

7.3.1 S6 DELEGATION FROM COUNCIL TO STAFF

Responsible Manager:	Amanda Sapolu, Manager Corporate Governance & Legal
Responsible Director:	Simone Wickes, Director Corporate Services

RECOMMENDATION

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Monash City 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 that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the Instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff (other than 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

This report seeks Council's approval for the Instrument of Delegation from Council to Staff. It outlines the proposed delegations and the legislative framework supporting these actions.

COUNCIL PLAN STRATEGIC OBJECTIVES

Good Governance

Maintain the highest standards of good governance.

BACKGROUND

Under the *Local Government Act 2020*, councils are empowered to delegate certain powers, duties, and functions to staff members to ensure that decisions can be made promptly and efficiently. This delegation is essential for the smooth operation of council services and the timely implementation of council policies. The s6 Instrument of Delegation, provided by Maddocks, includes all recent legislative updates and modifications to suit the specific needs of Monash City Council.

DISCUSSION

Delegating authority to staff members allows for more streamlined decision-making processes, enabling staff to handle routine matters without the need for constant referral to the Council. This not only improves operational efficiency but also frees up the Council to focus on strategic and policy issues. The delegation process is governed by the *Local Government Act 2020*, which ensures that all delegations are made transparently and with appropriate accountability measures in place.

The s6 Instrument of Delegation covers a range of legislation, allowing for direct delegation from the Council to staff. This is distinct from other delegations where powers may be delegated to the Chief Executive Officer, who then subdelegates to staff. The instrument ensures that all delegations are performed in accordance with Council guidelines and policies.

The instrument has been reviewed by internal staff and the Executive Leadership Team, with minor amendments also made to formatting and position titles.

The following changes have been made to the S6 Instrument:

1. Removal of sections 12(2), 12(4)-(7) of the *Road Management Act 2004*, Maddocks recommend that councils use the powers under the *Local Government Act 1989* instead to discontinue a road.
2. Deletion of the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020*, as they have been revoked pursuant to regulation 4(a) of the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024*. Those new regulations commenced on 29 June 2024 and have been included.
3. The *Food Act 1984* was amended pursuant to the *Regulatory Legislation Amendment (Reform) Act 2024*, which commenced on 6 March 2024, the day after it received Royal Assent. As a result we have:
 - a. Included 19(4)(a)(ia) and 19(4)(a)(ib), and amended 19(4)(a)(ii), which relates to Council's power to direct that a copy of an order be affixed, displayed or published.
 - b. Included section 19FA(1), which relates to Council's power to direct a proprietor of a food premises to revise the foods safety program for the premises or comply with any requirements specified in the food safety program.
 - c. Included section 19FA(3)(a), which relates to Council's power to refuse to approve an application for registration or renewal of premises, where a proprietor of a food premises fails to comply with a direction given under section 19FA(1). Please note that, adopting a conservative approach, we have inserted a comment that this is subject to ratification in accordance with s 58A(2).
 - d. Included section 19FA(3)(b), which relates to Council's power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under section 19FA(1).
 - e. Included section 19FA(3)(c), which relates to Council's power to suspend a registration of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1).
4. Updates to staffing arrangements including new roles and amended role titles.
5. Significant Planning updates.

The proposed updates to Statutory Planning delegations aim to streamline the delegation structure by consolidating all relevant conditions and limitations into the main delegation table. Currently, the use of separate extracts and additional written conditions outside the primary delegation table (at the bottom of the delegations) results in duplication and is inconsistent with how other conditions and limitations are shown, which is directly next to and related to the actual applicable legislation and delegated power. Incorporating all conditions and limitations into the main delegation table, as occurs with all other conditions and limitations creates clarity and consistency of approach.

Additionally, some written extracts included at the end of the delegation document simply restate provisions already outlined in legislation, either in the *Planning and Environment Act 1987* (Act) or *Planning and Environment Regulations 2015* (Regs). Since these extracts largely duplicate what is already prescribed by law, and do not provide for more or lesser delegation their inclusion in the delegation document is unnecessary. Where a written extract at the end of the delegation document also identifies a specific condition or limitation, this condition or limitation has been included in the delegation table against the corresponding provisions of the Act.

Furthermore, it is proposed to update the Statutory Planning delegation related to cost of works. The intent of the delegation thresholds is to ensure that applications of a routine or lower risk nature can be determined by officers, and more complex/significant applications are referred to Council for a decision.

It is proposed to increase delegation for determining development applications reflective of cost of works increases from \$3,500,000 to \$4,000,000, developments in the Special Use Zone from \$20,000,000 to \$25,000,000 and developments in Industrial zones from \$10,000,000 to \$15,000,000. We do not expect a significant change to the number and nature of applications referred to Council, but it is advantageous to make these adjustments incrementally, so that Council can ensure that its decision-making role remains focused on applications of strategic significance, rather than being influenced by cost escalations unrelated to the complexity or community impact of a proposal. The ability to call in applications, or for officers to choose to refer an application to a Council meeting in some circumstances remains.

Recent changes to the Planning Scheme identified as the Townhouse and Low-Rise Code, introduced by State Government in March 2025, mean that if a planning application complies with the Code, it is 'deemed to comply' and a permit must issue, Council does not have discretion. At this stage, the deemed to comply provisions only apply to multi-unit development applications (two or more dwellings on a lot), however, it is anticipated that similar deemed to comply assessment criteria will be introduced to other assessments within the Planning Scheme (such as single dwellings on a lot).

Retaining the current delegation thresholds, which tie decision making to cost of works, will create unnecessary delays and be inconsistent with the intent of the streamlined process for deemed to comply applications. Council would also be prevented from making a different decision on an application if it is deemed to comply. In these circumstances, there is no influence that Council can have on these applications and a different decision cannot be made.

Accordingly, it is recommended that any development which meets all the standards of Clause 55 of the Planning Scheme (and is deemed to comply under the Townhouse and Low-Rise Code), and where there are no other permit triggers, is delegated to officers regardless of the cost of the development.

FINANCIAL IMPLICATIONS

There are no financial implications as a direct result of the recommendation in this report. The delegation does not have any direct financial impact on the Council's budget or financial planning.

POLICY IMPLICATIONS

There are no policy implications to this report.

CONSULTATION

Community consultation was not required.

SOCIAL IMPLICATIONS

There are no social implications as a direct result of the recommendation in this report and it has no direct impact on the community or social outcomes.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications to this report.

GENDER IMPACT ASSESSMENT

A GIA was not completed because this agenda item is not a 'policy', 'program' or 'service'.

CONCLUSION

In conclusion, reviewing the delegation of authority from the Council to staff members, is a necessary administrative step to ensure efficient and effective governance. It allows designated staff to perform essential functions and duties, facilitating the smooth operation of Council. This delegation enhances decision-making processes and improves service delivery, aligning with the principles of good governance as outlined in the *Local Government Act 2020*.

ATTACHMENT LIST

1. s6 Instrument of Delegation to staff from Council [7.3.1.1 - 135 pages]



S6 Instrument of Delegation to Staff

Monash City Council

Instrument of Delegation

to Staff

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:

Abbreviation	Position
APO	Asset Protection Officer/Drainage Assets Officer
CEO	Chief Executive Officer
CAPE	Coordinator Asset Protection Engineering
CCIP	Coordinator Civil Infrastructure Projects
CCL	Coordinator Community Laws
CDE	Coordinator Development Engineering
CIM	Coordinator Information Management
CPH	Coordinator Public Health
CSP	Coordinator Statutory Planning
CSAM	Coordinator Strategic Asset Management
CSTP	Coordinator Strategic Planning
CTE	Coordinator Traffic Engineering
DCD	Director City Development
DCS	Director City Services
EHO	Environmental Health Officer
EHT	Environmental Health Technician
MCW	Manager Capital Works
MCPLAN	Manager City Planning
MCA	Manager Community Amenity
MENG	Manager Engineering
MFIM	Manager Facilities and Infrastructure Maintenance
MHS	Manager Horticultural Services
MSAM	Manager Strategic Asset Management
MSPLAN	Manager Strategic Planning
MSM	Manager Sustainable Monash
PAPE	Principal Asset Protection Engineer
PP	Principal Planner
PLO	Prosecutions/Legal Officer
SEHO	Senior Environmental Health Officer
SP	Senior Statutory Planner



SSP	Senior Strategic Planner
PO	Statutory Planner
STP	Strategic Planner
SO	Support Officer (Includes Coordinator)
TLAP	Team Leader Asset Protection
TLPI	Team Leader Planning Investigations
TLPH	Team Leader Public Health
TLSP	Team Leader Statutory Planning

3. declares that:

3.1. this Instrument of Delegation is authorised by a resolution of Council passed on [insert date]; and

3.2. the delegation:

- 3.2.1. comes into force immediately when 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
policy; or
strategy
adopted 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. if 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.



