

4 DELEGATIONS

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RECOMMENDATION

That Council having reviewed the delegation in place resolves to:

1. Confirm the existing delegations to Committees established under the provisions of Section 86 of the Local Government Act;
2. Execute a new Instrument of Delegation to the Chief Executive Officer, as attached
3. Execute a new Instrument of Delegation to the Town Planning Committee, as attached, and
4. Execute a new Instrument of Delegation to members of Council staff, as attached.

Attachments

1	Instrument of delegation to CEO	3 Pages
2	Instrument of delegation to members of council staff	29 Pages
3	Delegations to Section 86 committees	1 Page
4	Instrument of delegation to Town Planning Committee	3 Pages

EXECUTIVE SUMMARY

To review the various delegations in place and to execute new Instruments of Delegation where required

BACKGROUND

Council is required by the provisions of Section 98(6) of the Local Government Act to review all delegations in place within 12 months of a general election, in addition Section 86(6) of the Act also requires Council to review any delegation to a special committee in force under Section 86. This briefing paper provides the opportunity for such a review.

WHY DELEGATE?

Council is a statutory entity composed of its members (ie the Councillors) and it is able to do only those things which it is authorised by statute to do. The sources of council authority can be summarised as:

- power to do things which a “natural” person can do - in particular, the power to enter into contracts;
- powers conferred by provisions of 77 separate acts and regulations, such as the Local Government Act 1989 and the Planning and Environment Act 1987;

Because Council is not a "natural" person, it can act in only one of two ways: by resolution at a properly constituted Council Meeting or through others acting on its behalf.

The power of a Council to act by resolution is set out in section 3(5) of the Local Government Act -

"(5) Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council."

Most Council decisions however 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.

The Local Government Act 1989, as well as other legislation, makes express provision for the appointment of delegates to act on behalf of Councils. There are two basic forms of delegation under the Local Government Act 1989, delegations to Committees and delegations to members of staff.

Delegations to Committees

Currently Council has delegated various powers and duties to a range of Committees established under the provisions of Section 86 of the Local Government Act and these are detailed in the attached document. It is suggested that delegations to these Committees be confirmed.

The only other Committee in place that has delegated powers is the Town Planning Committee. This Committee by Instrument of Delegation dated 16 November 2009 has the powers:

'To exercise Council's powers, discretions and authorities to perform Council's functions under the Planning and Environment Act 1987 in accordance with relevant policies and guidelines of the Council and to do all things necessary or convenient to be done for or in connection with the performance those functions, duties and powers':

The following limitations also apply to the Town Planning Committee:

The Committee is not authorised to exercise the powers which, under section 86 of the Local Government Act 1989 or section 188 of the Planning and Environment Act 1987, cannot be delegated to the Committee.

It is suggested that this delegation remain in force.

Delegations to staff

There are two distinct Instruments of Delegation to staff. These are:

- Instrument of Delegation to the Chief Executive Officer, and
- Instrument of Delegation to members of Council staff relating to various Acts and Regulations which contain a specific power of delegation.

The reason for separate instruments of delegation depends on the source of the power of delegation.

Section 98(1) of the Local Government Act provides that a Council may, by instrument of delegation, delegate to a member of its staff any power, duty or function of a Council under the Local Government Act or any other Act, other than certain specified powers.

Section 98(2) provides that the Chief Executive Officer may, by instrument of delegation, delegate to a member of the Council staff any power, duty or function of his or her office, except the power of delegation itself.

Other Acts also empower a Council to delegate certain powers, duties or functions. For example, section 188 of the Planning and Environment Act 1987 and section 58A of the Food Act 1984, empower Councils to delegate their powers under those Acts to members of Council staff.

There is a presumption that a power of delegation cannot be sub-delegated in the absence of express authority to do so.

The Planning and Environment Act, the Food Act, Part 9B of the Environment Protection Act and Part III of the Health Act and the Road Management Act contain specific powers of delegation, but do not contain an express power of sub-delegation. Therefore, it is assumed that the power of delegation cannot be sub-delegated. This means it is necessary for the delegation to come from Council to the staff members directly.

By contrast the Local Government Act provides that the powers of delegation under that Act can be either delegated to its staff members or to the CEO, who may then sub-delegate his or her powers (provided that the delegation to the CEO specifically authorises him or her to sub-delegate).

