

6.2 General Reports

6.2.1 Update of Delegations to Staff

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Recommendation(s)

That in the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Cardinia Shire 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 set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
2. The Instrument comes into force immediately it is signed by the Chief Executive Officer.
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.

Attachments

1. Instrument of delegation Council to members of staff Update May 2024 [6.2.1.1 - 38 pages]

Executive Summary

Council last executed an Instrument of Delegation to staff members in November 2022, since that date there have been some minor amendments made to the various Acts and Regulations detailed in that Instrument, in addition several changes to the structure of the organisation and position titles, as a result the Instrument of Delegation to staff requires updating to reflect these legislative amendments and staff changes.

An updated Instrument is attached.

Background

Most Council decisions are not made at Council meetings; effective functioning of the Council would not be possible if they were. Instead, most decision-making power is allocated by formal delegations to specific positions within the organisation.

The Local Government Act 2020 makes provision for the Council to delegate powers to the Chief Executive Officer and for the Chief Executive Officer to then sub-delegate to Council staff. There are other Acts and Regulations that empower a Council to delegate certain powers that do not contain express powers of sub-delegation by the Chief Executive Officer, therefore it is necessary for the delegation to come from Council to the staff members directly. These Acts are the Domestic Animals Act 1994, Food Act 1984, Local Government Act 1989, Planning and Environment Act 1987, Residential Tenancies Act 1997 and Road Management Act 2004 and the regulations under these Acts.

The attached Instrument of Delegation relates to those Acts and Regulations

This Instrument was last updated in November 2022 and now needs to be updated to reflect legislative amendments and staff changes that have been made since that date.

Policy Implications

There are no policy implications as a result of this report.

Relevance to Council Plan

5.1 We practise responsible leadership

5.1.5 Champion the collective values of the community through the Councillors' governance of the shire.

Climate Emergency Consideration

There are no climate emergency considerations as a result of this report.

Consultation/Communication

Relevant members of staff have been consulted in regard to the updated Instrument of Delegation

Financial and Resource Implications

There are no financial or resource implications as a result of this report.

Conclusion

With amendments made to the various Acts and Regulations detailed in the Instrument of Delegation and staff changes that have occurred it is necessary to introduce an updated Instrument of Delegation to staff reflecting these changes.

Cardinia Shire Council

Instrument of Delegation

to

Members of Council Staff

May 2024

Instrument of Delegation

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

1. delegates each 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 provided however that the delegation may also be exercised by the delegates immediate supervisor
2. record that references in the Schedule are as follows:

GMIE means General Manager Infrastructure & Environment
GMLC means General Manager Liveable Communities
MGSP means Manager Governance, Safety & Property
MIS means Manager Infrastructure Services
MICID means Manager Community Infrastructure Delivery
MO means Manager Operations
MPD means Manager Planning and Design
MBS means Municipal Building Surveyor
MRS means Manager Regulatory Services
CFO means Chief Finance Officer
CGAPS means Coordinator Growth Area Planning & Subdivisions
CSP means Coordinator Statutory Planning
CPSUD means Coordinator Planning, Strategy & Urban Design
CD means Coordinator Development
CCI means Coordinator Community Infrastructure
PLCG means staff employed as a Planner in the Liveable Communities Group
TLDC means Team Leader Development Contributions
TLD means Team Leader Development
CCS means Coordinator Compliance Services
CO means Compliance Officer
PO means Prosecution Officer
TLP means Team Leader Prosecutions
IOO means Infringements & Oversight Officer
TLTT means Team Leader Traffic and Transport

declares that:

- 2.1 this Instrument of Delegation is authorised by resolution of the Council passed on 20 May 2024 and
- 2.2 the delegation:
 - 2.2.1 comes into force immediately the Chief Executive Officer signs this Instrument of Delegation;
 - 2.2.2 remains in force until varied or revoked;
 - 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 2.3 the delegate must not determine the issue, take the action or do the act or thing:

- 2.3.1 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;
- 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategyadopted by Council;
- 2.3.3 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
- 2.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

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

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Witness

Date:

SCHEDULE

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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing do	MRS, CCS, TLP,	Council may delegate this power to a Council authorised officer

