

**FROM COUNCIL TO STAFF  
CITY DEVELOPMENT DIVISION (CITY PLANNING DEPARTMENT)**

The persons listed occupy to the following positions referred to in the Instrument of Delegation

- Chief Executive Officer* (CEO)
- Director City Development* (DCD)
- Manager City Planning* (MCP)
- Manager Strategic Planning & Economic Development* (MSP&ED)
- Coordinator Statutory Planning* (CSP)
- Coordinator Strategic Planning* (CSTP)

<i>Team Leader Planning Investigations</i>	<i>(TLPI)</i>
<i>Senior Planning Investigations Officer</i>	<i>(SPIO)</i>
<i>Team Leader Statutory Planning</i>	<i>(TL)</i>
<i>Principal Planner</i>	<i>(PP)</i>
<i>Senior Planner</i> <i>(includes Subdivision and VicSmart Planner)</i>	<i>(SP)</i>
<i>Planning Officer</i>	<i>(PO)</i>
<i>Senior Strategic Planner</i>	<i>(SSP)</i>
<i>Strategic Planner</i>	<i>(STP)</i>
<i>Administration Support Officer</i> <i>(includes Coordinator)</i>	<i>(ASO)</i>

**Planning and Environment Act 1987**

<b>Provision</b>	<b>Summary of power</b>	<b>Delegate</b>
s4B	Power to prepare an amendment to the Victorian Planning Provisions if authorised by the Minister	CEO, DCD, MCP, MSP&ED
s4G	Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	CEO, DCD, MCP, MSP&ED, CSTP, SSP, STP
s4H	Duty to make amendments to Victoria Planning Provisions available	CEO, DCD, MCP, MSP&ED, CSTP, SSP, STP
s4I	Duty to keep Victoria Planning Provisions and other documents available	CEO, DCD, MCP, MSP&ED, CSTP, SSP, STP
s.8A(2)	Power to prepare amendment to the Planning Scheme where the Minister has given consent under s.8A	CEO, DCD, MCP, MSP&ED, CSTP
8A(3)	Power to apply to the Minister to prepare an amendment to the planning scheme	CEO, DCD, MCP, MSP&ED, CSTP
s.8A(5)	Function of receiving notice of the Minister's decision	CEO, DCD, MCP, MSP&ED, CSTP
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	CEO, DCD, MCP, MSP&ED, CSTP
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	CEO, DCD, MCP, MSP&ED, CSTP
s12A (1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	CEO, DCD, MCP, MSP&ED, CSTP
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	CEO, DCD, MCP, MSP&ED, CSTP
s12B(1)	Duty to review planning scheme	CEO, DCD, MCP, MSP&ED
s12B(2)	Duty to review planning scheme at direction of Minister	CEO, DCD, MCP, MSP&ED
s12B(5)	Duty to report findings of review of planning scheme to Minister without delay	CEO, DCD, MCP, MSP&ED
s19(1A)	Power to determine whether the number of owners/occupiers affected makes it impractical to notify them all individually about an amendment	CEO, DCD, MCP, MSP&ED, CSTP
s14	Duties of a Responsible Authority as set out in subsections (a) to (d)	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s17(1)	Duty of giving copy of amendment to the Planning Scheme	DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s17(2)	Duty of giving copy of s.173 agreement	DCD, MCP, MSP&ED, CSTP, CSP, TL, SSP, STP
s.17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DCD, MCP, MSP&ED, CSTP, CSP, TL, SSP, STP
s18	Duty to make amendments etc available	DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP

Provision	Summary of power	Delegate
s19	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	CEO, DCD, MCP, MSP&ED, CSTP
s.19	function of receiving notice of preparation of an amendment to a planning scheme (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.)	CEO, DCD, MCP, MSP&ED, CSTP
s20(1)	Power to apply to Minister for exemption from the requirements of s 19	CEO, DCD, MCP, MSP&ED, CSTP
s21(2)	Duty to make submissions available	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s21A(4)	Duty to publish notice in accordance with section	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s22	Duty to consider all submissions	CEO, DCD, MCP, MSP&ED, CSTP
s 22(4)	Power to consider a submission regarding amendment to SPPF	CEO, DCD, MCP, MSP&ED, CSTP
s.23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CEO, DCD, MCP, MSP&ED, CSTP
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, DCD, MCP, MSP&ED, CSTP Only where Council has already resolved to refer Amendment to a Panel.
s24	function to represent Council and present a submission at a panel hearing (including a hearing referred to in s96D)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s 26(1)	Power to make panel report available for inspection	CEO, DCD, MCP, MSP&ED, CSTP
s26(2)	Duty to keep report of panel available for inspection	CEO, DCD, MCP, MSP&ED, CSTP
s 27(2)	Power to apply for exemption if panel's report not received	CEO, DCD, MCP, MSP&ED, CSTP
s.28	Duty to notify the Minister if abandoning an amendment (Note: the power to make a decision to abandon an amendment cannot be delegated)	CEO, DCD, MCP, MSP&ED, CSTP
s30(4)(a)	Duty to say if amendment has lapsed	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s30(4)(b)	Duty to provide information in writing upon request.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s31	Duty to submit adopted amendment to Minister and, if applicable, details under s.19(1B).	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s32(2)	Duty to give more notice if required	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s33(1)	Duty to give more notice of changes to an amendment	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s36(2)	Duty to give notice of an approval to an amendment.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s38(5)	Duty to give notice of revocation of an amendment.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP

