

Whitehorse City Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

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

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. record that references in the Schedule are as follows:

"AMSTP" means Assistant Manager Statutory Planning

"CEO" means Chief Executive Officer

"CWI" means Civil Works Inspector

"CLO" means Community Laws Officer

"CCL" means Co-ordinator Community Laws

"CCSS" means Co-ordinator Community Safety Support

"CEA" means Co-ordinator Engineering Assets

"CEH" means Co-ordinator Environmental Health

"CGIS" means Co-ordinator GIS

"CG" means Co-ordinator Governance

"CPS" means Co-ordinator Parking Services

"CSTRP" means Co-ordinator Strategic Planning

"DP" means Development Planner

"DCD" means Director City Development

"DCOM" means Director Community Services

"DCOR" means Director Corporate Services

"DI" means Director Infrastructure

"EWC" means Engineering Works Co-ordinator

"EHA" means Environmental Health Administration

"EHO" means Environmental Health Officer

"GO" means Governance Officer

"GPO" means Governance Project Officer

"MCP&D" means Manager City Planning & Development

"MCITY" means Manager City Services

"MCS" means Manager Community Safety

"ME&I" means Manager Engineering & Investment

"MF&CP" means Manager Finance & Corporate Performance

"MH&FS" means Manager Health & Family Services

"MPD&A" means Manager Project Delivery & Assets

"PSO" means Parking Services Officer

"P&BAO" means Planning & Building Administration Officer

"PEO" means Planning Enforcement Officer

"PO's" means Planning Officers

"PP" means Principal Planner

"SSTRP" means Senior Strategic Planner

"STRP" means Strategic Planner

"TLPS" means Team Leader Parking Services

"TLSTP" means Team Leader Statutory Planning

"TLSTPE" means Team Leader Statutory Planning Enforcement

"TOS" means Technical Officer Subdivisions

"PO Group" means DP, TLSTP, UP and PP

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on April 2022; and

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;

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a policy or strategy, adopted by Council;

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

Signed for Whitehorse City Council
by Simon McMillan in his capacity
as Chief Executive Officer pursuant
to authorisation by Council at its
meeting held April 2022.

Date April 2022

Delegation Sources

- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Road Management Act 2004
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

Positions

Abbreviation	Position
AMSTP	Assistant Manager Statutory Planning
CEO	Chief Executive Officer
CWI	Civil Works Inspector
CLO	Community Laws Officer
CCL	Coordinator Community Laws
CCSS	Coordinator Community Safety Support
CEA	Coordinator Engineering Assets
CEH	Coordinator Environmental Health
CGIS	Coordinator GIS
CG	Coordinator Governance
CPS	Coordinator Parking Services
CSTRP	Coordinator Strategic Planning

Abbreviation	Position
DP	Development Planner
DCD	Director City Development
DCOM	Director Community Services
DCOR	Director Corporate Services
DI	Director Infrastructure
EWC	Engineering Works Coordinator
EHA	Environmental Health Administration
EHO	Environmental Health Officer
GO	Governance Officer
GPO	Governance Project Officer
MCP&D	Manager City Planning & Development
MCITY	Manager City Services
MCS	Manager Community Safety
ME&I	Manager Engineering & Investment
MF&CP	Manager Finance & Corporate Performance
MH&FS	Manager Health & Family Services
MPD&A	Manager Project Delivery & Assets

Abbreviation	Position
Not delegated	Not delegated
PSO	Parking Services Officer
P&BAO	Planning & Building Administration Officer
PEO	Planning Enforcement Officer
POs	Planning Officers
PP	Principal Planner
SSTRP	Senior Strategic Planner
STRP	Strategic Planner
TLPS	Team Leader Parking Services
TLSTP	Team Leader Statutory Planning
TLSTPE	Team Leader Statutory Planning Enforcement
TOS	Technical Officer Subdivisions

Positions Groups

Positions Group	Position	Positions
PO Group	Planning Officers	DP, TLSTP, UP, PP

S6 Instrument of Delegation - Members of Staff

Domestic Animals Act 1994			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	MCS	Council may delegate this power to a Council authorised officer

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	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	EHO, CEH	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	EHO, CEH	If s 19(1) applies

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	EHO, CEH	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	MH&FS, CEO, CEH, DCOM	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	EHO, CEH	If s 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	EHO, CEH	If s 19(1) applies