Therefore, the CEO is able to sub-delegate to Council staff without infringing the presumption.

As Council has a multitude of powers under 77 separate pieces of State legislation as well as various miscellaneous and administrative powers it is necessary for the efficient functioning of the Council for the Chief Executive Officer to sub delegate these powers to the relevant members of council staff.

Council last executed Instruments of Delegation to the CEO on 16 November 2009 and to members of staff in February 2016.

Decision guidelines for planning staff.

Council has previously adopted guidelines stipulating what matters under the Planning & Environment Act are to be placed before the Council or Town Planning Committee for decision, irrespective of the delegation to staff.

The guidelines previously adopted are as follows:

Planning permits.

- An application subject of a previous application that raised significant community interest.
- An application with four or more objections
- An application which raises matters which are in conflict with planning policy and may set a significant precedent which may be deemed to be planning policy.
- An application which involves a reduction in car parking which does not meet rates agreed to by council in an adopted policy, strategy or guidelines.
- An application for a major commercial development
- An application where the recommendation is to refuse an application, unless the proposal is prohibited under the planning scheme, or where a referral authority objects to the issue of a permit
- An application where a Councillor has requested for a matter to be reported to council/committee.
- An application lodged by Council or on behalf of Council unless the works are of a minor nature where no objections have been received.
- A significant amendment to any application previously approved by the Council or Committee

Planning Scheme Amendments

- A decision to seek authorisation to prepare a planning scheme amendment.
- A decision to refer submissions to an independent panel for consideration.
- A decision to adopt or abandon a planning scheme amendment (must be a council decision).

Other Planning Matters

- A request to cancel a planning permit.
- Lodgement of an application to the Supreme Court.
- New Planning Policies or Guidelines.
- Response to State Government on planning policy.

Exceptions to Guidelines

It should be noted that if due to an urgency in making a decision on a planning matter (ie the application is over the allotted statutory days and/or no meetings are scheduled due to the Christmas period) the matter is unable to be referred to the Town Planning Committee the following procedure will be followed.

- The matter will be reported in the weekly Bulletin to councillors. Councillors will be advised of the details of the application, any objections received consideration of main issues and a draft determination will be provided for consideration.
- Councillors will be invited to submit any comments they may have regarding the application before a decision is made under delegation.

No changes to these decision guidelines are proposed, however it should be noted that with the recently introduced VicSmart applications are required to be decided by the CEO or his delegate and these forms of applications will be exempt from these guidelines.

VicSmart is a streamlined assessment process for straightforward planning permit applications. Classes of application are identified in the planning scheme as being VicSmart and have specified requirements for information, assessment processes and decision guidelines.

Key features of VicSmart include:

- a 10 day permit process
- applications are not advertised
- information to be submitted with an application and what council can consider is pre-set
- the Chief Executive Officer of the council or delegate decides the application.

POLICY IMPLICATIONS

Amending the delegations and decision guidelines will establish a new policy position in regards to these matters.

RELEVANCE TO COUNCIL PLAN

Nil

CONSULTATION/COMMUNICATION

Council staff have been consulted in regard to the requirements to update the Delegations and Decision Guidelines.

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial implications involved in this matter.

CONCLUSION

Council is required to review all delegation in place within 12 months of a General Election. This report provides that opportunity.

Instrument of delegation to Chief Executive Officer

August 2017

Instrument of delegation

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

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 21 August 2017;
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.
3. on the coming into force of this Instrument of Delegation each delegation under the Instrument of Delegation dated 16 November 2009 are revoked
4. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

The common seal of **Cardinia Shire Council** was hereto affixed in the presence of:

Councillor

Chief Executive Office

SCHEDULE

The power to

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

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

Conditions and Limitations

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

5. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 5.1 awarding a contract exceeding the value of \$150,000 for goods and services and \$200,000 for the carrying out of works;
 - 5.2 making a local law under Part 5 of the Act;
 - 5.3 approval of the Council Plan under s.125 of the Act;
 - 5.4 adoption of the Strategic Resource Plan under s.126 of the Act;
 - 5.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 5.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 5.7 noting Declarations of Impartiality by Valuers pursuant to section 13DH(2) of the Valuation of Land Act 1960;
 - 5.8 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
 - 5.9 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
 - 5.10 appointment of councillor or community delegates or representatives to external organisations; or
 - 5.11 the return of the general valuation and any supplementary valuations;
6. 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;
7. 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
 - 7.1 policy; or
 - 7.2 strategyadopted by Council; or
8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

Instrument of delegation to members of Council staff

August 2017

Instrument of delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule; provided however that the delegation may also be exercised by the delegates immediate supervisor.