THE COMMON SEAL OF)
MONASH CITY COUNCIL)
was hereunto affixed this)
..... day of)
.....20)

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

Witness

Date:




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196691	Domestic Animals Act 1994	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
196697	Food Act 1984	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, EHO, SEHO, TLPH, EHT	If s 19(1) applies
196698	Food Act 1984	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, EHO, SEHO, TLPH, EHT	If s 19(1) applies
197222	Food Act 1984	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, EHO, SEHO, TLPH, EHT	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
196699	Food Act 1984	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, (ia) displayed at any point	DCD, MCA, CPH, EHO,	If s 19(1) applies

S6. Instrument of Delegation to Staff

April 2025 update




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			of sale, (ib) be published on the food business's Internet site and (ii) inform the public by notice in a published newspaper, on the Internet site or otherwise	SEHO, TLPH, EHT	
196700	Food Act 1984	s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	If s 19(1) applies
196701	Food Act 1984	s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	If s 19(1) applies
196702	Food Act 1984	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, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
196703	Food Act 1984	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, EHO, SEHO, TLPH, 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



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					Only in relation to temporary food premises or mobile food premises
196704	Food Act 1984	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, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
196705	Food Act 1984	s 19CB(4)(b)	Power to request copy of records	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
196706	Food Act 1984	s 19E(1)(d)	Power to request a copy of the food safety program	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
594671	Food Act 1984	s 19EA(3)	Function of receiving copy of revised food safety program	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
738292	Food Act 1984	s 19FA(1)	Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	Where Council is the registration authority

S6. Instrument of Delegation to Staff


April 2025 update: Page | 7



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					Subject to s 19FA(2), which requires a time limit for compliance to be specified Only in relation to temporary food premises or mobile food premises.
738293	Food Act 1984	s 19FA(3)(a)	Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	DCD, MCA, CPH, EHO, SEHO, TLPH	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)) Only in relation to temporary food premises or mobile food premises.
738294	Food Act 1984	s 19FA(3)(b)	Power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	DCD, MCA, CPH, EHO, SEHO, TLPH	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises.
738295	Food Act 1984	s 19FA(3)(c)	Power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction given under	DCD, MCA, CPH, EHO, SEHO, TLPH	Where Council is the registration authority



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			s 19FA(1)		Only in relation to temporary food premises or mobile food premises
196707	Food Act 1984	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, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
594672	Food Act 1984	s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
594673	Food Act 1984	s 19IA(2)	Duty to give written notice to the proprietor of the premises	DCD, MCA, CPH, EHO, SEHO, TLPH, 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))
196708	Food Act 1984	s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	Where Council is the registration authority



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
594674	Food Act 1984	s 19N(2)	Function of receiving notice from the auditor	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
196709	Food Act 1984	s 19NA(1)	Power to request food safety audit reports	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
196710	Food Act 1984	s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	DCD, MCA, CPH, EHO, TLPH, EHT	
196711	Food Act 1984	s 19UA	Power to charge fees for conducting a food safety assessment or inspection	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
196712	Food Act 1984	s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	DCD, MCA, CPH, EHO, SEHO, TLPH	Where Council is the registration authority
196713	Food Act 1984	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, EHO, SEHO, TLPH, EHT	Where Council is the registration authority



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196714	Food Act 1984	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, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
196715	Food Act 1984		Power to register or renew the registration of a food premises	DCD, MCA, CPH, EHO, SEHO, TLPH, 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))
483081	Food Act 1984	s 36A	Power to accept an application for registration or notification using online portal	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
483082	Food Act 1984	s 36B	Duty to pay the charge for use of online portal	DCD, MCA, CPH, EHO,	Where Council is the registration authority



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				SEHO, EHT, TLPH	
196716	Food Act 1984	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, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
196717	Food Act 1984	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, TLPH	Where Council is the registration authority
196718	Food Act 1984	s 38A(4)	Power to request a copy of a completed food safety program template	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
196719	Food Act 1984	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, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
196720	Food Act 1984	s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	DCD, MCA, CPH, EHO,	Where Council is the registration authority



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				SEHO, TLPH, EHT	
196721	Food Act 1984	s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
196722	Food Act 1984	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, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
196723	Food Act 1984	s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
196724	Food Act 1984	s 38D(3)	Power to request copies of any audit reports	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
196725	Food Act 1984	s 38E(2)	Power to register the food premises on a conditional basis	DCD, MCA, CPH, EHO, SEHO, TLPH	Where Council is the registration authority

S6. Instrument of Delegation to Staff


April 2025 update: Page | 13



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					not exceeding the prescribed time limit defined under s 38E(5)
196726	Food Act 1984	s 38E(4)	Duty to register the food premises when conditions are satisfied	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
196727	Food Act 1984	s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
483083	Food Act 1984	s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
594675	Food Act 1984	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, EHO, SEHO, TLPH, EHT	Where Council is the registration authority
483084	Food Act 1984	s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	DCD, MCA, CPH, EHO,	Where Council is the registration authority

S6. Instrument of Delegation to Staff


April 2025 update: Page | 14



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				SEHO, TLPH, EHT	
594676	Food Act 1984	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, EHO, SEHO, TLPH, EHT	
196728	Food Act 1984	s 39A	Power to register, or renew the registration of a food premises despite minor defects	DCD, MCA, CPH, EHO, SEHO, TLPH	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
594677	Food Act 1984	s 39A (6)	Duty to comply with a direction of the Secretary	DCD, MCA, CPH, EHO, SEHO, TLPH	
594678	Food Act 1984	s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	DCD, MCA, CPH, EHO, SEHO, TLPH	Where Council is the registration authority
196729	Food Act 1984	s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	DCD, MCA, CPH, EHO, SEHO, TLPH	

S6. Instrument of Delegation to Staff

April 2025 update: Page | 15



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196730	Food Act 1984	s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	DCD, MCA, CPH, EHO, SEHO, TLPH	Where Council is the registration authority
196731	Food Act 1984	s 40D(1)	Power to suspend or revoke the registration of food premises	DCD, MCA, CPH, TLPH	Where Council is the registration authority
594679	Food Act 1984	s 40E	Duty to comply with direction of the Secretary	DCD, MCA, CPH, TLPH	
483085	Food Act 1984	s 40F	Power to cancel registration of food premises	DCD, MCA, CPH, EHO, SEHO, TLPH	Where Council is the registration authority
594680	Food Act 1984	s 43	Duty to maintain records of registration	DCD, MCA, CPH, EHO, SEHO, EHT, TLPH	Where Council is the registration authority
196732	Food Act 1984	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, EHO, SEHO, TLPH, EHT	Where Council is the registration authority



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196733	Food Act 1984	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, EHO, SEHO, TLPH, 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))
594681	Food Act 1984	s 45AC	Power to bring proceedings	CEO, DCD, MCA, CPH, EHO, PLO, SEHO, TLPH, EHT	Exercise of this power for EHO, SEHO, EHT and TLPH are subject to approval from CPH
196734	Food Act 1984	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, EHO, PLO, SEHO, TLPH, EHT	Where Council is the registration authority Exercise of this power for EHO, SEHO, EHT and TLPH are subject to approval from CPH



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196735	Heritage Act 2017	s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation
261541	Local Government Act 1989	s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	
196736	Planning and Environment Act 1987	s 4B	Power to prepare an amendment to the Victorian Planning Provisions	DCD, MCPLAN, MSPLAN	If authorised by the Minister
196737	Planning and Environment Act 1987	s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	STP, SSP, DCD, MCPLAN, MSPLAN, CSTP	
196738	Planning and Environment Act 1987	s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP,	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				PO, PP, SP, TLSP	
196739	Planning and Environment Act 1987	s 4l(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196740	Planning and Environment Act 1987	s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	DCD, MCPLAN, MSPLAN, CSTP	
196741	Planning and Environment Act 1987	s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	DCD, MCPLAN, MSPLAN, CSTP	
196742	Planning and Environment Act 1987	s 8A(5)	Function of receiving notice of the Minister's decision	DCD, MCPLAN, MSPLAN, CSTP	




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196743	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSTP	
196744	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSTP	
196745	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSTP	
196747	Planning and Environment Act 1987	s 12B(1)	Duty to review planning scheme	DCD, MCPLAN, MSPLAN	




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196748	Planning and Environment Act 1987	s 12B(2)	Duty to review planning scheme at direction of Minister	DCD, MCPLAN, MSPLAN	
196749	Planning and Environment Act 1987	s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	DCD, MCPLAN, MSPLAN	
196750	Planning and Environment Act 1987	s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	DCD, MCPLAN, MSPLAN, CSP, CSTP	
196751	Planning and Environment Act 1987	s 17(1)	Duty of giving copy amendment to the planning scheme	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP	
196752	Planning and Environment Act 1987	s 17(2)	Duty of giving copy s 173 agreement	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, TLSP	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196753	Planning and Environment Act 1987	s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, TLSP	
196754	Planning and Environment Act 1987	s 18	Duty to make amendment etc. available in accordance with public availability requirements	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP	Until the proposed amendment is approved or lapsed
196755	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSTP	
196756	Planning and Environment Act 1987	s 19	Function of receiving notice of preparation of an amendment to a planning scheme	DCD, MCPLAN, MSPLAN, CSTP	Where Council is not the planning authority, and the amendment affects land within Council's municipal district; or