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	Not delegated	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	Not delegated	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHO, CEH	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHO, CEH	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	EHO, CEH, EHA	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO, CEH	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	EHO, CEH	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	EHO, CEH, EHA	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19N(2)	Function of receiving notice from the auditor	EHO, CEH, EHA	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	EHO, CEH	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	Not delegated	

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	Not delegated	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHO, CEH	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	EHO, CEH	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	EHO, CEH	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Power to register or renew the registration of a food premises	EHO, CEH	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	EHO, CEH	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	EHO, CEH	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHO, CEH	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	Not delegated	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	EHO, CEH	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	EHO, CEH	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHO, CEH	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHO, CEH	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	EHO, CEH	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHO, CEH	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHO, CEH	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	EHO, CEH	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	EHO, CEH	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHO, CEH	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	EHO, CEH	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	EHO, CEH, EHA	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	EHO, CEH	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	EHO, CEH	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	EHO, CEH	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 39A (6)	Duty to comply with a direction of the Secretary	EHO, CEH	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	EHO, CEH	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	CEO	Only if absolutely necessary
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CEH	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	MH&FS	Where Council is the registration authority

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40E	Duty to comply with direction of the Secretary	EHO, CEH	
s 40F	Power to cancel registration of food premises	CEH	Where Council is the registration authority
s 43	Duty to maintain records of registration	EHO, CEH, EHA	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 or renewing registration of a component of a food business	EHO, CEH	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	EHO, CEH	Where Council is the registration authority
s 45AC	Power to bring proceedings	EHO, CEH	

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	EHO, CEH	Where Council is the registration authority

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	DCD	<p>Must first obtain Executive Director's written consent</p> <p>Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation</p>

Local Government Act 1989			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	MCP&D, DCD	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CSTRP, STRP, SSTRP, MCP&D, DCD	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	CSTRP, STRP, SSTRP, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4I	Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements	P&BAO, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	MCP&D, DCD	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	MCP&D, DCD	
s 8A(5)	Function of receiving notice of the Minister's decision	CSTRP, STRP, SSTRP, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	CSTRP, STRP, SSTRP, MCP&D, DCD	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	Not delegated	
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	AMSTP, CSTRP, CEO, MCP&D, DCD	
s 12B(1)	Duty to review planning scheme	MCP&D, DCD	
s 12B(2)	Duty to review planning scheme at direction of Minister	MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	MCP&D, DCD	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	AMSTP, CSTRP, CEO, MCP&D, DCD	
s 17(1)	Duty of giving copy amendment to the planning scheme	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 17(2)	Duty of giving copy s 173 agreement	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 18	Duty to make amendment etc. available in accordance with public availability requirements	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CSTRP, STRP, SSTRP, CEO, MCP&D, DCD	<hr/> May give notice to the Minister. May give notice to a public authority or a Council.
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CSTRP, STRP, SSTRP, MCP&D, DCD	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	CEO, MCP&D, DCD	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	CSTRP, STRP, SSTRP, MCP&D, DCD	
s 21A(4)	Duty to publish notice	CSTRP, MCP&D, DCD	
s 22	Duty to consider all submissions	AMSTP, CSTRP, STRP, SSTRP, CEO, MCP&D, DCD	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CSTRP, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	AMSTP, CSTRP, MCP&D, DCD	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	AMSTP, CSTRP, STRP,	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		SSTRP, MCP&D, DCD	
s 27(2)	Power to apply for exemption if panel's report not received	AMSTP, CSTRP, STRP, SSTRP, CEO, MCP&D, DCD	
s 28(1)	Duty to notify the Minister if abandoning an amendment	CEO, DCD	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 30(4)(a)	Duty to say if amendment has lapsed	AMSTP, CSTRP, STRP, SSTRP, CEO, MCP&D, DCD	
s 30(4)(b)	Duty to provide information in writing upon request	AMSTP, CSTRP, STRP, SSTRP, CEO, MCP&D, DCD	
s 32(2)	Duty to give more notice if required	AMSTP, CSTRP, STRP, SSTRP, CEO, MCP&D, DCD	
s 33(1)	Duty to give more notice of changes to an amendment	AMSTP, CSTRP, STRP, SSTRP, CEO, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 36(2)	Duty to give notice of approval of amendment	AMSTP, CSTRP, STRP, SSTRP, CEO, MCP&D, DCD	
s 38(5)	Duty to give notice of revocation of an amendment	AMSTP, CSTRP, STRP, SSTRP, CEO, MCP&D, DCD	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 40(1)	Function of lodging copy of approved amendment	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
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	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD, PO Group	
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	AMSTP, CSTRP, STRP, SSTRP, MCP&D, DCD	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	AMSTP, CSTRP, POs, STRP, SSTRP, MCP&D, DCD	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	AMSTP, CSTRP, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	AMSTP, CSTRP, MCP&D, DCD	
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	AMSTP, CSTRP, MCP&D, DCD	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	AMSTP, CSTRP, MCP&D, DCD	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	AMSTP, CSTRP, MCP&D, DCD	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(1)	Duty to keep proper accounts of levies paid	MCP&D, DCD	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	AMSTP, CSTRP, MCP&D, DCD	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	MCP&D, DCD	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	MCP&D, DCD	Only applies when levy is paid to Council as a 'development agency'