Provision	Summary of power	Delegate
s39	Function of being a party to a proceeding commenced under Section 39 and duty to comply with determination by VCAT	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s40(1)	Function of lodging a copy of approved amendment	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s41	Duty to make approved amendment available	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s42	Duty to make copy of Planning Scheme available	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
s.46GF	Duty to comply with directions issued by the Minister	CEO, DCD, MCP, MSP&ED, CSTP, CSP,
s.46GG	Duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	CEO,DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP, SP
s.46GH(1)	Power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	CEO,DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP, SP where council is a collecting agency
s.46GH(2)	Power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	CEO,DCD where council is a collecting agency
s.46GH(3)	Duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	CEO,DCD, MCP, MSP&ED, CSTP, CSP where council is a collecting agency
s.46GI(1)	Duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the <i>Planning and Environment Act 1987</i>	CEO,DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP, SP, <u>AQSO</u> must be done in accordance <i>with Local Government Act 1989</i> .
s.46GI(2)	Duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	CEO,DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP, SP, <u>AQSO</u>
s.46GI(3)	Duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	CEO,DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP, SP
s46GI(4)	Power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the <i>Planning and Environment Act 1987</i> if satisfied that the development is not to proceed	CEO,DCD, MCP, MSP&ED, CSTP, CSP, TL,
s.46GI(5)	Duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	CEO,DCD, MCP, MSP&ED, CSTP, CSP
s.46GL	Power to recover any amount of infrastructure levy as a debt due to Council	CEO,DCD, MCP, MSP&ED, CSTP, CSP,TL where council is a collecting agency

Provision	Summary of power	Delegate
s.46GM	Duty to prepare report and give a report to the Minister	CEO,DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP, SP, <del>AOSO</del> where council is a collecting agency or development agency
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CEO, DCD, MCP, MSP&ED, CSP, CSTP
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, DCD, MCP, MSP&ED, CSP, CSTP Subject to any relevant Council Policy
s 46N(2)(d)	Power to enter into an agreement with <del>person for payment of levy</del> the applicant regarding payment of development infrastructure levy	CEO, DCD, MCP, MSP&ED, CSP, CSTP
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	CEO, DCD, MCP, MSP&ED, CSP, CSTP Subject to any relevant Council Policy
s46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, DCD, MCP, MSP&ED, CSP, CSTP
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be secured to its satisfaction	CEO, DCD, MCP, MSP&ED
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, DCD, MCP, MSP&ED
s46Q(1)	Duty to keep proper accounts of levies paid	CEO, DCD, MCP, MSP&ED, CSP, CSTP
s46Q(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	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP
S46Q(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.	CEO, DCD, MCP, MSP&ED
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed – only applies when levy is paid to Council as a 'development agency'	CEO, DCD, MCP, MSP&ED
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) - 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 Ministe	CEO, DCD, MCP, MSP&ED

Provision	Summary of power	Delegate
s46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan - must be done in accordance with Part 3	CEO, DCD, MCP, MSP&ED, CSTP
s46Q(4)(e)	Duty to expend that amount on other works etc. - with the consent of, and in the manner approved by, the Minister	CEO, DCD, MCP, MSP&ED
s46QC	Power to recover any amount of levy payable under Part 3B	CEO, DCD, MCP, MSP&ED, CSTP
s.46QD	duty to prepare report and give a report to the Minister - where council is a collecting agency or development agency	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s46V(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	CEO, DCD, MCP, MSP&ED, CSTP
s46Y	Duty to carry out works in conformity with the approved strategy plan	CEO, DCD, MCP, MSP&ED
s47	Power to decide that an application for a planning permit does not comply with that Act	CEO, DCD, MCP, MSP&ED, CSP, TL, PP, SP, PO, <u>AOSO</u>
s49(1)	Duty to keep a register of all applications for permits and determinations relating to permits.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <u>AOSO</u>
S49(2)	Duty to make register available for inspection	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <u>AOSO</u>
s50(4)	Duty to amend application	DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP, SP
s 50(5)	Power to refuse to amend application	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP
s50(6)	Duty to make note of amendment to application in register	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <u>AOSO</u>
s 50A(1)	Power to make amendments to applications	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s 50A(3)	Power to require applicant to <del>give notice</del> notify owner and make declaration that <del>gave</del> notice has been given	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s50A(4)	Duty to note amendment to application in register	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <u>AOSO</u>
s.51	Duty to make copy of application available for inspection	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <u>AOSO</u>
s 52(1)(a)	Power to determine whether the grant of the permit would not cause material detriment to any person	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP
s 52(1)(b)	Power to determine whether the application may materially affect land within a municipal council's land	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO

<b>Provision</b>	<b>Summary of power</b>	<b>Delegate</b>
s.52(1)(c)	Duty to give notice of the application to all persons required by the Planning Scheme	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s 52(1)(ca)	Power to determine whether anything authorised by the permit would result in a breach of a restrictive covenant	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s52(1)(cb)	Considering whether the application is to remove or vary a registered restrictive covenant and who are the owners or occupiers of land benefited by the covenant	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s 52(1)(d)	Power to determine whether the grant of the permit may cause material detriment to any person	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant.	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s 52(1A)	Power to refuse an application	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
s 52(2)(b)	Power to determine how notice of a planning permit application should be given	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s 52(3)	Power to give any further notice of an application where appropriate	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s 53(1) & (1A)	Power to require the applicant to give notice to persons specified in Section 52(1) & 52(1AA)	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s 53(2)	Power to determine whether or not the applicant has given notice (Responsible Authority must be satisfied)	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s 54(1)	Power to require the applicant to provide more information	CEO, DCD, MCP, MSP&ED, CSP, TL, PP, CSTP, SP, PO
s.54(1A)	Duty to give notice in writing of information required under s.54(1)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.54(1B)	Duty to specify the lapse date for an application	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s 54A(3)	power to decide to extend time for applicant to provide required information or to refuse request for extension	CEO, DCD, MCP, MSP&ED, CSP, TL, PP, CSTP, SP, PO
s.54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s.54(A)(3)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL, PP, SP, PO
s 55(1)	Power to decide whether the applicant has satisfied the Responsible Authority that the referral authority has considered the application within the past 3 months and stated in writing that it does not object to the granting of the permit	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL, PP, SP, PO