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
196757	Planning and Environment Act 1987	s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	DCD, MCPLAN, MSPLAN	Where Council is a planning authority
196758	Planning and Environment Act 1987	s 21(2)	Duty to make submissions available in accordance with public availability requirements	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	Until the end of 2 months after the amendment comes into operation or lapses
196759	Planning and Environment Act 1987	s 21A(4)	Duty to publish notice	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP	
196760	Planning and Environment Act 1987	s 22(1)	Duty to consider all submissions received before the date specified in the notice	DCD, MCPLAN, MSPLAN, CSTP	Except submissions which request a change to the items in s 22(5)(a) and (b)



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
628588	Planning and Environment Act 1987	s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196761	Planning and Environment Act 1987	s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	DCD, MCPLAN, MSPLAN, CSTP	
196762	Planning and Environment Act 1987	s 23(2)	Power to refer to a panel submission which do not require a change to the amendment	Not Delegated	
196763	Planning and Environment Act 1987	s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196764	Planning and Environment Act 1987	s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	DCD, MCPLAN, MSPLAN, CSTP	
196765	Planning and Environment Act 1987	s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	During the inspection period
196766	Planning and Environment Act 1987	s 27(2)	Power to apply for exemption if panel's report not received	DCD, MCPLAN, MSPLAN, CSTP	
196767	Planning and Environment Act 1987	s 28(1)	Duty to notify the Minister if abandoning an amendment	DCD, MCPLAN, MSPLAN, CSTP	Note: the power to make a decision to abandon an amendment cannot be delegated




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
546426	Planning and Environment Act 1987	s 28(2)	Duty to publish notice of the decision on Internet site	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
546427	Planning and Environment Act 1987	s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196768	Planning and Environment Act 1987	s 30(4)(a)	Duty to say if amendment has lapsed	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196769	Planning and Environment Act 1987	s 30(4)(b)	Duty to provide information in writing upon request	STP, SSP, DCD, MCPLAN,	

S6. Instrument of Delegation to Staff

April 2025 update: Page | 26




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				MSPLAN, CSP, CSTP	
196770	Planning and Environment Act 1987	s 32(2)	Duty to give more notice if required	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP	
196771	Planning and Environment Act 1987	s 33(1)	Duty to give more notice of changes to an amendment	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP	
196772	Planning and Environment Act 1987	s 36(2)	Duty to give notice of approval of amendment	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP	
196773	Planning and Environment Act 1987	s 38(5)	Duty to give notice of revocation of an amendment	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP	




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196774	Planning and Environment Act 1987	s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP	
196775	Planning and Environment Act 1987	s 40(1)	Function of lodging copy of approved amendment	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP	
196776	Planning and Environment Act 1987	s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
546428	Planning and Environment Act 1987	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	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	

S6. Instrument of Delegation to Staff

April 2025 update: Page | 28




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196777	Planning and Environment Act 1987	s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
197223	Planning and Environment Act 1987	s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	Not Delegated	Where Council is a responsible public entity and is a planning authority
202574	Planning and Environment Act 1987	s 46AW	Function of being consulted by the Minister	Not Delegated	Where Council is a responsible public entity
202575	Planning and Environment Act 1987	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	Not Delegated	Where Council is a responsible public entity




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			Power to endorse the draft Statement of Planning Policy		
197163	Planning and Environment Act 1987	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	Not Delegated	Where Council is a responsible public entity
197164	Planning and Environment Act 1987	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	Not Delegated	Where Council is a responsible public entity
197165	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
202576	Planning and Environment Act 1987	s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
202577	Planning and Environment Act 1987	s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
202578	Planning and Environment Act 1987	s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	DCD, MCPLAN, MSPLAN, CSP, CSTP	
202579	Planning and Environment Act 1987	s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
202580	Planning and Environment Act 1987	s 46GP	Function of receiving a notice under s 46GO	DCD, MCPLAN, MSPLAN,	Where Council is the collecting agency



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				CSP, CSTP, PP, TLSP	
202581	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
202582	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
202583	Planning and Environment Act 1987	s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
202584	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP	




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
202585	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP	
202586	Planning and Environment Act 1987	s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DCD, MCPLAN, MSPLAN, CSP, CSTP	
202587	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
202588	Planning and Environment Act 1987	s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
202589	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
202590	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the collecting agency
202591	Planning and Environment Act 1987	s 46GV(3)(b)	Power to enter into an agreement with the applicant	DCD, MCPLAN, MSPLAN	Where Council is the collecting agency
202592	Planning and Environment Act 1987	s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DCD, MCPLAN, MSPLAN,	Where Council is the development agency



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				CSP, CSTP, PP, TLSP	
202593	Planning and Environment Act 1987	s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the collecting agency
202594	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
202595	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the collecting agency
197166	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the collecting agency



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
202596	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the collecting agency
202597	Planning and Environment Act 1987	s 46GY(1)	Duty to keep proper and separate accounts and records	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the collecting agency
202598	Planning and Environment Act 1987	s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the collecting agency
202599	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
202600	Planning and Environment Act 1987	s 46GZ(2)(a)	Function of receiving the monetary component	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
197167	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	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
202601	Planning and Environment Act 1987	s 46GZ(2)(b)	Function of receiving the monetary component	DCD, MCPLAN, MSPLAN,	Where Council is the development agency under an approved infrastructure contributions plan




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				CSP, CSTP, PP, TLSP	This provision does not apply where Council is also the collecting agency
202602	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the collecting agency under an approved infrastructure contributions plan
197168	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	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
202603	Planning and Environment Act 1987	s 46GZ(5)	Function of receiving any part of a land equalisation amount required for	DCD, MCPLAN, MSPLAN,	Where Council is the development agency specified in the approved infrastructure contributions plan




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			the acquisition of outer public purpose land	CSP, CSTP, PP, TLSP	This provision does not apply where Council is also the collecting agency
202604	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the collecting agency under an approved infrastructure contributions plan
197169	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	<p>If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p>



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					This duty does not apply where Council is also the development agency
202605	Planning and Environment Act 1987	s 46GZ(9)	Function of receiving the fee simple in the land	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
202606	Planning and Environment Act 1987	s 46GZA(1)	Duty to keep proper and separate accounts and records	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the development agency under an approved infrastructure contributions plan
197170	Planning and Environment Act 1987	s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is a development agency under an approved infrastructure contributions plan



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
202607	Planning and Environment Act 1987	s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is a development agency under an approved infrastructure contributions plan
197171	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	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
202608	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the development agency under an approved infrastructure contributions plan
202609	Planning and Environment Act 1987	s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the collecting agency under an approved infrastructure contributions plan




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197172	Planning and Environment Act 1987	s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the collecting agency under an approved infrastructure contributions plan
197173	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
202610	Planning and Environment Act 1987	s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
202611	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the collecting agency under an approved infrastructure contributions plan
202612	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the development agency under an approved infrastructure contributions plan
202613	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the development agency under an approved infrastructure contributions plan
202614	Planning and Environment Act 1987	s 46GZF(3)	Function of receiving proceeds of sale	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the collection agency under an approved infrastructure contributions plan




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					This provision does not apply where Council is also the development agency
202615	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the collecting agency under an approved infrastructure contributions plan
202616	Planning and Environment Act 1987	s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the collecting agency under an approved infrastructure contributions plan
202617	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is the collecting agency under an approved infrastructure contributions plan



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197174	Planning and Environment Act 1987	s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is a collecting agency or development agency
202618	Planning and Environment Act 1987	s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	Where Council is a collecting agency or development agency
202619	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196779	Planning and Environment Act 1987	s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196780	Planning and Environment Act 1987	s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	DCD, MCPLAN,	




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				MSPLAN, CSP, CSTP	
196781	Planning and Environment Act 1987	s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DCD, MCPLAN, MSPLAN, CSP, CSTP	
196782	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP	
196783	Planning and Environment Act 1987	s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196784	Planning and Environment Act 1987	s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	DCD, MCPLAN, MSPLAN	




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196785	Planning and Environment Act 1987	s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	DCD, MCPLAN, MSPLAN	
196786	Planning and Environment Act 1987	s 46Q(1)	Duty to keep proper accounts of levies paid	DCD, MCPLAN, MSPLAN, CSP, CSTP	
196787	Planning and Environment Act 1987	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	STP, SSP, DCD, MCPLAN, MSPLAN, CSP	
196788	Planning and Environment Act 1987	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, MCPLAN, MSPLAN	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196789	Planning and Environment Act 1987	s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DCD, MCPLAN, MSPLAN	Only applies when levy is paid to Council as a 'development agency'
196790	Planning and Environment Act 1987	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, MCPLAN, MSPLAN	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
196791	Planning and Environment Act 1987	s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	DCD, MCPLAN, MSPLAN, CSTP	Must be done in accordance with Part 3
196792	Planning and Environment Act 1987	s46Q(4)(e)	Duty to expend that amount on other works etc.	DCD, MCPLAN, MSPLAN	With the consent of, and in the manner approved by, the Minister