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	CEO, MCP&D, DCD	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 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	MCP&D, DCD	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	MCP&D, DCD	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	MCP&D, DCD	
s 46QD	Duty to prepare report and give a report to the Minister	DCD	Where Council is a collecting agency or development agency

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	Not delegated	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	Not delegated	
s 47	Power to decide that an application for a planning permit does not comply with that Act	AMSTP, TLSTP, PP, MCP&D, DCD	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	AMSTP, P&BAO,	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		CSTRP, POs, MCP&D, DCD	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD	
s 50(4)	Duty to amend application	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 50(5)	Power to refuse to amend application	AMSTP, CSTRP, POs, TLSTPE, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50(6)	Duty to make note of amendment to application in register	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD	
s 50A(1)	Power to make amendment to application	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50A(4)	Duty to note amendment to application in register	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD	
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	AMSTP, CSTRP, DP, TLSTP, PP, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only. In case of a decision not to give notice of an application, this delegation must only be exercised by the DCD, MCP&D, AMSTP, CSTRP, TLSTP and PP.

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	AMSTP, CSTRP, POs, MCP&D, DCD	
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	AMSTP, CSTRP, POs, MCP&D, DCD	
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	AMSTP, CSTRP, POs, MCP&D, DCD	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	AMSTP, CSTRP, POs, MCP&D, DCD	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	AMSTP, CSTRP, POs, MCP&D, DCD	
s 52(3)	Power to give any further notice of an application where appropriate	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	AMSTP, CSTRP, DP, TLSTP, PP, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	AMSTP, CSTRP, DP, TLSTP, PP, MCP&D, DCD	
s 54(1)	Power to require the applicant to provide more information	AMSTP, CSTRP, POs, MCP&D, DCD	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 54(1B)	Duty to specify the lapse date for an application	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	<hr/> <p>The SPO is authorised to exercise this for subdivision applications only.</p> <p>A decision to refuse to extend time in response to any request pursuant to Section 54A(1) must only be exercised by the DCD, MCP&D, AMSTP, CSTRP, TLSTP and PP.</p>
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	<hr/> <p>The SPO is authorised to exercise this for subdivision applications only.</p>
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, MCP&D, DCD	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57A(5)	Power to refuse to amend application	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 57A(6)	Duty to note amendments to application in register	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	
s 57B(1)	Duty to determine whether and to whom notice should be given	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	AMSTP, CSTRP, POs, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57C(1)	Duty to give copy of amended application to referral authority	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	
s 58	Duty to consider every application for a permit	AMSTP, CSTRP, POs, MCP&D, DCD	
s 58A	Power to request advice from the Planning Application Committee	CEO, DCD	
s 60	Duty to consider certain matters	AMSTP, CSTRP, POs, MCP&D, DCD	
s 60(1A)	Duty to consider certain matters	AMSTP, CSTRP, POs,	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
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	AMSTP, CSTRP, DP, TLSTP, PP, MCP&D, DCD, TOS	<p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p> <p>The SPO is authorised to exercise this for subdivision applications only.</p> <p>A decision to reuse a permit application must only be exercised by DCD, MCP&D, CSTRP, TLSTRP AND PP, except any application "called in" by a Councillor. The decision to grant a permit with or without conditions or a Notice of Decision with or without conditions, This power cannot be exercised in relation to:</p> <p>a) any application "called in" by a Councillor, whereby a Councillor advises the Director City Development, Manager City Planning and Development, Assistant Manager</p>