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	MRS	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	MRS	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	MRS	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	MRS	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	MRS	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	MRS	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19CB(4)(b)	Power to request copy of records	MRS	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	MRS	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	MRS	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	MRS	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	MRS	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	MRS	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	MRS	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	MRS	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	MRS	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	MRS	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	MRS	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	Power to register or renew the registration of a food premises	MRS	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	MRS	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	MRS	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	MRS	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	MRS	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	MRS	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	MRS	Where Council is the registration authority; not exceeding the prescribed time limit defined under s 38E(5)
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	MRS	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	MRS	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	MRS	Where Council is the registration authority
s 39A	Power to register, or renew the registration of a food premises despite minor defects	MRS	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	MRS	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	MRS	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	MRS	Where Council is the registration authority
s 40F	Power to cancel registration of food premises	MRS	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	MRS	Where Council is the registration authority
s 45AC	Power to bring proceedings	MRS	
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	MRS	Where Council is the registration authority

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	Not delegated to specific staff member, only CEO has authority

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4B	Power to prepare an amendment to the Victorian Planning Provisions		If authorised by the Minister Not delegated – Council resolution required
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	GMLC. MPD	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	GMLC. MPD	
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	GMLC. MPD	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	GMLC. MPD	
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	GMLC. MPD, CGAPS, CSP, CPSUD	
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	GMLC. MPD, CGAPS, CSP, CPSUD	
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	GMLC. MPD, CGAPS, CSP, CPSUD	Where Council is a planning authority

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	GMLC. MPD	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	PLCG	
s 27(2)	Power to apply for exemption if panel's report not received	GMLC. MPD	
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	GMLC. MPD	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	GMLC. MPD	
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	GMLC. MPD, MIS	
s 46GV(3)(b)	Power to enter into an agreement with the applicant	GMLC. MPD, MIS	Where Council is the collecting agency
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	GMLC. MPD, MIS, CD, TLDC	Where Council is the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	GMLC, MPD, MIS, GMIE	Where Council is the collecting agency
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	CFO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	GMIE, GMLC, CFO	Where Council is a collecting agency or development agency
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	GMLC, MPD, CGAPS, CSP, CPSUD, MIS	
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	GMLC, MPD, CGAPS, CSP, CPSUD, MBS, MIS	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMLC, MPD, CGAPS, CSP, CPSUD, MIS	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	GMLC, MPD, CGAPS, CSP, CPSUD, GMIE, MIS, CD, TLDC	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	GMLC. MPD, CGAPS, CSP, CPSUD, GMIE, MIS, CD	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	GMLC. MPD, CGAPS, CSP, CPSUD, MIS, GMIE, CFO	Only applies when levy is paid to Council as a 'development agency'
s 46QC	Power to recover any amount of levy payable under Part 3B	CFO	
s 47	Power to decide that an application for a planning permit does not comply with that Act	GMLC. MPD, CGAPS, CSP, CPSUD, PLCG	