Provision	Summary of power	Delegate
s57	Objecting to an application outside the Municipality only where - (a) it is considered the proposal may cause significant detriment to the residents of the Monash municipality, and (b) the timing for the lodgement of the objection precludes the matter being referred to a Council meeting.	CEO, DCD MCP, MSP&ED (MCP, MSP&ED only after consultation with the DCD)
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DCD, MCP, MSP&ED, CSP, TL
s57(3)	Function of receiving name and address of persons to whom a notice of decision is to go.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <a href="#">AOSO</a>
s.57(5)	Duty to make available for inspection copy of all objections.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <a href="#">AOSO</a>
s.57A(4)	Duty to amend application in accordance with applicant's request, subject to s.57A(5)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s 57A(5)	Power to refuse to amend application	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL, PP, SP, PO
s.57A(6)	Duty to note amendments to application in register	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <a href="#">AOSO</a>
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP
s 57B(2)	Duty to consider certain matters in determining whether notice should be given.	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s 57C(1)	Power to determine that the amended application would not adversely affect the interests of a referral authority and thus that the amended application does not need to be given to the referral authority. Duty to give copy of amended application to referral authority	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP
s.58	Duty to consider every application for a permit	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP
s.58A	Power to request advice from the Planning Application Committee	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP
s.60(1)	Duty to consider certain matters	CEO, DCD, MCP, MSP&ED, CSP, TL, PP, SP, PO

Provision	Summary of power	Delegate
s 60(1)(e)	Power to determine whether there are any significant effects that the application may have on the environment or which the environment may have on the application; if so, consideration of such matters	CEO, DCD, MCP, MSP&ED, CSP, TL
s 60(1A)	Power to determine which matters may be considered	CEO, DCD, MCP, MSP&ED, CSP, SSP, TL, PP
s.60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CEO, DCD, MCP, MSP&ED, CSP, TL, PP, SP, PO
s 60(2)	Power to determine whether Council is satisfied that the owner of land benefited by an application for removal or variation of a restriction will be unlikely to suffer specified types of detriment as a consequence of the application.	CEO, DCD, MCP, MSP&ED, CSP, TL, PP
s 60(5)	Power to determine whether Council is satisfied that the owner of land benefited by an application for removal or variation of a restriction will be unlikely to suffer any detriment of any kind as a consequence of the application and that if the owner has objected to the application that the objection is vexatious or not made in good faith	CEO, DCD, MCP, MSP&ED, CSP, TL
s 61(1)	Power to decide to grant or refuse a permit - the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
s.61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
s.61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
61(3)(b)	Duty to refuse to grant a permit without the Ministers consent	CEO, DCD
s.61(4)	Duty to refuse to grant the permit if grant would authorize a breach of a registered restrictive covenant	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
s.62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
s 62(2)	Power to include conditions in planning permit	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
s.62(4)	Duty to ensure conditions are consistent with paragraphs (a), (b) and (c)	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
s 62(5)(a)	Power to include a permit condition to implement an approved development contribution plan	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP,
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
s 62(5)(c)	Power to include a condition that specified works, services or facilities that Council considers necessary to be provided on or to the land or other land as a result of the grant of the permit be provided or paid for in accordance with this section	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP

Provision	Summary of power	Delegate
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)	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
S.63 & 64	Duty to give an applicant and any/each objector a notice in the prescribed form of its decision to grant a permit. This provision applies also to a decision to grant an amendment to a permit (s75)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
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 (This provision applies also to a decision to grant an amendment to a permit – See section 75A)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.65(1)	Duty to give notice of refusal to grant permit to applicant and objector.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.66(1)	Duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit (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)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit (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)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65 (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)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.69(1)	Function of receiving application for extension of time of permit	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP, SP, PO, <del>AESO</del>
s.69(1A)	Function of receiving application for extension of time to complete development	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP, SP, PO, <del>SOAO</del>

Provision	Summary of power	Delegate
s.69(2)	Power to extend time	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP, SP, PO
s70	Duty to make a copy of permit available for inspection.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <u>AQSO</u>
s 71(1) & (2)	Power to correct certain mistakes in planning permit and duty to note in register	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
s 73	Power to determine application for amendment of planning permit	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP, PP
s74	Duty to issue amended permit to applicant if no objectors	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP
s.76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit (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)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit (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)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76 (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)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.76D	Duty to comply with direction of Minister to issue amended permit.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL
s83	Representing Council as a party in a VCAT proceeding	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
S83B	Duty to give or publish notice of application for review	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO

Provision	Summary of power	Delegate
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP
s.84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP
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.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <a href="#">AOSO</a>
s.84(6)	Duty to issue permit on receipt of advice within 3 working days	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <a href="#">AOSO</a>
s.86	Duty to issue a permit at order of Tribunal within 3 working days	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <a href="#">AOSO</a>
s 87(3)	Power to request that the Tribunal cancel or amend a permit	CEO, DCD, MCP, MSP&ED
s90(1)	Appearing at VCAT for the Responsible Authority in a permit cancellation or amendment case	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.91(2)	Duty to comply with the directions of VCAT.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO,
s.92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <a href="#">AOSO</a>
s.93(2)	Duty to give notice of VCAT order to stop development.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <a href="#">AOSO</a>
s.95(3)	Function of referring certain applications to the Minister.	CEO, DCD, MCP, MSP&ED
s.95(4)	Duty to comply with an order or direction.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.96(1)	Duty to obtain a permit from the Minister to use and develop its land.	CEO, DCD, MCP, MSP&ED
s96(2)	Giving consent to an applicant to apply to the Minister for a planning permit on land vested in Council	CEO, DCD
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, DCD, MCP, MSP&ED, CSP, CSTP
s.96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s96C	CEO,DCD, MCP, MSP&ED
s.96F	Duty to consider the panel's report under section 96E	CEO, DCD, MCP, MSP&ED, CSTP, CSP