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>Statutory Planning, Coordinator Strategic Planning, Team Leader Statutory Planning or Principal Planner that the planning application must be reported to Council for determination;</p> <p>b) any major development proposal or any other application where considered to be warranted by the delegate;</p> <p>c) an application where there is considered by the delegate to be significant non-compliance with the relevant Council Policy, the Whitehorse Planning Scheme and/or any incorporated document to the planning scheme;</p> <p>d) an application for a single dwelling or dwelling addition where there are 12 or more objector properties;</p> <p>e) an application for multiple dwellings where there are 12 or more objector properties;</p> <p>f) an application for accommodation where there are 12 or more objector properties;</p> <p>g) an application for non-residential use and/or development outside a residential zone where there are 20 or more objector properties; or</p>

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>h) an application for non-residential use and/or development within a residential zone where there are 12 or more objector properties.</p> <p>The decision must be dual signed by the responsible officer and delegate and must be in accordance with the delegation policy.</p>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	AMSTP, CSTRP, TLSTP, PP, MCP&D, DCD	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	AMSTP, CSTRP, TLSTP, PP, MCP&D, DCD	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	AMSTP, CSTRP, TLSTP, PP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	AMSTP, CSTRP, TLSTP, PP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 62(2)	Power to include other conditions	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	AMSTP, CSTRP, POs,	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	AMSTP, CSTRP, POs, MCP&D, DCD, TOS	The SPO is authorised to exercise this for subdivision applications only.

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	AMSTP, CSTRP, POs, MCP&D, DCD	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	AMSTP, CSTRP, POs, MCP&D, DCD	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	AMSTP, CSTRP, POs, MCP&D, DCD	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	AMSTP, CSTRP, POs, MCP&D, DCD	This provision applies also to a decision to grant an amendment to a permit - see s 75

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 64(3)	Duty not to issue a permit until after the specified period	AMSTP, CSTRP, POs, MCP&D, DCD	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	AMSTP, CSTRP, POs, MCP&D, DCD	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	AMSTP, P&BAO, CSTRP, POs, TLSTP, PP, MCP&D, DCD	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	AMSTP, P&BAO, CSTRP, POs,	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		TLSTP, MCP&D, DCD	
s 69(1)	Function of receiving application for extension of time of permit	AMSTP, P&BAO, CSTRP, PP, MCP&D, DCD	
s 69(1A)	Function of receiving application for extension of time to complete development	AMSTP, P&BAO, CSTRP, PP, MCP&D, DCD	
s 69(2)	Power to extend time	AMSTP, CSTRP, DP, TLSTP, PP, MCP&D, DCD, TOS	<p>The power to refuse to extend time must only be exercised by DCD, MCP&D, AMSTP, CSTRP, TLSTRP and PP.</p> <p>The SPO is authorised to exercise this for subdivision applications only.</p> <p>All decisions must be dual signed by the responsible officer and delegate and be in accordance with Delegation Policy.</p>

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	AMSTP, P&BAO, POs, TLSTP, MCP&D, DCD	
s 71(1)	Power to correct certain mistakes	AMSTP, CSTRP, DP, TLSTP, MCP&D, DCD	All decisions must be dual signed by the responsible officer and Delegate and be in accordance with Delegation Policy.
s 71(2)	Duty to note corrections in register	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD	Note – "Register" means a register of Applications pursuant to s 49 of the Act.
s 73	Power to decide to grant amendment subject to conditions	AMSTP, CSTRP, DP, TLSTP, PP,	A decision to refuse to grant an amendment to a permit must only be exercised by DCD, MCP&D, AMSTP, TLSTP,

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MCP&D, DCD, TOS	<p>CSTRP and PP, except any application "called in" by a Councillor. The SPO is authorised to exercise this for subdivision applications only. The decision to grant with or without conditions or a Notice of Decision with or without conditions. This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> a) any application "called in" by a Councillor, whereby a Councillor advises the DCD, MCP&D, AMSTP, CSTRP, TLSTP or PP that the planning application must be reported to Council for determination; b) any major development proposal or any other application where considered to be warranted by the Delegate; c) any application where there is considered by the Delegate to be significant non-compliance with the relevant Council Policy, the Whitehorse Planning Scheme and/or any incorporated document to the Planning Scheme; d) an application for a single dwelling or dwelling addition where there are 12 or more objector properties; e) an application for multiple dwellings where there are 12 or more objector properties;

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>f) an application for accommodation where there are 12 or more objector properties;</p> <p>g) an application for non-residential use and/or development outside a residential zone where there are 20 or more objector properties; or</p> <p>h) an application for non-residential use and/or development within a residential zone where there are 12 or more objector properties.</p> <p>The decision must be dual signed by the responsible officer and delegate and be in accordance with Delegation Policy.</p>
s 74	Duty to issue amended permit to applicant if no objectors	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	AMSTP, CSTRP, POs,	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		TLSTP, MCP&D, DCD	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	AMSTP, CSTRP, POs,	If the recommending referral authority did not object to the amendment of the permit or the recommending referral

