

3 DELEGATIONS TO STAFF

FILE REFERENCE INT1861141

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RECOMMENDATION

In exercise of the powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached instrument of delegation, Council resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff under the Instrument of Delegation dated 21 August 2017 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 34 Pages

EXECUTIVE SUMMARY

To update the Instrument of Delegation to members of Council staff to take into account recent changes to staff members and positions within the organisation.

BACKGROUND

Council previously resolved in August 2017 to delegate some duties and functions to specified members of Council staff under various legislative instruments. Due to changes to position titles and responsibilities within the organisation it is necessary to update these delegations taking into account these changes to the organisational structure.

It is not proposed to increase the delegations within the document, merely to update the reference to the relevant responsible positions.

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 Victorian 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 to members of staff or to committees.

CONSULTATION/COMMUNICATION

The document attached has been prepared following consultation with Council Business Units

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

CONCLUSION

It is necessary to update the Deed of Delegation to staff due to recent changes to the organisations structure and position titles.

Instrument of Delegation to Members of Council Staff

August 2018

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. record that references in the Schedule are as follows:

GMAS means General Manager Assets & Services
GMPD means General Manager Planning & Development
MDCS means Manager Development and Compliance Services
MG means Manager Governance
MIS means Manager Infrastructure Services
MO means Manager Operations
MPD means Manager Policy Design Growth Area Planning
CFO means Chief Finance Officer
CGAP means Coordinator Growth Area Planning
CCS means Coordinator Compliance Services
MED means Manager Economic Development Tourism and Major Projects
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
CSTRP means Coordinator Strategic Planning
PDDP means staff employed as a Planner in the Planning and Development Division
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 21 August 2017 are revoked
- 3.1 this Instrument of Delegation is authorised by resolution of Council passed on 17 September 2018
- 3.2 the delegation:
 - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2.2 remains in force until varied or revoked;
 - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
 - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategyadopted by Council; or
 - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
 - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

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

ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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	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	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(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	MDCS	if section 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 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.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) 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

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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
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

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	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(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(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

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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
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(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	MDCS	where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	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 <ul style="list-style-type: none"> • 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		<ul style="list-style-type: none"> • Not delegated – Council resolution required
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, 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	GMPD, MPD, MDSCS, CGAP	
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, MPD, MED , PDDP, CGAP	
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	GMPD, MPD	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	GMPD	
s.26(1)	power to make report available for inspection	PDDP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.27(2)	power to apply for exemption if panel's report not received	GMPD	
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	GMPD	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	GMPD	
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	GMPD	
s.46GV(3)(b)	power to enter into an agreement with the applicant	GMPD	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	GMPD	where Council is the collecting agency
s.46GX(1)	power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	GMPD	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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	GMPD, MPD 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)(a) & (2)(a)	power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	GMPD	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMPD, MDCS MPD, 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,	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	GMPD, MDCS, 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 if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s.46Q(4)(a)	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	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.47	power to decide that an application for a planning permit does not comply with that Act	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.50(5)	power to refuse to amend application	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.50A(1)	power to make amendment to application	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	GMPD, MDCS, CSP, PDDP, MPD, MED, 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, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.52(1)(b)	duty to give notice of the application to other municipal Councils where appropriate	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	GMPD, MDCS, CSP, PDDP, MPD, MED, 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, MDCS, CSP, PDDP, MPD, MED, 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, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.52(3)	power to give any further notice of an application where appropriate	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.54(1)	power to require the applicant to provide more information	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	GMPD, MDCS, CSP, MPD, MED, CGAP	
s.57A(5)	power to refuse to amend application	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.57B(1)	duty to determine whether and to whom notice should be given	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57B(2)	duty to consider certain matters in determining whether notice should be given	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.57C(1)	duty to give copy of amended application to referral authority	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.58	duty to consider every application for a permit	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.58A	power to request advice from the Planning Application Committee	GMPD, MDCS, MPD	
s.60	duty to consider certain matters	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s60(1A)	duty to consider certain matters.	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	GMPD, MDCS, CSP, MPD, MED, CGAP, PDDP	
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, MPD, CSP, MED, CGAP, PDDP	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	GMPD, MDCS, CSP, PDDP, MPD, MED, 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, PDDP, MPD, MED, CGAP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.62(1)	duty to include certain conditions in deciding to grant a permit	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.62(2)	power to include other conditions	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
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, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.69(2)	power to extend time	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.71(1)	power to correct certain mistakes	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.73	power to decide to grant amendment subject to conditions	GMPD, MDCS, CSP, PDDP, MPD, MED, 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, MDCS, CSP, MPD, MED, CGAP	
s.84AB	power to agree to confining a review by the Tribunal	GMPD	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	GMPD, MDCS, MPD, 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, MPD, CGAP, MED	
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, MPD, CGAP, MED	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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 section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	GMPD	
s.96H(3)	power to give notice in compliance with Minister's direction	GMPD	
s.96J	power to issue permit as directed by the Minister	GMPD	
s.97C	power to request Minister to decide the application	GMPD	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	GMPD, MDCS, CSP, PDDP, MPD, MED, 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.107(3)	power to agree to extend time for making claim	GMPD	
s.114(1)	power to apply to the VCAT for an enforcement order	GMPD, MDCS, MPD, CCS, PO, CO, TLP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	GMPD, MDCS, CCS, TLP, MPD	
s.123(1)	power to carry out work required by enforcement order and recover costs	GMPD, MDCS, CCS, MPD	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	GMPD, MDCS, MPD	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, MPD, MDCS, CSP, CCS, TLP, MED, 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, MPD, MDCS, CSP, CCS, TLP, MED, 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 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)	GMPD, MPD	where Council is the relevant planning authority