2. records that a reference in the Schedule to:

GMAS means General Manager Assets & Services

GMPD means General Manager Planning & Development

MCI means Manager Corporate Information

MDCS means Manager Development and Compliance Services

MG means Manager Governance

MIS means Manager Infrastructure Services

MO means Manager Operations

MSED means Manager Strategic and Economic Development

CFO means Chief Finance Officer

CGAP means Coordinator Growth Area Planning

CCS means Coordinator Compliance Services

CSED means Coordinator Strategic and Economic Development

CO means Compliance Officer

CPC means Council Properties Coordinator

PO means Prosecution Officer

AE means Assets Engineer

MBS means Municipal Building Surveyor

STE means Senior Traffic Engineer

CSP means Coordinator Statutory Planning

DSPO means staff employed as a Planner in the Development and Compliance Services Department or Strategic and Economic Development Business Unit

TLP means Team Leader Prosecutions

3. record that on the coming into force of this Instrument of Delegation each delegation under the Instrument of Delegation dated 15 February 2016 are revoked

4. declares that this Instrument of Delegation:

4.1 is authorised by resolution of Council passed on 21 August 2017 and

4.2 the delegation:

1.4.2 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

2.4.2 remains in force until varied or revoked;

3.4.2 is subject to any conditions and limitations set out in the Schedule; and

4.4.2 must be exercised in accordance with any guidelines or policies which Council from time to time adopts.

The common seal of **Cardinia
Shire Council** was here to
affixed in the presence of:

Councillor

Chief Executive Officer

Schedule

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Domestic Animal Act 1994

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
s.41A(1)	power to declare a dog to be a menacing dog	MDCS, CCS, PO TLP	Council may delegate this power to an authorised officer

Environment Protection Action 1970

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
s.53M(3)	power to require further information	MDCS	
s.53M(4)	duty to advise applicant that application is not to be dealt with	MDCS	
s.53M(5)	duty to approve plans, issue permit or refuse permit	MDCS	refusal must be ratified by council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	MDCS	refusal must be ratified by council or it is of no effect
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	MDCS	refusal must be ratified by council or it is of no effect

Food Act 1984

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	MDCS	If section 19(1) applies
s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	MDCS	If section 19(1) applies
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	MDCS	If section 19(1) applies
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	MDCS	If section 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).	MDCS	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	MDCS	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	MDCS	where council is the registration authority
s.19CB(4)(b)	power to request copy of records	MDCS	where council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	MDCS	where council is the registration authority
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	MDCS	where council is the registration authority

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
s.19H(5)(a) & (5)(b)	duty to take into account (a) the food safety performance of the food business; and (b) any guidelines issued by the Secretary in determining the frequency and intervals of the assessments and audits	MDCS	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	MDCS	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	MDCS	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	MDCS	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	MDCS	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	MDCS	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	MDCS	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	MDCS	where council is the registration authority
---	power to register, renew or transfer registration	MDCS	where council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))
s.38AA(4)	duty to determine whether the food premises are exempt from the requirement of registration	MDCS	where council is the registration authority

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
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	MDCS	where council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	MDCS	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	MDCS	where council is the registration authority
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	MDCS	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	MDCS	where council is the registration authority
s.38B(1)(c)	duty to inspect premises	MDCS	where council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	MDCS	where council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	MDCS	where council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	MDCS	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	MDCS	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	MDCS	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).
s.38E(4)	duty to register the food premises when conditions are satisfied	MDCS	where council is the registration authority

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	MDCS	where council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	MDCS	where council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	MDCS	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	MDCS	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	MDCS	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	MDCS	where council is the registration authority
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	MDCS, TLP, PO	where council is the registration authority