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		TLSTP, MCP&D, DCD	authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 83	Function of being respondent to an appeal	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 83B	Duty to give or publish notice of application for review	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	AMSTP, CSTRP, POs, TLSTP,	For approvals, this power cannot be exercised in relation to:

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MCP&D, DCD, TOS	<p>a) any application "called in" by a Councillor, whereby a Councillor advises the DCD, MCP&D, AMSTP, CSTRP, TLSTP or PP that the planning application must be reported to Council for determination;</p> <p>b) any major development proposal or any other application where considered to be warranted by the Delegate;</p> <p>c) any application where there is considered by the Delegate to be significant non-compliance with the relevant Council Policy, the Whitehorse Planning Scheme and/or any incorporated document to the Planning Scheme;</p> <p>d) an application for a single dwelling or dwelling addition where there are 12 or more objector properties;</p> <p>e) an application for multiple dwellings where there are 12 or more objector properties;</p> <p>f) an application for accommodation where there are 12 or more objector properties;</p> <p>g) an application for non-residential use and/or development outside a residential zone where there are 20 or more objector properties; or</p>

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>h) an application for non-residential use and/or development within a residential zone where there are 12 or more objector properties.</p> <p>In addition, the decision to refuse in this instance can be exercised over all applications despite the exemptions above, with the exception of any application "called in" by a Councillor.</p> <p>This does not apply if there is insufficient time for the matter to be reported to Council whereby the decision will be discussed with the ward Councillors prior to it being made,</p> <p>The decision must be dual signed by the responsible officer and delegate and must be in accordance with the Delegation Policy.</p> <p>The SPO is authorised to exercise this for subdivision applications only.</p>
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	AMSTP, CSTRP, POs,	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		TLSTP, MCP&D, DCD	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 84AB	Power to agree to confining a review by the Tribunal	MCP&D, DCD	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	MCP&D, DCD	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 91(2)	Duty to comply with the directions of VCAT	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 93(2)	Duty to give notice of VCAT order to stop development	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD	
s 95(3)	Function of referring certain applications to the Minister	CEO, MCP&D, DCD	
s 95(4)	Duty to comply with an order or direction	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	MCP&D, DCD	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, MCP&D, DCD	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, MCP&D, DCD	
s 96F	Duty to consider the panel's report under s 96E	AMSTP, CSTRP, MCP&D, DCD	

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Provision	Power and Functions Delegated	Delegate	Conditions and 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 s 23 of the Planning and Environment (Planning Schemes) Act 1996)	AMSTP, CSTRP, MCP&D, DCD	<p>For approvals, this power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> a) any application "called in" by a Councillor, whereby a Councillor advises the DCD, MCP&D, AMSTP, STRP, TLSTP or PP that the planning application must be reported to Council for determination; b) any major development proposal or any other application where considered to be warranted by the Delegate; c) any application where there is considered by the Delegate to be significant non-compliance with the relevant Council Policy, the Whitehorse Planning Scheme and/or any incorporated document to the Planning Scheme; d) an application for a single dwelling or dwelling addition where there are 12 or more objector properties; e) an application for multiple dwellings where there are 12 or more objector properties; f) an application for accommodation where there are 12 or more objector properties;

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>g) an application for non-residential use and/or development outside a residential zone where there are 20 or more objector properties; or</p> <p>h) an application for non-residential use and/or development within a residential zone where there are 12 or more objector properties.</p> <p>In addition:</p> <p>a) in deciding an amendment, the Delegate must not exercise his or her delegation without first conferring with his or her immediate superior; and</p> <p>b) the decision to refuse in this instance can be exercised over all applications despite the exemptions above, with the exception of any application "called in" by a Councillor. This does not apply if there is insufficient time for the matter to be reported to Council whereby the decision will be discussed with the Ward Councillors prior to it being made.</p>