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196793	Planning and Environment Act 1987	s 46QC	Power to recover any amount of levy payable under Part 3B	DCD, MCPLAN, MSPLAN, CSTP	
197175	Planning and Environment Act 1987	s 46QD	Duty to prepare report and give a report to the Minister	DCD, MCPLAN, MSPLAN, CSP, CSTP	Where Council is a collecting agency or development agency
196794	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSTP	
628589	Planning and Environment Act 1987	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	DCD, MCPLAN, MSPLAN, CSTP	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			prescribe fee, after the inspection period		
628590	Planning and Environment Act 1987	s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	DCD, MCPLAN, MSPLAN, CSTP	
628591	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSTP	
196795	Planning and Environment Act 1987	s 46Y	Duty to carry out works in conformity with the approved strategy plan	DCD, MCPLAN, MSPLAN	
196796	Planning and Environment Act 1987	s 47	Power to decide that an application for a planning permit does not comply with that Act	SO, SSP, DCD, MCPLAN, MSPLAN, CSP, PO, PP, SP, TLSP	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196797	Planning and Environment Act 1987	s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196798	Planning and Environment Act 1987	s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196799	Planning and Environment Act 1987	s 50(4)	Duty to amend application	SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, SP, TLSP	
196800	Planning and Environment Act 1987	s 50(5)	Power to refuse to amend application	DCD, MCPLAN, MSPLAN,	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				CSTP, PP, SP, TLSP	
236542	Planning and Environment Act 1987	s 50(6)	Duty to make note of amendment to application in register	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196802	Planning and Environment Act 1987	s 50A(1)	Power to make amendment to application	DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196803	Planning and Environment Act 1987	s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196804	Planning and Environment Act 1987	s 50A(4)	Duty to note amendment to application in register	SO, STP, SSP, DCD, MCPLAN,	

S6. Instrument of Delegation to Staff


April 2025 update: Page | 52



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196805	Planning and Environment Act 1987	s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196806	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, SP, TLSP	<p>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:</p> <ul style="list-style-type: none"> • where a decision is made not to give notice and the reasons • the proposed method of giving notice of major applications

S6. Instrument of Delegation to Staff

April 2025 update: Page | 53



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196807	Planning and Environment Act 1987	s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196808	Planning and Environment Act 1987	s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196809	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196810	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	

S6. Instrument of Delegation to Staff

April 2025 update: Page | 54



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196811	Planning and Environment Act 1987	s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected	DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196812	Planning and Environment Act 1987	s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196813	Planning and Environment Act 1987	s 52(3)	Power to give any further notice of an application where appropriate	DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196814	Planning and Environment Act 1987	s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	DCD, MCPLAN, MSPLAN, CSP, CSTP,	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				PO, PP, SP, TLSP	
196815	Planning and Environment Act 1987	s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196816	Planning and Environment Act 1987	s 54(1)	Power to require the applicant to provide more information	DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196817	Planning and Environment Act 1987	s 54(1A)	Duty to give notice in writing of information required under s 54(1)	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196818	Planning and Environment Act 1987	s 54(1B)	Duty to specify the lapse date for an application	STP, SSP, DCD, MCPLAN,	

S6. Instrument of Delegation to Staff

April 2025 update: Page | 56



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196819	Planning and Environment Act 1987	s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196820	Planning and Environment Act 1987	s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196821	Planning and Environment Act 1987	s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP,	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				PO, PP, SP, TLSP	
761449	Monash Planning Scheme, Planning Permits and Section 173 Agreements	s 57(1)	Power to object to object to the grant of a permit	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	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.
196822	Planning and Environment Act 1987	s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	DCD, MCPLAN, MSPLAN, CSP, TLSP	
196823	Planning and Environment Act 1987	s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196824	Planning and Environment Act 1987	s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196825	Planning and Environment Act 1987	s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, SP, TLSP	
196826	Planning and Environment Act 1987	s 57A(5)	Power to refuse to amend application	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, SP, TLSP	
196827	Planning and Environment Act 1987	s 57A(6)	Duty to note amendments to application in register	SO, STP, SSP, DCD, MCPLAN,	

S6. Instrument of Delegation to Staff


April 2025 update: Page | 59




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196828	Planning and Environment Act 1987	s 57B(1)	Duty to determine whether and to whom notice should be given	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, SP, TLSP	<p>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:</p> <ul style="list-style-type: none"> • where a decision is made not to give notice and the reasons • the proposed method of giving notice of major applications
196829	Planning and Environment Act 1987	s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DCD, MCPLAN, MSPLAN, CSP, PO, PP, SP, TLSP	

S6. Instrument of Delegation to Staff

April 2025 update: Page | 60



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196830	Planning and Environment Act 1987	s 57C(1)	Duty to give copy of amended application to referral authority	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196831	Planning and Environment Act 1987	s 58	Duty to consider every application for a permit	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196832	Planning and Environment Act 1987	s 58A	Power to request advice from the Planning Application Committee	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196833	Planning and Environment Act 1987	s 60	Duty to consider certain matters	DCD, MCPLAN, MSPLAN, CSP, PO, PP, SP, TLSP	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196834	Planning and Environment Act 1987	s 60(1A)	Duty to consider certain matters	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, PO, PP, SP, TLSP	
197176	Planning and Environment Act 1987	s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, PO, PP, SP, TLSP	
196835	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	<p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p> <hr/> <p>Applications for planning permits in the following categories are to be referred to Council for decision:</p> <p>Development in excess of \$4,000,000 and major development proposals, except for:</p>




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					<ul style="list-style-type: none"> Any development in the Special Use Zone up to \$25,000,000 and industrial zones up to \$15,000,000. Any application where officers consider that a failure to determine 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. Any development which meets all the standards of clause 55 of the

S6. Instrument of Delegation to Staff

April 2025 update: Page | 63




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					Planning Scheme (and is deemed to comply under the Townhouse and Low-Rise Code, Statewide amendment introduced in March 2025) and where there are no other permit triggers, is delegated regardless of the cost of the development.
196836	Planning and Environment Act 1987	s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
273403	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196838	Planning and Environment Act 1987	s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Not Delegated	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196839	Planning and Environment Act 1987	s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DCD	
196840	Planning and Environment Act 1987	s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196841	Planning and Environment Act 1987	s 62(1)	Duty to include certain conditions in deciding to grant a permit	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196842	Planning and Environment Act 1987	s 62(2)	Power to include other conditions	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196843	Planning and Environment Act 1987	s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196844	Planning and Environment Act 1987	s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DCD, MCPLAN, MSPLAN, CSP, CSTP, TLSP	
196845	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196846	Planning and Environment Act 1987	s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DCD, MCPLAN, MSPLAN, CSP, CSTP, TLSP	
196847	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196848	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196849	Planning and Environment Act 1987	s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196850	Planning and Environment Act 1987	s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
196851	Planning and Environment Act 1987	s 64(3)	Duty not to issue a permit until after the specified period	DCD, MCPLAN, MSPLAN, CSP, CSTP,	This provision applies also to a decision to grant an amendment to a permit - see s 75



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				PO, PP, SP, TLSP	
196852	Planning and Environment Act 1987	s 64(5)	Duty to give each objector a copy of an exempt decision	DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
196853	Planning and Environment Act 1987	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	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s 75A
196854	Planning and Environment Act 1987	s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP,	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				PO, PP, SP, TLSP	
196855	Planning and Environment Act 1987	s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196856	Planning and Environment Act 1987	s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	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
196857	Planning and Environment Act 1987	s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	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



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196858	Planning and Environment Act 1987	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	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	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
196859	Planning and Environment Act 1987	s 69(1)	Function of receiving application for extension of time of permit	SO, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196860	Planning and Environment Act 1987	s 69(1A)	Function of receiving application for extension of time to complete development	SO, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196861	Planning and Environment Act 1987	s 69(2)	Power to extend time	SO, DCD, MCPLAN, MSPLAN, CSP, CSTP,	The Coordinator Statutory Planning or Team Leader Statutory Planning or other delegated officer may authorise the first, second and third,

S6. Instrument of Delegation to Staff

April 2025 update: Page | 70




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				PO, PP, SP, TLSP	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.
196862	Planning and Environment Act 1987	s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196863	Planning and Environment Act 1987	s 71(1)	Power to correct certain mistakes	SO, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196864	Planning and Environment Act 1987	s 71(2)	Duty to note corrections in register	SO, DCD, MCPLAN, MSPLAN, CSP, CSTP,	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				PO, PP, SP, TLSP	
196865	Planning and Environment Act 1987	s 73	Power to decide to grant amendment subject to conditions	SO, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196866	Planning and Environment Act 1987	s 74	Duty to issue amended permit to applicant if no objectors	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196867	Planning and Environment Act 1987	s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196868	Planning and Environment Act 1987	s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	STP, SSP, DCD, MCPLAN,	