Provision	Summary of power	Delegate
s 96G(1) & (4)	Power to determine to recommend that a permit be granted with or without changes or to refuse to recommend that a permit be granted	CEO, DCD, MCP, MSP&ED, CSP, CSTP
s.96H(3)	Power to give notice in compliance with Minister's direction.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP
s.96J	Power to issue permit as directed by the Minister.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP
s.96K	Duty to comply with direction of the Minister to give notice of refusal.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, STP, TL, PP
s 97C(1)	Power to determine whether to request the Minister to decide the application	CEO, DCD, MCP, MSP&ED, CSP, CSTP
s.97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP
s.97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <a href="#">AOSO</a>
s.97G(6)	Duty to make a copy of permits issued under s.97F available for inspection.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <a href="#">AOSO</a>
s.97L	Duty to include Ministerial decisions in a register kept under s.49.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <a href="#">AOSO</a>
s.97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s 97O(1) & (3)	Power to determine whether to issue or refuse to issue a certificate of compliance, having regard to the matters set out in this section and if a refusal is issued, power to specify any part of the use or development that would require a permit or is prohibited	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
s.97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL, PP
s.97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP
s.97Q(4)	Duty to comply with directions of VCAT	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.97R	Duty to keep register of all application for certificate of compliance and related decisions	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <a href="#">AOSO</a>

Provision	Summary of power	Delegate
s.98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL
s101	Function of receiving claim for expenses in conjunction with claim	CEO, DCD, MCP, MSP&ED,
s 103	Power to reject a claim for compensation in certain circumstances (small value of compensation claimed)	CEO, DCD, MCP, MSP&ED
s.107(1)	Function of receiving claim for compensation	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <u>AQSO</u>
s.107(3)	Power to agree to extend time for making claim for compensation	CEO, DCD, MCP, MSP&ED
s 114(1)	Power to determine to apply to the Tribunal for an enforcement order	CEO, DCD, MCP, MSP&ED, CSP, CSTP
s.117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, TPLI, <u>SPIO</u>
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DCD, MCP, MSP&ED
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, DCD, MCP, MSP&ED
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1) (except Crown Land)	CEO, DCD, MCP, MSP&ED
s.129	Function of recovering penalties	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, TLPI, <u>SPIO</u>
s 130(5)	Power to allow recipient of planning infringement notice an extension of time beyond remedy period stated in planning infringement notice in order to inform Council that the additional steps set out in order have been taken	CEO, DCD, MCP, MSP&ED, CSP, TLPI, <u>SPIO</u>
s 140(2)(b)	Power to certify a copy of an approved planning scheme amendment	CEO, DCD, MCP, MSP&ED
s 149(1)	Power to apply to the Tribunal for review of decisions specified in s149	CEO, DCD, MCP, MSP&ED
s 149A(1)	Power to refer a matter to the Tribunal for determination	CEO, DCD, MCP, MSP&ED, CSP, TLPI, <u>SPIO</u>
s.149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CEO, DCD, MCP, MSP&ED, CSP, TLPI, <u>SPIO</u>

Provision	Summary of power	Delegate
s.156	Duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B) power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4) (Where council is the relevant planning authority)	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s156(2)(2A) (2B)	Duty to pay fees, allowances, costs and expenses	CEO, DCD, MCP, MSP&ED, CSTP, CSP TL, <u>S</u> PIO
s 156(3)	Power to ask person who requested planning scheme amendment for contribution towards costs of panel incurred by Council under s156 (2) and (2A)	CEO, DCD, MCP, MSP&ED, CSTP
s 156(4)	Power to decide to abandon amendment if person does not agree to pay contribution amount to Council when requested	CEO, DCD, MCP, MSP&ED
s 171(1)	General powers of Responsible Authority	CEO, DCD, MCP, MSP&ED
s 171(2)(f)	Power to carry out studies and commission reports	CEO, DCD, MCP, MSP&ED
s 171(2)(g)	Power to grant and reserve easements	CEO, DCD, MCP, MSP&ED
s 173	Power to enter into agreement (note this also requires delegation to use the Council seal in executing any such agreements)	CEO
<del>s173</del>	<del>Power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority</del>	<del>CEO, DCD, MCP, MSP&amp;ED</del>
<del>s173</del>	<del>Power to give consent on behalf of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority</del>	<del>CEO, DCD, MCP, MSP&amp;ED</del>
s 177(2)	Power to apply to the Minister to end s173 agreement or to agree with all persons bound by covenants of s173 to end s173 agreement	CEO
s 178	Power to amend a s 173 agreement with approval of Minister and all persons who are bound by covenant to s173 agreement	CEO
s.178A(1)	Function of receiving application to amend or end an agreement	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, DCD, MCP, MSP&ED, CSTP, CSP