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.171(2)(f)	power to carry out studies and commission reports	GMPD	
s.171(2)(g)	power to grant and reserve easements	GMPD	
s.172C	power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	GMPD	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)	GMPD	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)	GMPD	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 section 174	GMPD	
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	GMPD	where Council is the relevant responsible authority note: this provision is not yet in force and will commence on 1 June 2018, if not proclaimed earlier
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	power to give consent on behalf of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.177(2)	power to end a section 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	GMPD, MDCS, MPD, CGAP MED, CSP	
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	GMPD, MDCS, MPD, CGAP MED, CSP	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	
s.178A(5)	power to propose to amend or end an agreement	GMPD, MDCS, CSP, PDDP, MPD, MED, CGAP	

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	GMPD, MPD, MDCS, CGAP CSP, MED	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, MPD, MDCS, CGAP, CSP, MED	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, MPD, MDCS, CGAP, CSP, MED	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, MPD, MDCS, CGAP, CSP, MED	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	GMPD, MPD, MDCS, CGAP, CSP, MED	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)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	GMPD, MPD, MDCS, CGAP, CSP, MED	after considering objections, submissions and matters in s.178B
s.178E(3)(d)	power to refuse to amend or end the agreement	GMPD, MPD, MDCS, CGAP, CSP, MED	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	GMPD	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	GMPD, MPD, MDCS, CGAP, CSP, MED	
s.182	power to enforce an agreement	GMPD, MDCS, MPD, CCS, PO, TLP, CO	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	GMPD, MPD, MDCS, CGAP, MED, 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, MPD, MDCS, CGAP, CSP, MED	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.201(3)	duty to make declaration	GMPD, MDCS, MPD,	
-	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, PDDP, MPD, CGAP, CCS, PO, CO, TLP, MED	
	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, PDDP, MPD, CGAP, CCS, PO, CO, TLP, MED	
	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, PDDP, MPD, CGAP, CCS, PO, CO, TLP, MED	
-	power to give written authorisation in accordance with a provision of a planning scheme	GMPD, MDCS, CSP, PDDP, MPD, CGAP, CCS, PO, CO, TLP, MED	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 142G(2)	power to enter certain information in the Rooming House Register	MDCS	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	MDCS	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	MDCS	where Council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	MDCS	where Council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by Council	MDCS	
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	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	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	were 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 of a 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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)
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	

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	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
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	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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
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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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 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 section 54 of the Act	GMPD, MPD, MDCD, CSP, CGAP, MED	

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	GMPD, MPD	
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	GMPD, MPD, MDCD, CSP, CGAP, MED	

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	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 (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	MDCS	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MDCS	
r.15(3)	power to determine where notice of transfer is displayed	MDCS	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	MDCS	
r.19(4)	power to determine where the emergency contact person's details are displayed	MDCS	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.16(3)	power to issue permit	GMAS, MIS, MO, STE	where Council is the coordinating road authority
r.18(1)	power to give written consent re damage to road	GMAS, MIS, MO, STE	where Council is the coordinating road authority
r.23(2)	power to make submission to Tribunal	GMAS, MIS, MO, STE	where Council is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	GMAS, MIS, MO, STE	where Council is the coordinating road authority
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	GMAS, MIS, MO, STE	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))	MDCS, CCS	where Council is the responsible road authority
r.25(5)	power to recover in the Magistrates' Court, expenses from person responsible	GMAS, MIS, MO, STE, TLP, CCS	

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 clause 13(1) of Schedule 7 of 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.22(2)	power to waive whole or part of fee in certain circumstances	GMAS, MIS, MO, STE	where Council is the coordinating road authority