S6. Instrument of Delegation to Staff

April 2025 update: Page | 72



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196869	Planning and Environment Act 1987	s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	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
196870	Planning and Environment Act 1987	s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	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
196871	Planning and Environment Act 1987	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	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP,	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



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				PO, PP, SP, TLSP	
196872	Planning and Environment Act 1987	s 76D	Duty to comply with direction of Minister to issue amended permit	DCD, MCPLAN, MSPLAN, CSP, CSTP, TLSP	
761450	Monash Planning Scheme, Planning Permits and Section 173 Agreements	s82(1)	Duty to apply to the Tribunal for review of a decision of the responsible authority to grant a permit.	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196873	Planning and Environment Act 1987	s 83	Function of being respondent to an appeal	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196874	Planning and Environment Act 1987	s 83B	Duty to give or publish notice of application for review	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP,	

S6. Instrument of Delegation to Staff

April 2025 update: Page | 74



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				PO, PP, SP, TLSP	
196875	Planning and Environment Act 1987	s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DCD, MCPLAN, MSPLAN, CSP, CSTP, TLSP	
196876	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, TLSP	
196877	Planning and Environment Act 1987	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	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196878	Planning and Environment Act 1987	s 84(6)	Duty to issue permit on receipt of advice within 3 business days	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP,	

S6. Instrument of Delegation to Staff

April 2025 update: Page | 75



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				PO, PP, SP, TLSP	
202620	Planning and Environment Act 1987	s 84AB	Power to agree to confining a review by the Tribunal	DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	Except where the decision is made at a council meeting, where only the DCD is delegated to exercise power.
196879	Planning and Environment Act 1987	s 86	Duty to issue a permit at order of Tribunal within 3 business days	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196880	Planning and Environment Act 1987	s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DCD, MCPLAN, MSPLAN	
196881	Planning and Environment Act 1987	s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP,	

S6. Instrument of Delegation to Staff

April 2025 update: Page | 76



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				PO, PP, SP, TLSP	
196882	Planning and Environment Act 1987	s 91(2)	Duty to comply with the directions of VCAT	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196883	Planning and Environment Act 1987	s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196884	Planning and Environment Act 1987	s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196885	Planning and Environment Act 1987	s 93(2)	Duty to give notice of VCAT order to stop development	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196886	Planning and Environment Act 1987	s 95(3)	Function of referring certain applications to the Minister	DCD, MCPLAN, MSPLAN	
196887	Planning and Environment Act 1987	s 95(4)	Duty to comply with an order or direction	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196888	Planning and Environment Act 1987	s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DCD, MCPLAN, MSPLAN	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196889	Planning and Environment Act 1987	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	
196890	Planning and Environment Act 1987	s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	DCD, MCPLAN, MSPLAN, CSP, CSTP	
196891	Planning and Environment Act 1987	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, MCPLAN, MSPLAN	
196892	Planning and Environment Act 1987	s 96F	Duty to consider the panel's report under s 96E	DCD, MCPLAN, MSPLAN, CSP, CSTP	
196893	Planning and Environment Act 1987	s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be	DCD, MCPLAN,	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996	MSPLAN, CSP, CSTP	
196894	Planning and Environment Act 1987	s 96H(3)	Power to give notice in compliance with Minister's direction	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196895	Planning and Environment Act 1987	s 96J	Duty to issue permit as directed by the Minister	SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196896	Planning and Environment Act 1987	s 96K	Duty to comply with direction of the Minister to give notice of refusal	SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197148	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196897	Planning and Environment Act 1987	s 97C	Power to request Minister to decide the application	DCD, MCPLAN, MSPLAN, CSP, CSTP	
196898	Planning and Environment Act 1987	s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196899	Planning and Environment Act 1987	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	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196900	Planning and Environment Act 1987	s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196901	Planning and Environment Act 1987	s 97L	Duty to include Ministerial decisions in a register kept under s 49	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196902	Planning and Environment Act 1987	s 97MH	Duty to provide information or assistance to the Planning Application Committee	DCD, MCPLAN, MSPLAN, CSP, CSTP	
196903	Planning and Environment Act 1987	s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DCD, MCPLAN, MSPLAN, CSP, CSTP	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196904	Planning and Environment Act 1987	s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP	
196905	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196906	Planning and Environment Act 1987	s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
196907	Planning and Environment Act 1987	s 97Q(4)	Duty to comply with directions of VCAT	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196908	Planning and Environment Act 1987	s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196909	Planning and Environment Act 1987	s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DCD, MCPLAN, MSPLAN, CSP, CSTP	
196910	Planning and Environment Act 1987	s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DCD, MCPLAN, MSPLAN, CSP, CSTP, TLSP	
196911	Planning and Environment Act 1987	s 101	Function of receiving claim for expenses in conjunction with claim	DCD, MCPLAN, MSPLAN	
196912	Planning and Environment Act 1987	s 103	Power to reject a claim for compensation in certain circumstances	DCD, MCPLAN, MSPLAN	




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196913	Planning and Environment Act 1987	s.107(1)	Function of receiving claim for compensation	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196914	Planning and Environment Act 1987	s 107(3)	Power to agree to extend time for making claim	DCD, MCPLAN, MSPLAN	
594682	Planning and Environment Act 1987	s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	DCD	
196915	Planning and Environment Act 1987	s 114(1)	Power to apply to the VCAT for an enforcement order	DCD, MCPLAN, MSPLAN, CSP, CSTP	
196916	Planning and Environment Act 1987	s 117(1)(a)	Function of making a submission to the VCAT where objections are received	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP,	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				PO, PP, SP, TLPI, TLSP	
196917	Planning and Environment Act 1987	s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DCD, MCPLAN, MSPLAN	
196918	Planning and Environment Act 1987	s 123(1)	Power to carry out work required by enforcement order and recover costs	DCD, MCPLAN, MSPLAN	
196919	Planning and Environment Act 1987	s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DCD, MCPLAN, MSPLAN	Except Crown Land
703089	Planning and Environment Act 1987	s 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.	CEO, DCD	Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal.
196920	Planning and Environment Act 1987	s 129	Function of recovering penalties	STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP,	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				PO, PP, SP, TLPI, TLSP	
196921	Planning and Environment Act 1987	s 130(5)	Power to allow person served with an infringement notice further time	DCD, MCPLAN, MSPLAN, CSP, TLPI	
196922	Planning and Environment Act 1987	s 149A(1)	Power to refer a matter to the VCAT for determination	DCD, MCPLAN, MSPLAN, CSP, TLPI	
196923	Planning and Environment Act 1987	s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DCD, MCPLAN, MSPLAN, CSP, TLPI	
703090	Planning and Environment Act 1987	s 149B	Power to apply to the Tribunal for a declaration.	CEO, DCD	
196924	Planning and Environment Act 1987	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	DCD, MCPLAN, MSPLAN, CSP, CSTP	Where Council is the relevant planning authority



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			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)		
196925	Planning and Environment Act 1987	s 171(2)(f)	Power to carry out studies and commission reports	DCD, MCPLAN, MSPLAN	
236543	Planning and Environment Act 1987	s 171(2)(g)	Power to grant and reserve easements	DCD, MCPLAN, MSPLAN	
202621	Planning and Environment Act 1987	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
202622	Planning and Environment Act 1987	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
202623	Planning and Environment Act 1987	s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be	DCD	Where Council is the development agency specified in an approved infrastructure contributions plan

S6. Instrument of Delegation to Staff


April 2025 update: Page | 88



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)		
196927	Planning and Environment Act 1987	s 173(1)	Power to enter into agreement covering matters set out in s 174	DCD, MCPLAN, MSPLAN	
197224	Planning and Environment Act 1987	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, MCPLAN, MSPLAN	Where Council is the relevant responsible authority
196928	Planning and Environment Act 1987		Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	DCD, MCPLAN, MSPLAN	
196929	Planning and Environment Act 1987		Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that	DCD, MCPLAN, MSPLAN	

S6. Instrument of Delegation to Staff

April 2025 update: Page | 89




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			something may not be done without the consent of Council or Responsible Authority		
196930	Planning and Environment Act 1987	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, MCPLAN, MSPLAN	
196931	Planning and Environment Act 1987	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, MCPLAN, MSPLAN	
196932	Planning and Environment Act 1987	s 178A(1)	Function of receiving application to amend or end an agreement	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196933	Planning and Environment Act 1987	s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DCD, MCPLAN, MSPLAN	MCP, MSM with prior discussions with DCD.