Planning and Environment Act 1987

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
s. 8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	GMPD	
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	GMPD, MSED	
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	GMPD, MSED, MDCS, CGAP,	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	DSPO	
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 section 19 to a planning scheme	GMPD, MSED, CSED , DSPO, CGAP	
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	GMPD, MSED	
s.23(2)	power to refer submissions to a panel	GMPD	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	GMPD, MSED MDCS, CGAP	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	GMPD, MDCS, CGAP	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMPD, MDCS MSED, MBS, CFO	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	GMPD, MDCS,	

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	GMPD, MDCCS, MSP, CGAP	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	CFO	only applies when levy is paid to Council as a 'development agency'
s.46Q(4)(c)	duty to pay amount to current owners of land in the area	CFO	must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s.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	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s.50(5)	power to refuse to amend application	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s.50A(1)	power to make amendment to application	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s.52(1)(a)	duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s.52(1)(ca)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s.52(1)(cb)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s.52(3)	power to give any further notice of an application where appropriate	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s.54(1)	power to require the applicant to provide more information	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	GMPD, MDCCS, CSP, MSED, CSED, CGAP	
s.57A(5)	power to refuse to amend application	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s.57B(1)	duty to determine whether and to whom notice should be given	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s.57C(1)	duty to give copy of amended application to referral authority	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s.58A	power to request advice from the Planning Application Committee	GMPD, MDCCS, MSED	
s.60	duty to consider certain matters	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s60(1A)	power to consider certain matters before deciding on application	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	
s.61(1)(a)	power to decide to grant a permit	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
s.61(1)(b)	power to decide to grant a permit with conditions	GMPD, MDCCS, CSP, DSPO, MSED, CSED, CGAP	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
s.61(1)(c)	power to refuse the permit	GMPD GMPD, MDCS, CSP, DSPO, MSED, CSED, CGAP	
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	GMPD, MDCS, CSP, MSED , CSED, CGAP, DSPO	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	GMPD, MDCS, MSED, CSP, CSED, CGAP, DSPO	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	GMPD, MDCS, CSP, DSPO, MSED, CSED, CGAP	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	GMPD, MDCS, CSP, DSPO, MSED, CSED, CGAP	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	GMPD, MDCS, CSP, DSPO, MSED, CSED, CGAP	
s.62(1)	duty to include certain conditions in deciding to grant a permit	GMPD, MDCS, CSP, DSPO, MSED, CSED, CGAP	
s.62(2)	power to include other conditions	GMPD, MDCS, CSP, DSPO, MSED, CSED, CGAP	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	GMPD, MDCS, CSP, DSPO, MSED, CSED, CGAP	

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
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	GMPD, MDSCS, CSP, DSPO, MSED, CSED, CGAP	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	GMPD, MDSCS, CSP, DSPO, MSED, CSED, CGAP	
s.69(2)	power to extend time	GMPD, MDSCS, CSP, DSPO, MSED, CSED, CGAP	
s.71(1)	power to correct certain mistakes	GMPD, MDSCS, CSP, DSPO, MSED, CSED, CGAP	
s.73	power to decide to grant amendment subject to conditions	GMPD, MDSCS, CSP, DSPO, MSED, CSED, CGAP	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	GMPD, MDSCS, CSP, MSED, CSED, CGAP	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	GMPD, MDSCS, MSED, TLP, CCS	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	GMPD, GMAS	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	GMPD, MSED, CGAP, CSED	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	GMPD, MSED, CGAP, CSED	
s.97C	power to request Minister to decide the application	GMPD	

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
s.970	duty to consider application and issue or refuse to issue certificate of compliance	GMPD, MDCS, CSP, DSPO, MSED, CSED, CGAP	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	GMPD	
s.103	power to reject a claim for compensation in certain circumstances	GMPD	
s.114(1)	power to apply to the VCAT for an enforcement order	GMPD, MDCS, MSED, CCS, PO, CO, TLP	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	GMPD, MDCS, CCS, TLP, MSED	
s.123(1)	power to carry out work required by enforcement order and recover costs	GMPD, MDCS, CCS, MSED	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	GMPD, MDCS, MSED	except Crown Land
s.130(5)	power to allow person served with an infringement notice further time	GMPD, MDCS, CCS, PO, TLP, CO	
s.149A(1)	power to refer a matter to the VCAT for determination	GMPD, MSED, MDCS, CSP, CCS, TLP, CSED, CGAP	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	GMPD, MSED, MDCS, CSP, CCS, TLP, CSED, CGAP	
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	GMPD, MSED,	where council is the relevant planning authority