<b>Provision</b>	<b>Summary of power</b>	<b>Delegate</b>
s.178A(5)	Power to propose to amend or end an agreement	CEO
s.178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.178C(4)	Function of determining how to give notice under s.178C(2)	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal (If no objections are made under s.178D Must consider matters in s.178B)	CEO
s.178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal (If no objections are made under s.178D Must consider matters in s.178B)	CEO
s.178E(2)(c)	Power to refuse to amend or end the agreement (If no objections are made under s.178D Must consider matters in s.178B)	CEO
s.178E(3)(a)	Power to amend or end the agreement in accordance with the proposal (After considering objections, submissions and matters in s.178B)	CEO
s.178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal (After considering objections, submissions and matters in s.178B)	CEO
s.178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal (After considering objections, submissions and matters in s.178B)	CEO
s.178E(3)(d)	Power to refuse to amend or end the agreement (After considering objections, submissions and matters in s.178B)	CEO
s.178F(1)	Duty to give notice of its decision under s.178E(3)(a) or (b)	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.178F(2)	Duty to give notice of its decision under s.178E(2)(c) or (3)(d)	CEO, DCD, MCP, MSP&ED, CSTP, CSP

Provision	Summary of power	Delegate
s.178F(4)	Duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO
s.178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.178(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.179(1)	Duty to lodge agreement with Minister	CEO, DCD, MCP, MSP&ED, CSTP, CSP
s.179(2)	Duty to make available for inspection copy agreement	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <a href="#">AOSO</a>
s 181	Power to apply to the Registrar of Titles for registration of the agreement	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP
s 182	Power to enforce any covenant of a s173 agreement registered on title	CEO, DCD, MCP, MSP&ED
s.183	Duty to tell Registrar of Titles of ending/amendment of agreement	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <a href="#">AOSO</a>
s.184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO
s.184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP
s.184F(3)	Duty to inform the Principal Registrar if the Responsible Authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP
s.184F(5)	Function of receiving advice from the Principle Registrar that the agreement may be amended or ended in accordance with Council's decision	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP
s.184G(2)	Duty to comply with a direction of the Tribunal	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP
s.184G(3)	Duty to give notice as directed by the Tribunal	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP
s.198(1)	Function to receive application for planning certificate.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <a href="#">AOSO</a>

<b>Provision</b>	<b>Summary of power</b>	<b>Delegate</b>
s.199(1)	Duty to give planning certificate to applicant.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL
s.201(1)	Function of receiving application for declaration of underlying zoning	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL PP, SP, PO, <u>AQSO</u>
s.201(3)	Duty to make declaration	CEO, DCD, MCP, MSP&ED
s.201(3)	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	CEO, DCD, MCP, MSP&ED
s.201(3)	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	CEO, DCD, MCP, MSP&ED
s.201(3)	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	CEO, DCD, MCP, MSP&ED
s.201(3)	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, DCD, MCP, MSP&ED
	Any power not expressly referred to in this delegation which by necessary implication is derived from the Planning and Environment Act 1987 and is not excluded from delegation by Section 188(2) of the Planning and Environment Act 1987.	CEO, DCD, MCP, MSP&ED, CSP, TL, CSTP

**Planning and Environment Regulations 2015**

<b>Provision</b>	<b>Summary of power</b>	<b>Delegate</b>
r. 6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme (where Council is not the planning authority and the amendment affects land within its municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <u>AOSO</u>
r. 25 <del>6</del>	Duty of Responsible Authority to provide copy of matter considered under section 60(1A)(g) for inspection free of charge	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <u>AOSO</u>
r.9 <del>7</del>	Duty of Responsible Authority to provide copy information or report requested by Minister	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <u>AOSO</u>
r 21 <del>22</del>	Power of Responsible Authority to require verification of certain information	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
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 (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)	CEO,DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL, PP, SP, PO, <u>AOSO</u>
r 55	Duty of Responsible Authority to tell Registrar of Titles under s 183 of the Act of the cancellation or amendment of an agreement	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, <u>AOSO</u>

**Planning and Environment (Fees) Regulations) 2016**

<b>Provision</b>	<b>Summary of power</b>	<b>Delegate</b>
r.20 <del>r.13(1)</del>	Power to waive or rebate a fee in connection with matters other than an amendment to a planning scheme	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
r.19 <del>r.13(2)</del>	Power to waive or rebate fee for amendment to planning scheme	CEO, DCD, MCP, MSP&ED, CSP, CSTP
r.21 <del>r.13(3)</del>	Duty if fee waived or rebated to record in writing the matters taken into account and which formed the basis of the decision	CEO, DCD, MCP, MSP&ED, CSTP, CSP

**Monash Planning Scheme, Planning Permits and Section 173 Agreements**

<b>Provision</b>	<b>Summary of power</b>	<b>Delegate</b>
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	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL, PP
Planning scheme provision	Power to determine that a planning permit application is generally in accordance with a specified document prepared and approved pursuant to the Monash Planning Scheme (eg. a planning permit application made following the approval of a development plan prepared pursuant to the Development Plan Overlay)	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL, PP
Planning scheme provision	Any other discretion vested in the Council under the Monash Planning Scheme	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL, PP
Condition in planning permit	Power vested in Council under a planning permit to provide secondary consent under a planning permit condition to allow modifications to an endorsed plan/s	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL, PP, SP
Clause in agreement made under s173 of the <i>Planning and Environment Act 1987</i> or s52A of <i>Town and Country Planning Act 1961</i>	Power vested in Council under agreement made under s173 of the 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	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL, PP

Provision	Summary of power	Delegate
Clause in agreement made under s173 of the <i>Planning and Environment Act 1987</i>	Power to decide whether something is to the satisfaction of Council, where an agreement made under s173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or the Responsible Authority	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL
Clause in agreement made under s173 of the <i>Planning and Environment Act 1987</i>	Power to give consent on behalf of Council, where an agreement made under s173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or the Responsible Authority	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL