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96H(3)	Power to give notice in compliance with Minister's direction	AMSTP, CSTRP, MCP&D, DCD	
s 96J	Power to issue permit as directed by the Minister	AMSTP, CSTRP, MCP&D, DCD	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	AMSTP, CSTRP, MCP&D, DCD	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	POs	
s 97C	Power to request Minister to decide the application	Not delegated	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	AMSTP, CSTRP, MCP&D, DCD	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	AMSTP, CSTRP, MCP&D, DCD	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	AMSTP, P&BAO, POs, MCP&D, DCD	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	MCP&D, DCD	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	AMSTP, CSTRP, TLSTP, PP, MCP&D, DCD	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	AMSTP, CSTRP, TLSTP, CEO, PP, MCP&D, DCD	
s 97Q(4)	Duty to comply with directions of VCAT	AMSTP, CSTRP, POs,	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		TLSTP, CEO, MCP&D, DCD	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, DCD	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DCD	
s 101	Function of receiving claim for expenses in conjunction with claim	AMSTP, MCP&D, DCD	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.107(1)	function of receiving claim for compensation	CEO, DCD	
s 107(3)	Power to agree to extend time for making claim	CEO, DCD	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	CEO, MCP&D, DCD	
s 114(1)	Power to apply to the VCAT for an enforcement order	AMSTP, CEO, TLSTPE, MCP&D, DCD	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	AMSTP, CSTRP, PEO, POs, MCP&D, DCD	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	AMSTP, CEO, TLSTPE, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 123(1)	Power to carry out work required by enforcement order and recover costs	AMSTP, CSTRP, PEO, POs, MCP&D, DCD	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO	Except Crown Land
s 129	Function of recovering penalties	AMSTP, TLSTPE, MCP&D, DCD	
s 130(5)	Power to allow person served with an infringement notice further time	AMSTP, TLSTPE, MCP&D, DCD	
s 149A(1)	Power to refer a matter to the VCAT for determination	AMSTP, CSTRP, CEO, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	AMSTP, CSTRP, CEO, MCP&D, DCD	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	AMSTP, CSTRP, MCP&D, DCD	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	AMSTP, CSTRP, CEO, MCP&D, DCD	
s 171(2)(g)	Power to grant and reserve easements	CEO, MCP&D, DCD	
s 173(1)	Power to enter into agreement covering matters set out in s 174	MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	MCP&D, DCD	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	AMSTP, CSTRP, PEO, POs, TLSTP, CEO, TLSTPE, MCP&D, DCD	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	AMSTP, CSTRP, POs, CEO, MCP&D, DCD	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	CEO, MCP&D, DCD	
s 178A(1)	Function of receiving application to amend or end an agreement	AMSTP, P&BAO, POs, TLSTP, CEO, MCP&D, DCD	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178A(5)	Power to propose to amend or end an agreement	CEO, MCP&D, DCD	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
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	AMSTP, CSTRP, TLSTP, MCP&D, DCD, PO Group	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178C(4)	Function of determining how to give notice under s 178C(2)	AMSTP, CSTRP, DP, TLSTP, PP, MCP&D, DCD	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	AMSTP, TLSTP, CEO, MCP&D, DCD	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	AMSTP, TLSTP, CEO, MCP&D, DCD	If no objections are made under s 178D Must consider matters in s 178B

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(2)(c)	Power to refuse to amend or end the agreement	AMSTP, TLSTP, CEO, MCP&D, DCD	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	AMSTP, TLSTP, CEO, MCP&D, DCD	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	AMSTP, TLSTP, CEO, MCP&D, DCD	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	AMSTP, TLSTP, CEO, MCP&D, DCD	After considering objections, submissions and matters in s.178B

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(3)(d)	Power to refuse to amend or end the agreement	AMSTP, TLSTP, CEO, MCP&D, DCD	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	AMSTP, CSTRP, TLSTP, MCP&D, DCD	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	AMSTP, P&BAO, CSTRP, POs, TLSTP, MCP&D, DCD	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	AMSTP, POs, TLSTP, MCP&D	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	AMSTP, P&BAO, CSTRP, POs, MCP&D, DCD	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	AMSTP, CSTRP, POs, TLSTP, MCP&D, DCD	
s 182	Power to enforce an agreement	AMSTP, PEO, POs, TLSTP, TLSTPE, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	AMSTP, POs, TLSTP, MCP&D, DCD	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, MCP&D, DCD	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, MCP&D, DCD	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	AMSTP, CSTRP, TLSTP, MCP&D, DCD	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	AMSTP, CSTRP, TLSTP, MCP&D, DCD	
s 184G(2)	Duty to comply with a direction of the Tribunal	AMSTP, CSTRP, TLSTP, MCP&D, DCD	
s 184G(3)	Duty to give notice as directed by the Tribunal	AMSTP, CSTRP, TLSTP, MCP&D, DCD	
s 198(1)	Function to receive application for planning certificate	Not delegated	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 199(1)	Duty to give planning certificate to applicant	Not delegated	
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, DCD	
s 201(3)	Duty to make declaration	AMSTP, CSTRP, POs, MCP&D, DCD	
	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	AMSTP, CSTRP, PEO, POs, TLSTPE, MCP&D, DCD, TOS	<hr/> The SPO is authorised to exercise this for subdivision applications only.

