning or Team Leader Statutory Planning as follows:
- 4.1 where a decision is made not to give notice and the reasons



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4.2 the proposed method of giving notice of major applications

Permit Applications

Applications for planning permits in the following categories are to be referred to Council for decision:

- (i) development in excess of \$3,500,000 and major development proposals, except for:
 - Any development in the Special Use Zone up to \$20,000,000 and industrial zones up to \$10,000,000;
 - Any application where officers consider that a failure to determine an appeal to the Victorian Civil and Administrative Tribunal (VCAT) is likely and/or imminent may be refused by the Director City Development (or their delegates). The Director City Development will advise councillors when this is proposed.
 - Any application for an Amendment to a Planning Permit under Section 72 of the Planning and Environment Act 1987, where the change is not material to the decision of Council and does not change or remove any condition that was included by Council in determining the application.

Settling VCAT Appeals:

The Director City Development is delegated the power to settle VCAT appeals of planning decisions except where the settlement proposal involves approving a proposed development which has been refused by a resolution of Council.

Sections 60, 61, 62, 63, 64, 74, 75, and 76 of the Planning and Environment Act 1987

Requirements:

A Permit, Amended Permit or Notice of Decision may issue:-

1. Where an application is lodged in full compliance with the relevant Council Policies and the provisions of the Monash Planning Scheme and no formal objections are received.
2. Where an application is in minor non-compliance with the relevant Council Code and no formal objections are received.
3. Where an application is lodged in general compliance with the relevant Council policies and objections received. Notwithstanding, applications of this type may be referred to Council.
4. A report is to be prepared and must be approved by the appropriate delegate stating the following -



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- Proposal, policy implications
- Consultation, conclusion
- Recommendation.

Requirements:

A Refusal may issue:-

1. Where an application is lodged that is not in compliance with the relevant Council Policies and/or the provisions of the Monash Planning Scheme.

Notwithstanding, applications of this type may be referred to Council.

2. A report is to be prepared and must be approved by the appropriate delegate stating the following –
 - Proposal, policy implications
 - Consultation, conclusion
 - Recommendation.

With regard to the above requirements, as they relate to Sections 60, 61, 62, 63, 64, 74, 75, and 76 of the Planning and Environment Act 1987, no one officer may prepare a report and act in a capacity of delegate for the endorsement of that recommendation. The officer exercising the power within this delegation, must have the sole role of reviewing and endorsing (or otherwise) the recommendation.

Request for more information

Section 54, 54A and 54B of the Planning and Environment Act 1987

Requirements:

1. In accordance with the aforementioned sections of the Act and regulation 20 of the Planning and Environment Regulations 2015, requests for more information should be made within the prescribed time period, being 21 days of receiving the application.
2. Requests should refer to Section 54, 54A and 54B of the Act as appropriate

Extension of Time Applications

Section 69 of the Planning and Environment Act 1987

Requirement:

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1. An application for an extension of time must be made in writing before the permit expires or within six months of the expiration date.
2. Where the permit has lapsed the extension shall operate from the day the permit expired.
3. The application should state the reason why the time given under the planning permit was insufficient.
4. The permit may be extended for a maximum period of 2 years in each instance.
5. Extensions of time can be granted where there has been no change in planning policy or direction. However, the views of any relevant referral authority may need to be sought prior to deciding on the extension.
6. If an extension is to be refused it must be made using the Refusal of Planning Permit document.
7. The Coordinator Statutory Planning or Team Leader Statutory Planning or other delegated officer may authorise the first, second and third, requests for an extension of time, or a fourth request where the total period of extensions to a permit does not exceed 6 years, and shall refer any subsequent request to Council for determination.