***Subdivision Act 1988***

Provision	Summary of power	Delegate
<del>s.3(5)</del>	<del>Power to require variation of easement or restriction in compliance with planning scheme or permit</del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSP, CSTP, TL</del>
<del>s.5(3)(c)</del>	<del>Function of receiving application for certification</del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, AO</del>
<del>s.5(3)(d)</del>	<del>Power to provide statement of compliance</del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSP, CSTP, TL, PP, SP</del>
<del>s.5(4) &amp; (4A)</del>	<del>Power to decide to accept and consider a plan submitted to it in for certification in circumstances where additional applications are required, including <i>Transfer of Land Act</i> application to be made and have not yet been</del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSP, CSTP, TL, PP</del>
<del>s.6(1) &amp; (2)</del>	<del>Power to decide whether plan meets certification requirements and therefore whether Council must certify plan or whether Council must refuse to certify the plan</del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSP, CSTP, TL, PP</del>
<del>s.8(1)</del>	<del>Duty to refer plans to referral authority in certain circumstances. Conditions &amp; Limitations • unless subsection 8(2) – (5) apply form of referral per r.24 of the <i>Subdivision (Procedures) Regulations 2000</i></del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, AO</del>
<del>s.8(1)(a)(ii)</del>	<del>power to determine whether the applicant has provided satisfactory evidence of a referral authority's consent to a plan</del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSP, CSTP, TL</del>
<del>s.8(5)</del>	<del>Power to determine whether the amendments to a plan are minor and are unlikely to affect the interests of a referral authority</del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSP, CSTP, TL</del>

Provision	Summary of power	Delegate
s.8(6)	Duty to give referral authority copy of certified plan where not referred to referral authority	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, AO
s.10(1) & (2)	Power to require alterations to a plan to make the plan suitable for certification or to agree to an alteration requested by the applicant	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
s.10(5)	Duty to send altered plan to referral authority. Conditions & Limitations must send notice prescribed Form 4 outlining revised times, r.29 of the <i>Subdivision (Procedures) Regulations 2000</i> .	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, AO
s.10(7)	Duty to notify surveyor of alteration required by Council	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO
s.11(1)	Function of receiving application to amend certified plan.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, AO
s.11(2)	Duty to refer application under section 11(1) to referral authority	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, AO
s.11(2A)	Power to determine not to refer an application to amend a plan to a referral authority where it is considered that the amendment is minor and is unlikely to affect the interests of the authority	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
s.11(7)	duty to re-certify plan or advise of refusal in writing with reasons	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
s.11(10)	Duty to notify surveyor of an amendment by acquiring authority where plan prepared by surveyor.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO,
s.11(11)	Duty to give copy of re-certified plans to referral authority.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, AO
s.11A(1)	Power to require further information about a plan or amendment to a plan.	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP, SP, PO
s.15(1)	Power to require an applicant to submit an engineering plan including specifications for works required under the planning scheme or permit Limitation • does not apply where section 14 applies	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
s.15(2)	Power to approve or refuse the engineering plan or specify the alterations it requires Limitation • does not apply where section 14 applies	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
s.15(6)	Power to make a charge not exceeding the prescribed fee for engineering plans prepared by Council. Limitation • does not apply where section 14 applies	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL

Provision	Summary of power	Delegate
s 17(2)	<p>Power to appoint a person to supervise works, or to make a charge or to enter into an agreement dealing with specified matters. Limitation ● does not apply where section 14 applies</p>	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
s 17(2A)	<p>Power to request Minister to nominate authority to consider what works are required if Council considers that water or sewerage services should be provided and if the Minister does not nominate an authority, the power to carry out those functions. Limitation ● does not apply where section 14 applies</p>	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
s 17(2D)	<p>Council and a relevant authority may by agreement transfer works/interest in land relating to the works under the agreement made pursuant to s17(2C) from the Council to a relevant authority Limitation ● does not apply where section 14 applies</p>	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
s 18(1)	<p>Power to require applicant to set aside land for public open space and/or pay a percentage of the site value of all of the land in the subdivision. Limitations ● does not apply where sections 14 and 18(8) apply. ● Must have regard to matters in section 18(1A) 2</p>	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
s 18(1B)(c)	<p>Power to vary time of payment by agreement with applicant</p>	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
s 18(4)	<p>Power to agree with applicant to set aside/pay different percentage. Limitation ● does not apply where section 14 applies.</p>	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
s 18(7)	<p>Power to refund amount paid under S.18(1) where no longer intend to subdivide. Limitation ● does not apply where section 14 applies.</p>	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
s 19(1)	<p>Power to obtain a valuation of the land from a registered valuer and forward a copy of the valuation to the Applicant, etc. Limitation ● does not apply where section 14 applies.</p>	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP
s 19(5)	<p>Power to obtain a revaluation of land in specified circumstances and vary the amount of the payment accordingly Limitation ● does not apply where section 14 applies.</p>	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL, PP
s.21(1)	<p>Duty to issue statement of compliance, subject to section 2C. Limitations ● does not apply where section 14 applies. Time limits apply [s.21(1) (2)]</p>	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL