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	AMSTP, CSTRP, POs, MCP&D, DCD	
	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	AMSTP, CSTRP, POs, MCP&D, DCD	
	Power to give written authorisation in accordance with a provision of a planning scheme	AMSTP, CSTRP, TLSTP, MCP&D, DCD	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	ME&I, MPD&A, MCITY, DCD, DI	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	Not delegated	
s 11(9)(b)	Duty to advise Registrar	GO, GPO, CG	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	ME&I, MPD&A, MCITY, DCD, DI	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CG, CGIS	Where Council is the coordinating road authority

Road Management Act 2004

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	Not delegated	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	ME&I, MPD&A, MCITY	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	Not delegated	
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	Not delegated	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	Not delegated	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 15(2)	Duty to include details of arrangement in public roads register	ME&I, MPD&A, MCITY, DCD, DI	
s 16(7)	Power to enter into an arrangement under s 15	Not delegated	
s 16(8)	Duty to enter details of determination in public roads register	ME&I, MPD&A, MCITY, DCD, DI	
s 17(2)	Duty to register public road in public roads register	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	ME&I, MPD&A, MCITY, DCD, DI	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	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the coordinating road authority

Road Management Act 2004

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	ME&I, MPD&A, MCITY, DCD, DI	
s 19(4)	Duty to specify details of discontinuance in public roads register	ME&I, MPD&A, MCITY, DCD, DI	
s 19(5)	Duty to ensure public roads register is available for public inspection	ME&I, MPD&A, MCITY, DCD, DI	
s 21	Function of replying to request for information or advice	Not delegated	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	Not delegated	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	ME&I, MPD&A, MF&CP, MCITY, DCD, DCOR, DI	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 22(5)	Duty to give effect to a direction under s 22	ME&I, MPD&A, MCITY, DCD, DI	
s 40(1)	Duty to inspect, maintain and repair a public road.	ME&I, MPD&A, MCITY, DCD, DI	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	MCITY, DCD, DI	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	ME&I, MPD&A, MCITY, DCD, DI	
s 42(1)	Power to declare a public road as a controlled access road	Not delegated	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	Not delegated	Power of coordinating road authority and sch 2 also applies

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	Not delegated	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	Not delegated	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 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	ME&I, MPD&A, MCITY	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 49	Power to develop and publish a road management plan	Not delegated	
s 51	Power to determine standards by incorporating the standards in a road management plan	Not delegated	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CEO	
s 54(2)	Duty to give notice of proposal to make a road management plan	Not delegated	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CEO	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54(6)	Power to amend road management plan	Not delegated	
s 54(7)	Duty to incorporate the amendments into the road management plan	ME&I, MPD&A, MCITY	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CEO	
s 63(1)	Power to consent to conduct of works on road	ME&I, MPD&A, CWI, EWC, CEA, MCITY, DCD, DI	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	ME&I, MPD&A, CWI, EWC, CEA, MCITY, DCD, DI	Where Council is the infrastructure manager

Road Management Act 2004

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 64(1)	Duty to comply with cl 13 of sch 7	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	ME&I, MPD&A, MCS, MCITY, DCD, DCOR, DI	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	MCS	Where Council is the coordinating road authority
s 67(3)	Power to request information	CLO, ME&I, MPD&A, CPS, CCL, TLPS, PSO, MCS, MCITY, DCD, DCOR, DI	Where Council is the coordinating road authority
s 68(2)	Power to request information	CLO, ME&I, MPD&A, CPS, CCL, TLPS, PSO,	Where Council is the coordinating road authority

Road Management Act 2004

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MCS, MCITY, DCD, DCOR, DI	
s 71(3)	Power to appoint an authorised officer	Not delegated	
s 72	Duty to issue an identity card to each authorised officer	Not delegated	
s 85	Function of receiving report from authorised officer	ME&I, MPD&A, MCS, MCITY	
s 86	Duty to keep register re s 85 matters	MCS	
s 87(1)	Function of receiving complaints	CEO	