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
	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)		
s.173	power to enter into agreement covering matters set out in section 174	GMPD, MSED, MDCA, CGAP, CSP, CSED	
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	GMPD, MDCA, CSP, DSPO, MSED, CSED, CGAP	
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	GMPD, MDCA, CSP, DSPO, MSED, CSED, CGAP	
s.177(2)	power to end a section 173 agreement with approval of the Minister or the consent of all those bound by any covenant in the agreement	GMPD, MDCA, MSED, CGAP CSED, CSP	
s.178	power to amend a s.173 agreement	GMPD, MDCA, MSED, CGAP CSED, CSP	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	GMPD, MDCA, CSP, DSPO, MSED, CSED, CGAP	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	GMPD, MDCA, CSP, DSPO, MSED, CSED, CGAP	

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
s.178A(5)	power to propose to amend or end an agreement	GMPD, MDCS, CSP, DSPO, MSED, CSED, CGAP	
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	GMPD, MDCS, CSP, DSPO, MSED, CGAP, CSED,	
s.178C(4)	function of determining how to give notice under s.178C(2)	GMPD, MDCS, CSP, DSPO, MSED, CGAP, CSED	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	GMPD, MSED, MDCS, CGAP CSP, CSED	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	GMPD, MSED, MDCS, CGAP, CSP, CSED	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	GMPD, MSED, MDCS, CGAP, CSP, CSED	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	GMPD, MSED, MDCS, CGAP, CSP, CSED	After considering objections, submissions and matters in s.148B
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	GMPD, MSED, MDCS, CGAP, CSP, CSED	After considering objections, submissions and matters in s.148B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	GMPD, MSED, MDCS, CGAP, CSP, CSED	After considering objections, submissions and matters in s.148B

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
s.178E(3)(d)	power to refuse to amend or end the agreement	GMPD, MSED, MDCS, CGAP, CSP, CSED	After considering objections, submissions and matters in s.148B
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	GMPD, MDCS, CSP, DSPO, MSED, CGAP, CSED	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	GMPD, MSED, MDCS, CGAP, CSP, CSED	
s.182	power to enforce an agreement	GMPD, MDCS, MSED, CCS, PO, TLP, CO	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	GMPD, MSED, MDCS, CGAP, CSED, CSP	
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	GMPD, MSED, MDCS, CGAP, CSP, CSED	
s.201(3)	duty to make declaration	GMPD, MDCS, MSED,	
-	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	GMPD, MDCS, CSP, DSPO, MSED, CGAP, CCS, PO, CO, TLP, CSED	
	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	GMPD, MDCS, CSP, DSPO, MSED, CGAP, CCS, PO, CO, TLP, CSED	

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
	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	GMPD, MDCS, CSP, DSPO, MSED, CGAP, CCS, PO, CO, TLP, CSED	
-	power to give written authorisation in accordance with a provision of a planning scheme	GMPD, MDCS, CSP, DSPO, MSED, CGAP, CCS, PO, CO, TLP, CSED	

Rail Safety Act 2006

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	STE	where council is the relevant road authority

Residential Tenancies Act 1997

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and 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	MDCS	
s.522(1)	power to give a compliance notice to a person	MDCS	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	GMPD, GMAS	
s.525(4)	duty to issue identity card to authorised officers	MG	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	GMPD, GMAS	

Road Management Act 2004

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	GMAS	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	GMAS, MG	
s.12(2)	power to discontinue road or part of a road	GMAS, CPC	where council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	GMAS, CPC	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.13(1)	power to fix a boundary road by publishing notice in Government Gazette	GMAS	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(7)	power to appeal against decision of VicRoads	GMAS, STE, MO	
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	GMAS, STE, MO	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMAS	
s.16(7)	power to enter into an arrangement under section 15	GMAS, STE, MO	
s.17(3)	power to decide that a road is reasonably required for general public use	GMAS, MIS, STE, MO	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	GMAS, MIS, MO	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	GMAS, MIS, MO	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
s.40(5)	power to inspect, maintain and repair a road which is not a public road	MO	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	GMAS, MIS, MO	
s.42(1)	power to declare a public road as a controlled access road	GMAS	power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	GMAS, STE MO	power of coordinating road authority and Schedule 2 also applies
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	GMAS, STE, MIS	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	GMAS, MIS	
s.51	power to determine standards by incorporating the standards in a road management plan	GMAS, MIS	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMAS, MIS	
s.54(6)	power to amend road management plan	GMAS	
s.63(1)	power to consent to conduct of works on road	GMAS, MIS, MO, STE	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	GMAS, MIS, MO, STE	where council is the infrastructure manager
s.66(1)	power to consent to structure etc	GMAS, MIS, MO	where council is the coordinating road authority
s.67(3)	power to request information	GMAS, MIS, MO, STE	where council is the coordinating road authority