Lodging Objections or Appeals

Sections 57 and 82 of the Planning and Environment Act 1987

Requirements:

1. Delegates shall have the power to lodge appeals or objections against applications or decisions by other Planning Authorities for proposals outside the City of Monash which, in the opinion of the delegate, may cause material detriment to the amenity of the Municipality or conflict with Council's planning policies or philosophy.
2. Objections must be made in writing and state reasons for the objections.
3. Appeals must be lodged with the Victorian Civil and Administrative Tribunal, the Responsible Authority and any objectors within the prescribed time. Notice of Appeal forms are to be used and the reasons or grounds for the appeal stated, except in the case of an appeal against failure to grant a permit.

Enforcement Orders and Interim Enforcement Orders

Sections 114, 118, 120, 123 of the Planning and Environment Act 1987

Requirements:

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1. Application to the Victorian Civil and Administrative Appeal Tribunal for an Enforcement Order must contain information, such as the grounds for making the application, whether it is to be against the owner, occupier or any other person who has an interest in the land.
2. Where an order is made, a copy must be served on all relevant parties
3. An Interim Enforcement Order may be sought where immediate action is required

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	DCD, MCA, CPH, SEHO, EHO	
s 522(1)	Power to give a compliance notice to a person	DCD, MCA, CPH, SEHO, EHO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	DCD, MCA	
s 525(4)	Duty to issue identity card to authorised officers	DCD, MCA, CPH	



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RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 526(5)	Duty to keep record of entry by authorised officer under s 526	DCD, MCA, CPH, SEHO, EHO	
s 526A(3)	Function of receiving report of inspection	DCD, MCA, CPH, SEHO, EHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	DCD, MCA, CPH, SEHO, EHO, PO	



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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	DCD; DCS	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	Retained by Council	
s 11(9)(b)	Duty to advise Registrar	DCD; DCS	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	Retained by Council	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DCD; DCS	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	Retained by Council	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	Retained by Council	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	Retained by Council	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	Retained by Council	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	Retained by Council	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	DCD; DCS	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	DCD; DCS	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	DCD; DCS	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	DCD; DCS	
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	DCD; DCS	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DCD; DCS	
s 15(2)	Duty to include details of arrangement in public roads register	MENG; MSAM; CDE; CSAM	



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 16(7)	Power to enter into an arrangement under s 15	DCD; DCS	
s 16(8)	Duty to enter details of determination in public roads register	MENG; MSAM; CDE; CSAM	
s 17(2)	Duty to register public road in public roads register	MENG; MSAM; CDE; CSAM	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	DCD; DCS; MENG; MSAM	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	MENG; MSAM; CDE; CSAM	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	DCD; DCS; MENG; MSAM	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	MENG; MSAM; CDE; CSAM	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	MENG; MSAM; CDE; CSAM	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	MENG; MSAM; CDE; CSAM	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	MENG; MSAM; CDE; CSAM	



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(4)	Duty to specify details of discontinuance in public roads register	MENG; MSAM; CDE; CSAM	
s 19(5)	Duty to ensure public roads register is available for public inspection	MENG; MSAM; CDE; CSAM	
s 21	Function of replying to request for information or advice	DCD; DCS	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	DCD; DCS	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report	DCD; DCS; MENG; MSAM	
s 22(5)	Duty to give effect to a direction under s 22	DCD; DCS	
s 40(1)	Duty to inspect, maintain and repair a public road	DCD; DCS; MENG; MCW; MSAM; MFIM	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	DCD; DCS; MENG; MCW; MSAM; MFIM	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DCD; DCS; MENG; MCW; MSAM; MFIM	
s 42(1)	Power to declare a public road as a controlled access road	DCD; DCS; MENG; MSAM; CSAM	Power of coordinating road authority and sch 2 also applies



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	DCD; DCS; MENG; MSAM; CSAM	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	DCD; DCS; MENG; MSAM; CSAM	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	DCD; DCS; MENG; MSAM; CSAM	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)	DCD; DCS; MENG; MCW; MFIM; MSAM; CSAM	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	DCD; MENG; CTE	
s 49	Power to develop and publish a road management plan	DCS; MSAM; CSAM	
s 51	Power to determine standards by incorporating the standards in a road management plan	DCD; DCS; MENG; MSAM; CSAM	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	DCS; MSAM; CSAM	