s 50(5)	Power to refuse to amend application	GMLC. MPD, CGAPS, CSP, CPSUD, PLCG	
s 50A(1)	Power to make amendment to application	GMLC. MPD, CGAPS, CSP, CPSUD, PLCG	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	GMLC. MPD, CGAPS, CSP, CPSUD, PLCG	
s 52(3)	Power to give any further notice of an application where appropriate	GMLC. MPD, CGAPS, CSP, CPSUD, PLCG	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG,	
s 54(1)	Power to require the applicant to provide more information	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG,	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG	
s 57A(5)	Power to refuse to amend application	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG	
s 58A	Power to request advice from the Planning Application Committee	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG	
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	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG,	The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG	
s 62(2)	Power to include other conditions	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG,	
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	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG,	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG	
s 69(2)	Power to extend time	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG	
s 71(1)	Power to correct certain mistakes	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG	
s 73	Power to decide to grant amendment subject to conditions	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	GMLC. MPD, CGAPS, CSP, CPSUD PLCG	
s 84AB	Power to agree to confining a review by the Tribunal	GMLC. MPD, CGAPS, CSP, CPSUD PLCG	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	GMLC. MPD, CGAPS, CSP, CPSUD PLCG	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	GMLC. MPD, CGAPS, CSP, CPSUD PLCG	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	GMLC. MPD, CGAPS, CSP, CPSUD	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	GMLC. MPD, CGAPS, CSP, CPSUD	
s 96H(3)	Power to give notice in compliance with Minister's direction	GMLC. MPD, CGAPS, CSP, CPSUD	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96J	Power to issue permit as directed by the Minister	GMLC. MPD, CGAPS, CSP, CPSUD PLCG	
s 97C	Power to request Minister to decide the application	GMLC. MPD, CGAPS, CSP, CPSUD	
s 103	Power to reject a claim for compensation in certain circumstances	GMLC. MPD, CGAPS, CSP, CPSUD	
s 107(3)	Power to agree to extend time for making claim	GMLC. MPD, CGAPS, CSP, CPSUD	
s 114(1)	Power to apply to the VCAT for an enforcement order	GMLC. MPD, CGAPS, CSP, CPSUD, MRS, CP, PO, CCS, CO	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	GMLC. MPD, CGAPS, CSP, CPSUD, MRS, CP, PO, CCS, CO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 123(1)	Power to carry out work required by enforcement order and recover costs	GMLC. MPD, CGAPS, CSP, CPSUD, MRS, CP, PO, CCS,	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	GMLC. MPD, CGAPS, CSP, CPSUD, MRS, CP, PO, CCS,	Except Crown Land
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.	GMLC. MPD.	Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal.
s 130(5)	Power to allow person served with an infringement notice further time	GMLC. MPD, CGAPS, CSP, CPSUD, MRS, CP, PO, CCS, CO	
s 149A(1)	Power to refer a matter to the VCAT for determination	GMLC. MPD, CGAPS, CSP, CPSUD	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	GMLC. MPD, CGAPS, CSP, CPSUD, MIS	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
S 149B	Power to apply to the Tribunal for a declaration.	GMLC. MPD, CGAPS, CSP, CPSUD	
s 171(2)(f)	Power to carry out studies and commission reports	GMLC. MPD, CGAPS, CSP, CPSUD	
s 171(2)(g)	Power to grant and reserve easements	GMLC. MPD, CGAPS, CSP, CPSUD	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	GMLC. MPD, CGAPS, CSP, CPSUD, GMIE, GMGFE	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	GMLC. MPD, CGAPS, CSP, CPSUD, GMIE, GMGFE	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	GMLC. MPD, CGAPS, CSP, CPSUD, GMIE, GMGFE	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	GMLC. MPD, CGAPS, CSP, CPSUD, MRS, GMGFE, GMIE, MIS, CD	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	GMLC, GMGFE, MPD, CGAPS, CSP, CPSUD	Where Council is the relevant responsible authority
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	GMLC, MPD, CGAPS, CSP, CPSUD, GMIE, MIS, CD, TLDC, TLD	E
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	GMLC, MPD, CGAPS, CSP, CPSUD, GMIE, MIS, CD, TLDC, TLD	
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	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG, MIS, CD	
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	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG, MIS, CD	
s 178A(5)	Power to propose to amend or end an agreement	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG, MIS, CD	