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
s.68(2)	power to request information	GMAS, MIS, MO, STE	where council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	MG	
s.112(2)	power to recover damages in court	GMAS, MIS, MO	
s.116	power to cause or carry out inspection	GMAS, MIS, MO, STE	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	GMAS, MIS, MO	
s.121(1)	power to enter into an agreement in respect of works	GMAS, MIS, MO, STE	
s.122(1)	power to charge and recover fees	GMAS, MIS, MO, STE	
s.123(1)	power to charge for any service	GMAS, MIS, MO, STE	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	GMAS, MIS, MO, STE	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	GMAS, MIS, MO, STE	
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	GMAS, MIS, MO,	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	GMAS, MIS, MO, STE	where council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	GMAS, MIS, MO, STE	where council is the coordinating road authority

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
Schedule 7 Clause 13(2)	power to vary notice period	GMAS, MIS, MO	where council is the coordinating road authority
Schedule 7 Clause 16(1)	power to consent to proposed works	GMAS, MIS, MO, STE	where council is the coordinating road authority
Schedule 7 Clause 16(5)	power to consent to proposed works	GMAS, MIS, MO, STE	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	GMAS, MIS, MO, STE	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	GMAS, MIS, MO, STE	where council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	GMAS, MIS, MO, STE	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	GMAS, MIS, MO, STE	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	GMAS, MIS, MO, STE	where council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	GMAS, MIS, MO	where council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	GMAS, MIS, MO, STE	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	GMAS, MIS, MO, STE	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 2005

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
r.55	duty of responsible authority to tell Registrar of Titles under r 183 of the Act of the cancellation or amendment of an agreement	GMPD, MDCS, CSP, DSPO, MSED, CGAP, CSED	

Planning and Environment Interim (Fees) Regulations 2013

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
r.16	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	GMPD, MDCS, MSED, CSP, CGAP, CSED	
r.17	power to waive or rebate a fee relating to an amendment of a planning scheme	GMPD, MSED	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	MDCS	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	MDCS	
r.15(3)	power to determine where notice of transfer is displayed	MDCS	
r.19(4)	power to determine where the emergency contact person's details are displayed	MDCS	
r.19(6)	power to determine where certain information is displayed	MDCS	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	MDCS	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	MDCS	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	MDCS	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MDCS	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MBS	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	MBS	

Road Management (General) Regulations 2005

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
r.501(1)	power to issue permit	GMAS, MIS, MO, STE	where council is the coordinating road authority
r.501(4)	power to charge fee for issuing permit under regulation 501(1)	GMAS, MIS, MO, STE	where council is the coordinating road authority
r.503(1)	power to give written consent to person to drive on road a vehicle which is likely to cause damage to road	GMAS, MIS, MO, STE	where council is the coordinating road authority
r.508(3)	power to make submission to Tribunal	GMAS, MIS, MO, STE	where council is the coordinating road authority
r.509(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	GMAS, MIS, MO, STE, TLP, CCS	where council is the responsible road authority
r.509(2)	power to sell or destroy things removed from road or part of road (after first complying with regulation 509(3))	GMAS, MIS, MO, STE, TLP, CCS	where council is the responsible road authority
r.509(4)	power to recover in the Magistrates' Court, expenses from person responsible	GMAS, MIS, MO, STE, TLP, CCS	

Road Management (Works and Infrastructure) Regulations 2005

Column 1 Provision	Column 2 Thing delegated	Column 3 Delegate	Column 4 Conditions and limitations
r.10	power to exempt a person from requirement under clause 13(1) of Schedule 7 to the Act to give notice as to the completion of those works	GMAS, MIS, MO, STE	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.18(2)	power to waive whole or part of fee in certain circumstances	GMAS, MIS, MO, STE	where council is the coordinating road authority

Delegations to Section 86 Committees

Council has in place a number of Committees established under the provisions of Section 86 of the Local Government Act and has by Instrument of Delegation delegated various powers and duties to these committees.