Provision	Summary of power	Delegate
s.21(2A)(a)&(b)	Duty to, in writing, notify Victorian Urban Development Authority of request within 7 days of receiving a request for issue of statement of compliance, and to provide Authority with a copy of planning permit	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL
s.21(4)	Power to provide in the statement of compliance that the agreement no longer applies to specified land in a staged subdivision if Council is satisfied of certain matters (note that separate discretions also contained in (b) and (c) of this section) Limitation ● does not apply where section 14 applies.	CEO, DCD, MCP, MSP&ED, CSP, CSTP, TL
s.21(9)	Duty to give a notice to the Commissioner of State Revenue that a statement of compliance has been issued.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, AO
s.24A(1)	Duty to do any of the things listed in the table in this section where so required by planning scheme with respect to reserves, etc	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL
s.24A(2)	Power to determine whether the applicant has satisfied it that the land in the plan shown as a reservation or restriction no longer needs to be used for the purpose for which it is currently reserved or used	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL
s.25(1)	Function of being notified by Registrar of registration of plan and duty to notify any public authority for which easement has been created/reserve has vested.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, AO
s.25(3)	Duty to notify referral authority affected by withdrawal/refusal	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, AO
s.34E	Power to apply to VCAT for order compelling an owners corporation to carry out a requirement or perform a duty	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL
s.34H(5)	Function of receiving notice from Registrar of amendment or cancellation of plan on winding up.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, AO
s.35(1)	Duty of acquiring authority to submit plan for certification and registration where land subdivided.	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL
s.35(2)	Power to require an acquiring authority to either submit a new plan for certification or amend the existing plan in circumstances where the acquiring authority is to acquire land that cannot be disposed of without being subdivided Conditions ● subsection 35(3)-(5) apply	CEO, DCD, MCP, MSP&ED, CSTP, CSP, TL
s.35(6)	Duty of a acquiring authority to advise Registrar of vesting date	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, STP, TL, PP, SP, PO, AO
s.35(8)	Power of acquiring authority to submit for certification and registration of any land vested/registered in its own name Conditions section 35(9) applies	CEO, DCD, MCP, MSP&ED, CSTP, CSP, SSP, TL

<b>Provision</b>	<b>Summary of power</b>	<b>Delegate</b>
<del>s 36(1)</del>	<del>Function to state in writing that the subdivision requires removal/acquisition of a right of way or an easement. Conditions section 35(1AA) applies</del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSTP, CSP, TL</del>
<del>s 39(1)</del>	<del>To refer a dispute to the Victorian Civil and Administrative Tribunal for determination Limitation Unless section 39(2) applies</del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSTP, CSP, TL</del>
<del>s 39(3)</del>	<del>Power to apply to the County Court for an order that registration of a certified plan be stopped in certain circumstances</del>	<del>CEO, DCD, MCP, MSP&amp;ED,</del>
<del>S 44(3E)</del>	<del>Duty to refer plan to referral authorities as if received under section 8 where permit for subdivision in force, or notification of referral authority not required by planning scheme.</del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSTP, CSP, SSP, TL</del>
<del>s 44(4A)</del>	<del>Function to consent to an application to amend a plan to no longer show land as an accessory lot Conditions Consent must be in writing</del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSTP, CSP, TL</del>
<del>s 44(5)</del>	<del>Function to consent to an application to amend a plan to remove a restriction</del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSTP, CSP, TL</del>
<del>s 44(5A)</del>	<del>Function of consenting to an application by a body corporate to cancel/alter scheme of development accompanying a plan of subdivision Conditions Consent must be in writing</del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSTP, CSP, TL</del>
<del>s 44(5B)</del>	<del>Function of consenting to an application to cancel/alter a scheme of development accompanying the plan so far as it affects that lot</del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSTP, CSP, TL</del>
<del>Schedule 2, cl 9(2)</del>	<del>Power to determine whether or not a cluster plan registered on or after the Act application date needs to be accompanied by a scheme of development</del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSTP, CSP, TL</del>
<del>Schedule 2, cl 11(1)</del>	<del>Power to apply to a court for an order compelling performance or restraining a breach of a requirement or restriction in a scheme of development, or awarding damages arising from a breach of a requirement or restriction in a scheme of development</del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSTP, CSP, TL</del>
	<del>Any other power which either expressly or by necessary implication is derived from the Local Government Act 1989 in conjunction with the Subdivision Act 1987 other than any power duty or function excluded from delegation by Section 98 (1) of the Local Government Act 1989.</del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSTP, CSP, TL</del>

***Subdivision (Permit & Certification Fees) Regulations 2000***

Provision	Summary of power	Delegate
r-7	<del>Power to waive or rebate the payment of all or part of any fee payable under the Subdivision Act</del>	<del>CEO, DCD, MCP, MSP&amp;ED, CSP, CSTP, TL</del>

## SCHEDULE 2

### CONDITIONS RELATING TO THIS INSTRUMENT OF DELEGATION

#### General

Consideration is to be given to the matters in Schedule 2 when exercising the relevant duty/function/power/discretion conferred by this Instrument of Delegation.

A register is to be kept of all delegated decisions

#### Notice of Application

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

- Requirements:
- 1.0 Notice shall be given by the applicant
    - 1.1 to the owners and occupiers of allotments adjoining and opposite the land, unless the Monash Planning Scheme exempts it or it is considered the grant of a permit would not cause material detriment
    - 1.2 to a Municipal Council where the application may affect land within its district
    - 1.3 to any person whom the Planning Scheme requires it to give notice; and
    - 1.4 to any person where the grant of a permit may cause material detriment to them.
  - 2.0 Notice shall be given by all or any of the following methods
    - 2.1 placing a sign/s on the land and maintaining the sign in good order for 14 days
    - 2.2 publishing a notice in local newspaper(s)
    - 2.3 by giving written notice by certified mail; or
    - 2.4 by any other way considered appropriate.
  - 3.0 Applications in respect of the following uses and the relevant codes shall be notified as follows:
    - 3.1 Multi Unit Developments

Notice of application shall be given in accordance with 2.1 and 2.3.

3.2 Commercial and Community Uses in Residential Zones

Notice of application shall be given in accordance with 2.1 and 2.3

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

Guideline 2.4 to be applied as considered relevant.

3.3 Commercial, Business and Industrial

Where the size, nature or operation may cause detriment, the application shall be advertised in accordance with guidelines 2.1, 2.3 and as appropriate guidelines 2.2 and 2.4

3.4 Convenience Stores

Notice of all applications shall be given in accordance with guidelines 2.1 and 2.3 and as considered appropriate guidelines 2.2 and 2.4.