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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(3)(d)	Power to refuse to amend or end the agreement	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG,	After considering objections, submissions and matters in s 178B
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	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG,	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	GMLC, MPD, CGAPS, CSP, CPSUD, CP, GMGFE	
s 182	Power to enforce an agreement	GMLC, MPD, CGAPS, CSP, CPSUD	
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	GMLC, MPD, CGAPS, CSP, CPSUD,	
-	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	GMLC, MPD, CGAPS, CSP, CPSUD, PLCG, GIE, MIS, CD, TLD	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	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	GMLC. MPD, CGAPS, CSP, CPSUD, PLCG, GIE, MIS, CD, TLD	
	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	GMLC. MPD, CGAPS, CSP, CPSUD, PLCG, GIE, MIS, CD, TLD	
-	Power to give written authorisation in accordance with a provision of a planning scheme	GMLC. MPD, CGAPS, CSP, CPSUD, PLCG	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	MRS	
s 522(1)	Power to give a compliance notice to a person	MRS	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO, MRS	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO, MRS	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	GMIE, MGSP	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	GMIE, MGSP	
s 12(2)	Power to discontinue road or part of a road	GMIE, MGSP	Where Council is the coordinating road authority
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	GMIE, MGSP	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	GMIE, MO MCID, CCI, TLTT	
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	GMIE, MO, MCID, CCI, TLTT, MIS	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMIE, MO	
s 16(7)	Power to enter into an arrangement under s 15	GMIE, MO, MCID, CCI, TLTT	
s 17(3)	Power to decide that a road is reasonably required for general public use	GMIE, MO, MCID, CCI, TLTT	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	GMIE, MO, MCID, CCI, TLTT	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 18(1)	Power to designate ancillary area	GMIE, MO, MCID, CCI, TLTT	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	GMIE, MO, MIS, MCID,	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	GMIE, MIS, MO, MCID	
s 42(1)	Power to declare a public road as a controlled access road	GMIE, MO, MCID, CCI, TLTT	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	GMIE, MO, MCID, CCI, TLTT	Power of coordinating road authority and sch 2 also applies
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	GMIE,MO, MCID, CCI, TLTT	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 49	Power to develop and publish a road management plan	GMIE, MIS, MO, MCID, CCI, TLTT	
s 51	Power to determine standards by incorporating the standards in a road management plan	GMIE, MIS, MO, MCID	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMIE, MIS, MO, MCID,	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54(6)	Power to amend road management plan	GMIE, MIS, MO, MCID	
s 63(1)	Power to consent to conduct of works on road	GMIE, MCID, MIS, MO	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	GMIE, MIS, MO, MCID, CCI, TLTT, CD, CMRP	Where Council is the infrastructure manager
s 66(1)	Power to consent to structure etc	GMIE, MIS, MO, MCID, CCI, TLTT, CD, CMRP	Where Council is the coordinating road authority
s 67(3)	Power to request information	GMIE, MIS, MO, MCID, CCI, TLTT, CD, CMRP	Where Council is the coordinating road authority
s 68(2)	Power to request information	GMIE, MIS, MO, MCID, CCI, TLTT, CD	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	GMIE, MIS, MO, MCID, CCI, CD, TLTT	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	All General Managers MGSP	
s 112(2)	Power to recover damages in court	GMIE, MIS, MO, MCID	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to cause or carry out inspection	GMIE, MIS, MO, MCID, CCI, TLTT	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	GMIE, MIS, MO, MCID	
s 121(1)	Power to enter into an agreement in respect of works	GMIE, MIS, MO, MCID, CCI, TLTT	
s 122(1)	Power to charge and recover fees	GMIE, MIS, MO, MCID, CCI, TLTT	
s 123(1)	Power to charge for any service	GMIE, MIS, MO, MCID, CCI, TLTT, CD	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	GMIE, MIS, MO, MCID, CCI, TLTT	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	GMIE, MIS, MO, MCID, CCI, TLTT	
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	GMIE, MIS, MO, MCID, CCI, TLTT, CD	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	GMIE, MIS, MO, MCID, CCI, TLTT, CD	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 12(5)	Power to recover costs	GMIE, MIS, MO, MCID, CCI	Where Council is the coordinating road authority
sch 7 cl 13(2)	Power to vary notice period	GMIE, MIS, MO, MCID	Where Council is the coordinating road authority
sch 7 cl 16(1)	Power to consent to proposed works	GMIE, MIS, MO, MCID, CCI, TLTT, CD	Where Council is the coordinating road authority
sch 7 cl 16(5)	Power to consent to proposed works	GMIE, MIS, MO, MCID, CCI, TLTT, CD	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	GMIE, MIS, MO, MCID, CCI, TLTT, CD	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	GMIE, MIS, MO, MCID, CCI, TLTT, CD	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	GMIE, MIS, MO, MCID, CCI, TLTT, CD	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	GMIE, MIS, MO, MCID, CCI,, TLTT	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 19(1)	Power to give notice requiring rectification of works	GMIE, MIS, MO, MCID, CCI, TLTT, CD	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	GMIE, MIS, MO, MCID	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	GMIE, MIS, MO, MCID, TLTE, CD	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	GMIE, MIS, MO, MCID, CCI, TLTT, CD	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act	GMLC, GMIE, MPD, CSP, CPSUD	

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	GMLC, GMIE, MPD, CSP, CPSUD	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	GMIE, MPD, CSP, CPSUD, MIS	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 7	Power to enter into a written agreement with a caravan park owner	MRS	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MRS	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MRS	
r 14(3)	Power to determine where notice of transfer is displayed	MRS	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	MRS	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	MRS	
r 18(4)	Power to determine where the emergency contact person's details are displayed	MRS	
r 18(6)	Power to determine where certain information is displayed	MRS	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	MRS	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	MRS	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	MRS	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MRS	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MRS	
Sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	MRS	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 16(3)	Power to issue permit	GMIE, MIS, MO, MCID, CCI, TLTT, CD	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	GMIE, MIS, MO, MCID, CCI, TLTT	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	GMIE, MIS, MO, MCID, CCI, TLTT	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	GMIE, MIS, MO, MCID, CCI, TLTT, CD	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	GMIE, MIS, MO, MCID, CCI, TLTT, CWMS	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	MRS, CCS, MIS	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	GMIE, MIS, MO, CCS, CLP, IOO, MCID	

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