The powers and duties delegated to these committees can be summarised as follows:

Hall Committees

Powers delegated

- The power to enter into contracts for an amount not exceeding \$5,000.
- The power to incur expenditure for a single item for an amount not exceeding \$5,000.
- Where higher contract or expenditure limits are required, approval must be sought from the Council.

Duties

- The duty to provide a Public Hall available for the hire of individuals and organisations which will be of benefit and use for present and future residents of the Cardinia Shire.

Recreation Reserve Committees

Powers delegated

The Power to:

- Enter into contracts for an amount not exceeding \$5,000
- Incur expenditure for a single item for an amount not exceeding \$5,000

Duties

The duty to provide sporting facilities for the benefit and use of present and future generations of the Shire.

Township Committees

Powers

- The power to enter into contracts for an amount not exceeding \$5,000.
- The power to incur expenditure for a single item for an amount not exceeding \$5,000.
- Where higher contract or expenditure limits are required, approval must be sought from the Council.

Duties

The duty to provide a forum for clubs, organisations, associations, community groups and residents in the town or locality.

Instrument of delegation to Town Planning Committee

August 2017

Instrument of delegation

Cardinia Shire Council (**Council**) delegates to the committee established by resolution of Council passed on 8 April 2002 and known as the "Town Planning Committee" (**the Committee**), the powers, discretions and authorities set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 21 August 2017;
2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council resolves to vary or revoke it; and
 - 2.3 is to be exercised in accordance with the exceptions, conditions and limitations set out in the Schedule and with the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee have voting rights.

The common seal of **Cardinia Shire Council** was hereto affixed in the presence of:

Councillor

Chief Executive Office

SCHEDULE

Purpose

To exercise Council's powers, discretions and authorities to perform Council's functions under the *Planning and Environment Act 1987* in accordance with relevant policies and guidelines of the Council and to do all things necessary or convenient to be done for or in connection with the performance those functions, duties and powers.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to exercise the powers which, under section 86 of the *Local Government Act 1989* or section 188 of the *Planning and Environment Act 1987*, cannot be delegated to the Committee.

Decision Guidelines for Planning Staff

Irrespective of the delegations to staff made under the Planning and Environment Act the following matters are required to be placed before the Town Planning Committee or Council for a decision:

Planning permits.

An application subject of a previous application that raised significant community interest.

An application with four or more objections

An application which raises matters which are in conflict with planning policy and may set a significant precedent which may be deemed to be planning policy.

An application which involves a reduction in car parking which does not meet rates agreed to by council in an adopted policy, strategy or guidelines.

An application for a major commercial development

An application where the recommendation is to refuse an application, unless the proposal is prohibited under the planning scheme, or where a referral authority objects to the issue of a permit

An application where a Councillor has requested for a matter to be reported to council/committee.

An application lodged by Council or on behalf of Council unless the works are of a minor nature where no objections have been received.

A significant amendment to any application previously approved by the Council or Committee

Planning Scheme Amendments

A decision to seek authorisation to prepare a planning scheme amendment.

A decision to refer submissions to an independent panel for consideration.

A decision to adopt or abandon a planning scheme amendment (must be a council decision).

Other Planning Matters

A request to cancel a planning permit.

Lodgement of an application to the Supreme Court.

New Planning Policies or Guidelines.

Response to State Government on planning policy.

Exceptions to Guidelines

It should be noted that if due to an urgency in making a decision on a planning matter (ie the application is over the allotted statutory days and/or no meetings are scheduled due to the Christmas period) the matter is unable to be referred to the Town Planning Committee the following procedure will be followed.

The matter will be reported in the weekly Bulletin to councillors. Councillors will be advised of the details of the application, any objections received consideration of main issues and a draft determination will be provided for consideration.

Councillors will be invited to submit any comments they may have regarding the application before a decision is made under delegation.

It is acknowledged that these decision guidelines do not affect VicSmart applications that are exempt from these guidelines

information to be submitted with an application and what council can consider is pre-set the Chief Executive Officer of the council or delegate decides the application.