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196934	Planning and Environment Act 1987	s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DCD, MCPLAN, MSPLAN	MCP, MSM with prior discussions with DCD.
196935	Planning and Environment Act 1987	s 178A(5)	Power to propose to amend or end an agreement	DCD, MCPLAN, MSPLAN	MCP, MSM with prior discussions with DCD.
196936	Planning and Environment Act 1987	s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DCD, MCPLAN, MSPLAN	
196937	Planning and Environment Act 1987	s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DCD, MCPLAN, MSPLAN	
196938	Planning and Environment Act 1987	s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally	DCD, MCPLAN, MSPLAN, CSP, CSTP	




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			affected by decision to amend or end		
196939	Planning and Environment Act 1987	s 178C(4)	Function of determining how to give notice under s 178C(2)	DCD, MCPLAN, MSPLAN, CSP, CSTP	
196940	Planning and Environment Act 1987	s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DCD, MCPLAN, MSPLAN, CSP, CSTP	
196941	Planning and Environment Act 1987	s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DCD, MCPLAN, MSPLAN	If no objections are made under s 178D Must consider matters in s 178B
196942	Planning and Environment Act 1987	s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DCD, MCPLAN, MSM	If no objections are made under s 178D Must consider matters in s 178B




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196943	Planning and Environment Act 1987	s 178E(2)(c)	Power to refuse to amend or end the agreement	DCD, MCPLAN, MSM	If no objections are made under s 178D Must consider matters in s 178B
196944	Planning and Environment Act 1987	s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DCD, MCPLAN, MSM	After considering objections, submissions and matters in s 178B
196945	Planning and Environment Act 1987	s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DCD, MCPLAN, MSM	After considering objections, submissions and matters in s 178B
196946	Planning and Environment Act 1987	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



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196947	Planning and Environment Act 1987	s 178E(3)(d)	Power to refuse to amend or end the agreement	DCD, MCPLAN, MSM	After considering objections, submissions and matters in s 178B
196948	Planning and Environment Act 1987	s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	DCD, MCPLAN, MSPLAN, CSP, CSTP	
196949	Planning and Environment Act 1987	s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DCD, MCPLAN, MSPLAN, CSP, CSTP	
196950	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP	
196951	Planning and Environment Act 1987	s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DCD	




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196952	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP	
196953	Planning and Environment Act 1987	s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DCD, MCPLAN, MSPLAN, CSP, CSTP	
196954	Planning and Environment Act 1987	s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196955	Planning and Environment Act 1987	s 181	Duty to apply to the Registrar of Titles to record the agreement	DCD, MCPLAN, MSPLAN, CSP, CSTP, TLSP	




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196956	Planning and Environment Act 1987	s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DCD, MCPLAN, MSPLAN, CSP, CSTP, TLSP	
196957	Planning and Environment Act 1987	s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DCD, MCPLAN, MSPLAN, CSP, CSTP, TLSP	
196958	Planning and Environment Act 1987	s 182	Power to enforce an agreement	DCD, MCPLAN, MSPLAN	
196959	Planning and Environment Act 1987	s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196960	Planning and Environment Act 1987	s 184F(1)	Power to decide to amend or end an agreement at any time after an	DCD, MCPLAN, MSPLAN	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			application for review of the failure of Council to make a decision		
196961	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, TLSP	
196962	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, TLSP	
196963	Planning and Environment Act 1987	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, MCPLAN, MSPLAN, CSP, CSTP, TLSP	




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196964	Planning and Environment Act 1987	s 184G(2)	Duty to comply with a direction of the Tribunal	DCD, MCPLAN, MSPLAN, CSP, CSTP, TLSP	
196965	Planning and Environment Act 1987	s 184G(3)	Duty to give notice as directed by the Tribunal	DCD, MCPLAN, MSPLAN, CSP, CSTP, TLSP	
628592	Planning and Environment Act 1987	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	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196966	Planning and Environment Act 1987	s 198(1)	Function to receive application for planning certificate	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
196967	Planning and Environment Act 1987	s 199(1)	Duty to give planning certificate to applicant	DCD, MCPLAN, MSPLAN, CSP, CSTP, TLSP	
196968	Planning and Environment Act 1987	s 201(1)	Function of receiving application for declaration of underlying zoning	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	
196969	Planning and Environment Act 1987	s 201(3)	Duty to make declaration	DCD, MCPLAN, MSPLAN	
196970	Planning and Environment Act 1987		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, MCPLAN, MSPLAN	
196971	Planning and Environment Act 1987		Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which	DCD, MCPLAN, MSPLAN	

S6. Instrument of Delegation to Staff

April 2025 update: Page | 99



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			requires the consent or approval of Council		
196972	Planning and Environment Act 1987		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, MCPLAN, MSPLAN	
196973	Planning and Environment Act 1987		Power to give written authorisation in accordance with a provision of a planning scheme	DCD, MCPLAN, MSPLAN	
196974	Planning and Environment Act 1987	s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	DCD, MCPLAN, MSPLAN	
196975	Planning and Environment Act 1987	s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested	DCD, MCPLAN, MSPLAN	

S6. Instrument of Delegation to Staff

April 2025 update: Page | 100



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			under s 201UAB(1) as soon as possible		
761451	Monash Planning Scheme, Planning Permits and Section 173 Agreements	Settling at the Victorian Civil and Administrative Tribunal (VCAT)	Power to settle VCAT appeals of planning decisions	DCD, MCPLAN, MSPLAN, CSP, TLSP	<p>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.</p> <p>Requirements:</p> <p>A Permit, Amended Permit or Notice of Decision may issue:</p> <ul style="list-style-type: none"> 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. Where an application is in minor non-compliance with the relevant Council Code and no formal objections are received.



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					<ul style="list-style-type: none"> 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. A report is to be prepared and must be approved by the appropriate delegate stating the following – <p>Proposal, policy implications</p> <p>Consultation, conclusion</p> <p>Recommendation.</p> <p>Requirements:</p> <p>A Refusal may issue:</p> <ul style="list-style-type: none"> Where an application is lodged that is not in compliance with the relevant Council Policies and/or the provisions of the Monash Planning Scheme. <p>Notwithstanding, applications</p>

S6. Instrument of Delegation to Staff


April 2025 update: Page | 102




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					<p>of this type may be referred to Council.</p> <ul style="list-style-type: none"> A report is to be prepared and must be approved by the appropriate delegate stating the following – <p>Proposal, policy implications</p> <p>Consultation, conclusion</p> <p>Recommendation.</p> <p>With regard to the above requirements, 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.</p>
699107	Monash Planning Scheme, Planning Permits and Section 173 Agreements	Clause in agreement made under s173 of the Planning and	Power to give consent of behalf of Council. where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	

S6. Instrument of Delegation to Staff


April 2025 update: Page | 103




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
		Environment Act 1987	the consent of Council or Responsible Authority.		
699106	Monash Planning Scheme, Planning Permits and Section 173 Agreements	Clause in agreement made under s173 of the Planning and Environment Act 1987	Power to decide whether something is to the satisfaction of Council, where an agreement made under s173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or the Responsible Authority	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
699105	Monash Planning Scheme, Planning Permits and Section 173 Agreements	Clause in agreement made under s173 of the Planning and Environment Act 1987 or s52A of Town and Country Planning Act 1961	Power vested in Council under agreement made under s173 of the Planning and Environment Act 1987 or s52A of Town and Country Planning Act 1961 to provide secondary consent for an amendment of a specified document	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
699104	Monash Planning Scheme, Planning Permits and Section 173 Agreements	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
699103	Monash Planning Scheme, Planning Permits and Section 173 Agreements	Planning Scheme Provision	Any other discretion vested in the Council under the Monash Planning Scheme	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
699102	Monash Planning Scheme, Planning Permits and Section 173 Agreements	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 Plan Overlay).	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
699101	Monash Planning Scheme, Planning Permits and Section 173 Agreements	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, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
197001	Residential Tenancies Act 1997	s 518F	Power to issue notice to caravan park regarding emergency management	DCD, MCA, CPH, EHO,	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			plan if determined that the plan does not comply with the requirements	SEHO, TLPH, EHT	
197002	Residential Tenancies Act 1997	s 522(1)	Power to give a compliance notice to a person	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	
197003	Residential Tenancies Act 1997	s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	DCD, MCA	
197004	Residential Tenancies Act 1997	s 525(4)	Duty to issue identity card to authorised officers	DCD, MCA, CPH, TLPH	
197005	Residential Tenancies Act 1997	s 526(5)	Duty to keep record of entry by authorised officer under s 526	DCD, MCA, CPH, EHO, SEHO, TLPH, EHT	
197006	Residential Tenancies Act 1997	s 526A(3)	Function of receiving report of inspection	DCD, MCA, CPH, EHO, SEHO, TLPH	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197007	Residential Tenancies Act 1997	s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	DCD, MCA, CPH, EHO, PO, PLO, SEHO, TLPH, EHT	
197008	Road Management Act 2004	s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	DCS, DCD	Obtain consent in circumstances specified in s 11(2)
197009	Road Management Act 2004	s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	Not Delegated	
197010	Road Management Act 2004	s 11(9)(b)	Duty to advise Registrar	DCS, DCD	
197011	Road Management Act 2004	s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	Not Delegated	Subject to s 11(10A)