Road Management Act 2004

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 87(2)	Duty to investigate complaint and provide report	CLO, ME&I, MPD&A, CPS, CCL, TLPS, PSO, MCS, MCITY, DCD, DCOR, DI	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	DCD, DI	
s 112(2)	Power to recover damages in court	MCS	
s 116	Power to cause or carry out inspection	CLO, ME&I, MPD&A, CPS, CCL, TLPS, PSO, MCITY, DCD, DI	
s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	ME&I, MPD&A, MCITY, DCD, DI	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	ME&I, MPD&A, MCITY, DCD, DI	
s 121(1)	Power to enter into an agreement in respect of works	ME&I, MPD&A, MCITY, DCD, DI	
s 122(1)	Power to charge and recover fees	ME&I, MCS	
s 123(1)	Power to charge for any service	ME&I, MCS	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	ME&I, MPD&A, MCITY, DCD, DI	

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 3(1)	Duty to make policy about controlled access roads	Not delegated	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	Not delegated	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	CEO	
sch 2 cl 5	Duty to publish notice of declaration	Not delegated	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the infrastructure manager or works manager

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the infrastructure manager or works manager

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	ME&I, MPD&A, CEA, MCS, MCITY, DCD, DI	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	ME&I, MPD&A, CEA, MCS, MCITY, DCD, DI	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	ME&I, MPD&A, EWC, CEA, MCS, MCITY, DCD, DI	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	ME&I, MPD&A, CEA, MCS, MCITY, DCD, DCOR, DI	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	ME&I, MPD&A, EWC, MCITY, DCD, DI	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	ME&I, MPD&A, EWC, DCD, DI	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	ME&I, MPD&A, EWC, DCD, DI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	ME&I, MPD&A, CWI, CEA, MCITY, DCD, DI	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	ME&I, MPD&A, MCITY	Where Council is the coordinating road authority, responsible authority or infrastructure manager

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 16(5)	Power to consent to proposed works	ME&I, MPD&A, CEA, MCITY	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	ME&I, MPD&A, CEA, MCITY	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	ME&I, MPD&A, CEA, MCITY	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	ME&I, MPD&A, CWI, CEA, MCITY, DCD, DI	Where Council is the coordinating road authority
sch 7 cl18(1)	Power to enter into an agreement	ME&I, MPD&A, CWI, CEA, MCITY, DCD, DI	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch7 cl 19(1)	Power to give notice requiring rectification of works	ME&I, MPD&A, CWI, CEA, MCITY, DCD, DI	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	ME&I, MPD&A, CEA, MCITY	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	ME&I, MPD&A, CWI, CEA, MCITY, DCD, DI	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	ME&I, MPD&A, CEA, MCITY, DCD, DI	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	ME&I, MPD&A, CEA, MCITY, DCD, DI	Where Council is the responsible road authority

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	ME&I, MPD&A, CEA, MCITY, DCD, DI	Where Council is the responsible road authority
sch 7A cl 3(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	ME&I, MPD&A, CEA, MCITY, DCD, DI	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	AMSTP, CSTRP, MCP&D, DCD	where Council is not the planning authority and the amendment affects land within Council's municipal district; or

Planning and Environment Regulations 2015

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			where the amendment will amend the planning scheme to designate Council as an acquiring authority.
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	AMSTP, CSTRP, POs, MCP&D, DCD	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	AMSTP, CSTRP, POs, MCP&D, DCD	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	AMSTP, CSTRP, POs, MCP&D, DCD	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	AMSTP, CSTRP, MCP&D, DCD	where Council is not the planning authority and the amendment affects land within Council's municipal district; or

Planning and Environment Regulations 2015

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CSTRP, MCP&D, DCD	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CSTRP, MCP&D, DCD	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	POs	

Road Management (General) Regulations 2016

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	CEO	
r 9(2)	Duty to produce written report of review of road management plan and make report available	ME&I, MPD&A, MCITY	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	Not delegated	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	Not delegated	
r 13(1)	Duty to publish notice of amendments to road management plan	Not delegated	where Council is the coordinating road authority

Road Management (General) Regulations 2016

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	Not delegated	
r 16(3)	Power to issue permit	ME&I, CEA, MCS, DCD	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	Not delegated	Where Council is the coordinating road authority

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CLO, CPS, CCSS, CCL, PSO, MCS, MCITY	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))	CPS, CCSS, CCL, MCS	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CPS, CCSS, CCL, MCS	

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 22(2)	Power to waive whole or part of fee in certain circumstances	ME&I, MPD&A, MCITY, DCD, DI	Where Council is the coordinating road authority