4.0 A delegated officer shall authorise correspondence requiring the notification of a Planning Application and must advise and have consent of the Manager City Planning or Coordinator Statutory Planning or Team Leader Statutory Planning as follows:

4.1 where a decision is made not to give notice and the reasons

4.2 the proposed method of giving notice of major applications

## Permit Applications

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

- (i) development in excess of \$3,000,000 and major development proposals, except for:
  - Any development in the Special Use Zone up to \$20,000,000 and industrial zones up to \$5,000,000;
  - any application where officers consider that a failure to determine an appeal to the Victorian Civil and Administrative Tribunal (VCAT) is likely and/or imminent may be refused by the Director City Development (or their delegates). The Director City Development will advise councillors when this is proposed.

~~Where an Application for Review is lodged at VCAT for a matter that had been considered by Council, Council authorises the Director City Development, or their delegate, to negotiate and change Council's position at VCAT where appropriate;~~

~~Where it is proposed to amend an imposed condition or change the decision of Council, the Director or their delegate will, wherever possible, notify the Ward Councillors. Where an application is in excess of 4 storeys, the Director or their delegate will, wherever possible, notify all Councillors. Officers will not notify Councillors where Council's decision is not significantly changed. It remains open, and only where time permits, that an application may be referred to a Council meeting for determination by the Director or their delegate or be called in by a Councillor.~~

~~Where an Application for Review is lodged at VCAT for a matter that had been considered by Council, Council authorises the Director City Development, or their delegate, to negotiate on Council's position at VCAT where appropriate;~~

### Compulsory Conference:

The Director City Development, or their Delegate will not agree to a change to Council's decision on a matter in any of the following circumstances:

- Where a redesign of a proposal is required and those plans should be considered on merit, including whether the plans should be placed on public notification;
- Where amended plans have been prepared but not formally substituted for consideration by Council;
- Where it is proposed to amend an imposed condition of Council that is material to the decision made by Council;
- Where an application was called in by a Councillor and/or the Council did not support the officer recommendation, other than in the circumstances outlined above.

The Director City Development, or their Delegate may agree to a change to Council's decision on a matter in any of the following limited circumstances:

- Amends an imposed condition where the change is not material to the decision of Council;
- Amends the proposal to resolve a specific issues raised in a ground of refusal where the change satisfies the issue related to the ground of refusal;
- Provides for an alternative design solution that would achieve the intent of a condition requiring a change;

- Accommodates an appropriate resolution to an issue raised by an objector, provided all objectors who are party to the appeal agree with the proposed change, and the decision does not materially affect the decision of Council and the Director City Development or their delegate consider the proposal change warrants support.

Formally substituted amended plans:

Where plans have been formally substituted at VCAT officers will, wherever possible, refer the plans to a Council meeting for consideration and request that VCAT allow time for this to occur.

Where amended plans do not address Council's issues and Council's original decision stands, the Director City Development or their delegate (following a discussion with Ward Councillors where possible) are authorised to advise VCAT of this position inclusive of the ability to amend conditions or grounds of refusal consistent with Council's original decision based on the amended plans so as to place Council in the best position of defending its decision.

Where there is insufficient time allowed by VCAT for amended plans to be considered at a formal Council meeting and officer's determine that amended plans can be supported meaning that Council's position may change, the Director City Development or their delegate is authorised to amend or change Council's position subject to the following:

- Time permitting, seek to discuss the amended plans, along with the officers position with Councillors at a scheduled Council Strategy or Briefing Meeting, and there is majority support (of Councillors in attendance) that the plans are worthy of support;
- Where time does not permit the plans to be discussed at a scheduled Council Strategy or Briefing Meeting, all Councillors will be advised individually of the proposed amendment and the officer's position and there is a majority support for this;
- Where there is not a clear indication from Councillors Council's original position on an application will stand with the Director City Development or their delegate being able to amend conditions or grounds of refusal so as to place Council in the best position to defend its decision.

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

Requirements:

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

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

- Recommendation.

Requirements: A Refusal may issue:-

1. Where an application is lodged that is not in compliance with the relevant Council Policies and/or the provisions of the Monash Planning Scheme.  
Notwithstanding, applications of this type may be referred to Council.
2. A report is to be prepared and must be approved by the appropriate delegate stating the following -
  - Proposal, policy implications
  - Consultation, conclusion
  - Recommendation.

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

### **Request for more information**

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

- Requirements:
1. In accordance with the aforementioned sections of the Act and regulation 20 of the Planning and Environment Regulations 2005, requests for more information should be made within the prescribed time period, being 28 days of receiving the application.
  2. Requests should refer to Section 54, 54A and 54B of the Act as appropriate.

### **Extension of Time Applications**

Section 69 of the *Planning and Environment Act 1987*

- Requirement:
1. An application for an extension of time must be made in writing before the permit expires or within six months of the expiration date.
  2. Where the permit has lapsed the extension shall operate from the day the permit expired.
  3. The application should state the reason why the time given under the planning permit was insufficient.
  4. The permit may be extended for a maximum period of 2 years in each instance.
  5. Extensions of time can be granted where there has been no change in planning policy or direction. However, the views of any relevant referral authority may need to be sought prior to deciding on the extension.
  6. If an extension is to be refused it must be made using the Refusal of Planning Permit document.

7. The Coordinator Statutory Planning or Team Leader Statutory Planning or other delegated officer may authorise the first, second and third, requests for an extension of time, and shall refer any subsequent request to Council for determination.

### **Lodging Objections or Appeals**

Sections 57 and 82 of the Planning and Environment Act 1987

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

### **Enforcement Orders and Interim Enforcement Orders**

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

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