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54(2)	Duty to give notice of proposal to make a road management plan	DCS; MSAM; CSAM	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	DCS; MSAM; CSAM	
s 54(6)	Power to amend road management plan	DCS; MSAM; CSAM	
s 54(7)	Duty to incorporate the amendments into the road management plan	DCS; MSAM; CSAM	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	DCS; MSAM; CSAM	
s 63(1)	Power to consent to conduct of works on road	DCD; DCS; MENG; MCW; MFIM; MSAM; MHS; CIM; CCIP; CTE; CDE; CSAM	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	DCD; DCS; MENG; MCW; MFIM; MSAM; MHS; CIM; CCIP; CTE; CDE; CSAM	Where Council is the infrastructure manager



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 64(1)	Duty to comply with cl 13 of sch 7	DCD; DCS; MENG; MCW; MFI; MSAM; MHS; CIM; CCIP; CTE; CDE; CSAM	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DCD; DCS; MENG; MSAM; CTE; CSAM	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	DCD; DCS; MENG; MSAM; CTE; CSAM	Where Council is the coordinating road authority
s 67(3)	Power to request information	DCD; DCS; MENG; MSAM; CTE; CSAM	Where Council is the coordinating road authority
s 68(2)	Power to request information	DCD; DCS; MENG; MSAM; CTE; CSAM	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO	
s 72	Duty to issue an identity card to each authorised officer	DCD; DCS; MENG; MSAM; MCW; MH; MFIM	



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 85	Function of receiving report from authorised officer	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	
s 86	Duty to keep register re s 85 matters	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	
s 87(1)	Function of receiving complaints	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	
s 87(2)	Duty to investigate complaint and provide report	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	CEO, DCD, DCS	
s 112(2)	Power to recover damages in court	CEO; DCD, DCS	
s 116	Power to cause or carry out inspection	DCD; DCS; MENG; MCW; MFIM; MSAM; MHS; CIM; CCIP; CTE; CDE; CSAM	



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 119(2)	Function of consulting with the Head, Transport for Victoria	DCD; DCS; MENG; MCW; MFIM; MSAM; MHS; CIM; CCIP; CTE; CDE; CSAM	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	DCD; DCS; MENG; MCW; MFIM; MSAM; MHS; CIM; CCIP; CTE; CDE; CSAM	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	DCD; DCS; MENG; MCW; MFIM; MSAM; MHS; CIM; CCIP; CTE; CDE; CSAM	
s 121(1)	Power to enter into an agreement in respect of works	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	
s 122(1)	Power to charge and recover fees	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 123(1)	Power to charge for any service	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	
sch 2 cl 5	Duty to publish notice of declaration	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	Where Council is the infrastructure manager or works manager



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM; CCIP	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM; CCIP	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM; CCIP	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM; CCIP	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM; CCIP	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM; CCIP	Where Council is the coordinating road authority



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM; CCIP	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM; CCIP	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM; CCIP	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM; CCIP	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM; CCIP	Where Council is the coordinating road authority



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM; CCIP	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM; CCIP	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM; CCIP	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM; CCIP	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	DCD; DCS; MENG; MSAM; MCW; MHS; MFIM	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	DCD; DCS; MENG; MSAM; MCW; MFIM; CSAM	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	DCD; DCS; MENG; MSAM; MCW; MFIM; CSAM	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4	DCD; DCS; MENG; MSAM; MCW; MFIM; CSAM	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)



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



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to designate Council as an acquiring authority.



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



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



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ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 23(2)	Power to make submission to Tribunal	DCD; DCS; MENG; MCW; MSAM; MFIM	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	DCD; DCS; MENG; MCW; MSAM; MFIM	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	DCD; DCS; MENG	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	DDC; DCS; MSAM; CSAM	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, DCD, DCS, MENG, MCG&L	



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