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197012	Road Management Act 2004	s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DCS, DCD	Where Council is the coordinating road authority
755999	Road Management Act 2004	s 12(2)(b)	Function of providing consent to the Head, Transport for Victoria for the discontinuance of a road or part of a road	DCS, DCD	
197018	Road Management Act 2004	s 12(10)	Duty to notify of decision made	DCS, DCD	<p>Duty of coordinating road authority where it is the discontinuing body</p> <p>Does not apply where an exemption is specified by the regulations or given by the Minister</p>
197019	Road Management Act 2004	s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	DCS, DCD	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
197020	Road Management Act 2004	s 14(4)	Function of receiving notice from the Head, Transport for Victoria	DCS, DCD	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197021	Road Management Act 2004	s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	DCS, DCD	
197022	Road Management Act 2004	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	DCS, DCD	
197023	Road Management Act 2004	s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DCS, DCD	
197024	Road Management Act 2004	s 15(2)	Duty to include details of arrangement in public roads register	CSAM, MENG, MSAM, CDE	

S6. Instrument of Delegation to Staff

April 2025 update: Page | 109



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197025	Road Management Act 2004	s 16(7)	Power to enter into an arrangement under s 15	DCS, DCD	
197026	Road Management Act 2004	s 16(8)	Duty to enter details of determination in public roads register	CSAM, MENG, MSAM, CDE	
197027	Road Management Act 2004	s 17(2)	Duty to register public road in public roads register	CSAM, MENG, MSAM, CDE	Where Council is the coordinating road authority
197028	Road Management Act 2004	s 17(3)	Power to decide that a road is reasonably required for general public use	CSAM, MENG, MSAM, CDE	Where Council is the coordinating road authority
197029	Road Management Act 2004	s 17(3)	Duty to register a road reasonably required for general public use in public roads register	CSAM, MENG, MSAM, CDE	Where Council is the coordinating road authority
197030	Road Management Act 2004	s 17(4)	Power to decide that a road is no longer reasonably required for general public use	CSAM, MENG, MSAM, CDE	Where Council is the coordinating road authority



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197031	Road Management Act 2004	s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	CSAM, MENG, MSAM, CDE	Where Council is the coordinating road authority
197032	Road Management Act 2004	s 18(1)	Power to designate ancillary area	CSAM, MENG, MSAM, CDE	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
197033	Road Management Act 2004	s 18(3)	Duty to record designation in public roads register	CSAM, MENG, MSAM, CDE	Where Council is the coordinating road authority
197034	Road Management Act 2004	s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	CSAM, MENG, MSAM, CDE	
197035	Road Management Act 2004	s 19(4)	Duty to specify details of discontinuance in public roads register	CSAM, MENG, MSAM, CDE	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197036	Road Management Act 2004	s 19(5)	Duty to ensure public roads register is available for public inspection	CSAM, MENG, MSAM, CDE	
197037	Road Management Act 2004	s 21	Function of replying to request for information or advice	DCS, DCD	Obtain consent in circumstances specified in s 11(2)
197038	Road Management Act 2004	s 22(2)	Function of commenting on proposed direction	DCS, DCD	
197039	Road Management Act 2004	s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	DCS, DCD, MENG, MSAM	
197040	Road Management Act 2004	s 22(5)	Duty to give effect to a direction under s 22	DCS, DCD	
197041	Road Management Act 2004	s 40(1)	Duty to inspect, maintain and repair a public road.	DCS, DCD, MCW,	




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				MENG, MSAM, MFIM	
197042	Road Management Act 2004	s 40(5)	Power to inspect, maintain and repair a road which is not a public road	DCS, DCD, MCW, MENG, MSAM, MSM, MFIM	
197043	Road Management Act 2004	s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DCS, MCW, MENG, MSAM, MSM, MFIM	
197044	Road Management Act 2004	s 42(1)	Power to declare a public road as a controlled access road	CSAM, DCS, DCD, MENG, MSAM	Power of coordinating road authority and sch 2 also applies
197045	Road Management Act 2004	s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CSAM, DCS, DCD, MENG, MSAM	Power of coordinating road authority and sch 2 also applies
197046	Road Management Act 2004	s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	CSAM, DCS, DCD, MENG, MSAM	Where Council is the coordinating road authority

S6. Instrument of Delegation to Staff

April 2025 update: Page | 113



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					If road is a municipal road or part thereof
197047	Road Management Act 2004	s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	CSAM, DCS, DCD, MENG, MSAM	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
197048	Road Management Act 2004	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)	CSAM, DCS, DCD, MCW, MENG, MSAM, MSM, MFIM	Where Council is the responsible road authority, infrastructure manager or works manager
197049	Road Management Act 2004	s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	DCD, MENG, CTE	
197050	Road Management Act 2004	s 49	Power to develop and publish a road management plan	CSAM, MSAM	
197051	Road Management Act 2004	s 51	Power to determine standards by incorporating the standards in a road management plan	CSAM, DCS, DCD, MENG, MSAM	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197052	Road Management Act 2004	s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CSAM, DCS, MSAM	
197053	Road Management Act 2004	s 54(2)	Duty to give notice of proposal to make a road management plan	CSAM, DCS, MSAM	
197054	Road Management Act 2004	s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CSAM, DCS, MSAM	
197055	Road Management Act 2004	s 54(6)	Power to amend road management plan	CSAM, DCS, MSAM	
197056	Road Management Act 2004	s 54(7)	Duty to incorporate the amendments into the road management plan	CSAM, DCS, MSAM	
197057	Road Management Act 2004	s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CSAM, DCS, MSAM	
197058	Road Management Act 2004	s 63(1)	Power to consent to conduct of works on road	CSAM, DCS, DCD, MCW, MENG, MSAM, MSM, CIM, CDE,	Where Council is the coordinating road authority

S6. Instrument of Delegation to Staff


April 2025 update: Page | 115



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				MFIM, MHS, CCIP	
197059	Road Management Act 2004	s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CSAM, DCS, DCD, MCW, MENG, MSAM, MSM, CIM, CDE, MFIM, MHS, CCIP	Where Council is the infrastructure manager
197060	Road Management Act 2004	s 64(1)	Duty to comply with cl 13 of sch 7	CSAM, DCS, DCD, MCW, MENG, MSAM, CIM, CDE, MFIM, MHS, CCIP	Where Council is the infrastructure manager or works manager
197061	Road Management Act 2004	s 66(1)	Power to consent to structure etc	CSAM, DCS, DCD, MENG, MSAM	Where Council is the coordinating road authority
197062	Road Management Act 2004	s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	CSAM, DCS, DCD, MENG, MSAM	Where Council is the coordinating road authority



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197063	Road Management Act 2004	s 67(3)	Power to request information	CSAM, DCS, DCD, MENG, MSAM	Where Council is the coordinating road authority
197064	Road Management Act 2004	s 68(2)	Power to request information	CSAM, DCS, DCD, MENG, MSAM	Where Council is the coordinating road authority
197065	Road Management Act 2004	s 71(3)	Power to appoint an authorised officer	CEO	
197066	Road Management Act 2004	s 72	Duty to issue an identity card to each authorised officer	DCS, DCD, MCW, MENG, MSAM, MSM, MFIM, MHS	
197067	Road Management Act 2004	s 85	Function of receiving report from authorised officer	DCS, DCD, MCW, MENG, MSAM, MSM, CAPE, MFIM, MHS, PAPE, TLAP	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197068	Road Management Act 2004	s 86	Duty to keep register re s 85 matters	DCS, DCD, MCW, MENG, MSAM, MSM, MFIM, MHS	
197069	Road Management Act 2004	s 87(1)	Function of receiving complaints	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS	
197070	Road Management Act 2004	s 87(2)	Duty to investigate complaint and provide report	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS	
594683	Road Management Act 2004	s 96	Power to authorise a person for the purpose of instituting legal proceedings	CEO, DCS, DCD	
197071	Road Management Act 2004	s 112(2)	Power to recover damages in court	CEO, DCS, DCD, MSM	
197072	Road Management Act 2004	s 116	Power to cause or carry out inspection	CSAM, DCS, DCD, MCW, MENG,	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				MSAM, MSM, CIM, CAPE, CDE, MFIM, MHS, CCIP, PAPE	
197073	Road Management Act 2004	s 119(2)	Function of consulting with the Head, Transport for Victoria	CSAM, DCS, DCD, MCW, MENG, MSAM, MSM, CIM, CDE, MFIM, MHS, CCIP	
197074	Road Management Act 2004	s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	CSAM, DCS, DCD, MCW, MENG, MSAM, MSM, CIM, CDE, MFIM, MHS, CCIP	
197075	Road Management Act 2004	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)	CSAM, DCS, DCD, MCW, MENG, MSAM, MSM, CIM, CDE,	

S6. Instrument of Delegation to Staff


April 2025 update: Page | 119




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				MFIM, MHS, CCIP	
197076	Road Management Act 2004	s 121(1)	Power to enter into an agreement in respect of works	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS	
197077	Road Management Act 2004	s 122(1)	Power to charge and recover fees	DCS, DCD, MCW, MENG, MSAM, CAPE, MFIM, MHS, PAPE	
197078	Road Management Act 2004	s 123(1)	Power to charge for any service	DCS, DCD, MCW, MENG, MSAM, CAPE, MFIM, MHS, PAPE	
197079	Road Management Act 2004	sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS	

S6. Instrument of Delegation to Staff

April 2025 update: Page | 120



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197080	Road Management Act 2004	sch 2 cl 3(1)	Duty to make policy about controlled access roads	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS	
197081	Road Management Act 2004	sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS	
197082	Road Management Act 2004	sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS	
197083	Road Management Act 2004	sch 2 cl 5	Duty to publish notice of declaration	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS	
197084	Road Management Act 2004	sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road	DCS, DCD, MCW, MENG,	Where Council is the infrastructure manager or works manager




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			infrastructure or related works on a road reserve	MSAM, MFIM, MHS	
197085	Road Management Act 2004	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	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS	Where Council is the infrastructure manager or works manager
197086	Road Management Act 2004	sch 7 cla 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	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
197087	Road Management Act 2004	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	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS	Where Council is the infrastructure manager or works manager




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			be in an unsafe condition or appear to need maintenance		
197088	Road Management Act 2004	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	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS	Where Council is the infrastructure manager or works manager
197089	Road Management Act 2004	sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	DCS, DCD, MCW, MENG, MSAM, CAPE, MFIM, MHS, CCIP, APO, PAPE	Where Council is the coordinating road authority
197090	Road Management Act 2004	sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DCS, DCD, MCW, MENG, MSAM, CAPE, MFIM, MHS, CCIP, APO, PAPE	Where Council is the coordinating road authority
197091	Road Management Act 2004	sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	DCS, DCD, MCW, MENG,	Where Council is the coordinating road authority

S6. Instrument of Delegation to Staff


April 2025 update: Page | 123



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				MSAM, CAPE, MFIM, MHS, CCIP, APO, PAPE, TLAP	
197092	Road Management Act 2004	sch 7 cl 12(5)	Power to recover costs	DCS, DCD, MCW, MENG, MSAM, CAPE, MFIM, MHS, CCIP, APO, PAPE	Where Council is the coordinating road authority
197093	Road Management Act 2004	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)	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS, CCIP	Where Council is the works manager
197094	Road Management Act 2004	sch 7 cl 13(2)	Power to vary notice period	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS, CCIP	Where Council is the coordinating road authority



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197095	Road Management Act 2004	sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS, CCIP	Where Council is the infrastructure manager
197096	Road Management Act 2004	sch 7 cl 16(1)	Power to consent to proposed works	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS, CCIP	Where Council is the coordinating road authority
197097	Road Management Act 2004	sch 7 cl 16(4)	Duty to consult	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS	Where Council is the coordinating road authority, responsible authority or infrastructure manager
197098	Road Management Act 2004	sch 7 cl 16(5)	Power to consent to proposed works	DCS, DCD, MCW, MENG, MSAM, CAPE, MFIM, MHS, CCIP, PAPE	Where Council is the coordinating road authority



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197099	Road Management Act 2004	sch 7 cl 16(6)	Power to set reasonable conditions on consent	DCS, DCD, MCW, MENG, MSAM, CAPE, CTE, CDE, MFIM, MHS, CCIP, PAPE	Where Council is the coordinating road authority
197100	Road Management Act 2004	sch 7 cl 16(8)	Power to include consents and conditions	DCS, DCD, MCW, MENG, MSAM, CAPE, CTE, CDE, MFIM, MHS, CCIP, PAPE	Where Council is the coordinating road authority
197101	Road Management Act 2004	sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS, CCIP	Where Council is the coordinating road authority
197102	Road Management Act 2004	sch 7 cl18(1)	Power to enter into an agreement	DCS, DCD, MCW,	Where Council is the coordinating road authority

S6. Instrument of Delegation to Staff

April 2025 update: Page | 126




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				MENG, MSAM, CAPE, CTE, CDE, MFIM, MHS, CCIP, PAPE	
197103	Road Management Act 2004	sch7 cl 19(1)	Power to give notice requiring rectification of works	DCS, DCD, MCW, MENG, MSAM, CAPE, CTE, CDE, MFIM, MHS, CCIP, PAPE	Where Council is the coordinating road authority
197104	Road Management Act 2004	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	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS, CCIP	Where Council is the coordinating road authority
197105	Road Management Act 2004	sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DCS, DCD, MCW, MENG,	Where Council is the coordinating road authority

S6. Instrument of Delegation to Staff


April 2025 update: Page | 127




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				MSAM, MFIM, MHS	
197106	Road Management Act 2004	sch 7A cl 2	Power to cause street lights to be installed on roads	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
197107	Road Management Act 2004	sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	CSAM, DCS, DCD, MCW, MENG, MSAM, MFIM	Where Council is the responsible road authority
197108	Road Management Act 2004	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	CSAM, DCS, DCD, MCW, MENG, MSAM, MFIM	Where Council is the responsible road authority
197109	Road Management Act 2004	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	CSAM, DCS, DCD, MCW, MENG, MSAM, MFIM	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197110	Planning and Environment Regulations 2015	r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	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.
197111	Planning and Environment Regulations 2015	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 section 54 of the Act	DCD, MCPLAN, MSPLAN, CSP, CSTP, PP, TLSP	
197159	Planning and Environment Regulations 2015	r.25(a)	Duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	Where Council is the responsible authority




ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197160	Planning and Environment Regulations 2015	r.25(b)	Function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	Where Council is not the responsible authority but the relevant land is within Council's municipal district
197112	Planning and Environment Regulations 2015	r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	SO, STP, SSP, DCD, MCPLAN, MSPLAN, CSP, CSTP, PO, PP, SP, TLSP	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
197149	Planning and Environment (Fees) Regulations 2016	r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	DCD, MCPLAN, MSPLAN, CSP, CSTP, TLSP	
197220	Planning and Environment (Fees) Regulations 2016	r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DCD, MCPLAN, MSPLAN, CSP, CSTP	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197150	Planning and Environment (Fees) Regulations 2016	r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	DCD, MCPLAN, MSPLAN, CSP, CSTP	
197138	Road Management (General) Regulations 2016	r 8(1)	Duty to conduct reviews of road management plan	CSAM, DCS, MSAM	
197139	Road Management (General) Regulations 2016	r 9(2)	Duty to produce written report of review of road management plan and make report available	CSAM, DCS, MSAM	
197217	Road Management (General) Regulations 2016	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)	CSAM, DCS, MSAM	Where Council is the coordinating road authority
197140	Road Management (General) Regulations 2016	r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	CSAM, DCS, MSAM	



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
197218	Road Management (General) Regulations 2016	r 13(1)	Duty to publish notice of amendments to road management plan	CSAM, DCS, MSAM	where Council is the coordinating road authority
197141	Road Management (General) Regulations 2016	r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	CSAM, DCS, MSAM	
197142	Road Management (General) Regulations 2016	r 16(3)	Power to issue permit	DCS, DCD, MENG, CAPE, PAPE	Where Council is the coordinating road authority
197143	Road Management (General) Regulations 2016	r 18(1)	Power to give written consent re damage to road	DCS, DCD, MCW, MENG, MSAM, CAPE, MFIM, PAPE	Where Council is the coordinating road authority
197144	Road Management (General) Regulations 2016	r 23(2)	Power to make submission to Tribunal	DCS, DCD, MCW, MENG, MSAM, MFIM	Where Council is the coordinating road authority
197219	Road Management (General) Regulations 2016	r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	DCS, DCD, MCW,	Where Council is the coordinating road authority



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				MENG, MSAM, MFIM	
197145	Road Management (General) Regulations 2016	r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	DCS, DCD, MENG	Where Council is the responsible road authority
197146	Road Management (General) Regulations 2016	r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	CSAM, DCS, DCD, MSAM	Where Council is the responsible road authority
197147	Road Management (General) Regulations 2016	r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, DCS, DCD, MENG	
197215	Road Management (Works and Infrastructure) Regulations 2015	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	DCS, DCD, MCW, MENG, MSAM, MFIM, MHS	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
197216	Road Management (Works and	r 22(2)	Power to waive whole or part of fee in certain circumstances	DCS, DCD, MCW,	Where Council is the coordinating road authority

S6. Instrument of Delegation to Staff

April 2025 update: Page | 133



ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Infrastructure) Regulations 2015			MENG, MSAM, CAPE, CTE, CDE, MFIM, MHS, PAPE	

