

Instrument of Delegation – Council to Members of Staff

Whitehorse City Council

Instrument of Delegation

to

Members of Council Staff

Under the:

***Planning and Environment Act 1987
Planning and Environment Regulations 2015
Planning and Environment (Fees) Regulations 2016***

Adopted by Council: 21 August 2017

Instrument of Delegation

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

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

Abbreviation	means	Title
ABS	means	Assistant Building Surveyor
AMDC&A	means	Assistant Manager Design, Construction & Assets
AMI&ED	means	Assistant Manager Investment and Economic Development
AMMP	means	Assistant Manager Major Projects
AMS	means	Assistant Manager Sustainability
AMSP	means	Assistant Manager Statutory Planning
AOBldg	means	Administrative Officer (Building Department)
APO	means	Team Leader Statutory Planning, Principal Planner, Development Planner, Senior Strategic Planner, Urban Planner and Planning Arborist
BCO	means	Building Control Officer
CCI	means	Coordinator Corporate Information
CCL	means	Coordinator Community Laws
CEA	means	Coordinator Engineering Assets
TLEH	means	Coordinator Environmental Health
CIT	means	Coordinator Information Technology
CLA	means	Community Laws Administration Officers
CLEO	means	Community Laws Education Officer
CLO	means	Community Laws Officers

Abbreviation		Title
CLPRO	means	Community Laws Project Officer
CPS	means	Coordinator Parking Services
CSO	means	Customer Services Officers
CStratP	means	Coordinator Strategic Planning
CT	means	Coordinator Transport
CustLo	means	Customer Liaison Officer
CWI	means	Civil Works Inspector
DAE	means	Development and Approvals Engineer
DMBS	means	Deputy Municipal Building Surveyor
DP	means	Development Planner(s)
EAC	means	Engineering Assets Coordinator
EHA	means	Environmental Health Administration
EHO	means	Environmental Health Officer appointed pursuant to the <i>Public Health and Wellbeing Act 2008</i>
EHT	means	Environmental Health Technician
EWC	means	Engineering Works Coordinator
FC	means	Festival Coordinator
FFSO	means	Fee For Service Officers
FinAcct	means	Financial Accountant
FPO	means	Fire Prevention Officer
GISC	means	GIS Coordinator
GMCD	means	General Manager City Development

Abbreviation		Title
GMCS	means	General Manager Corporate Services
GMHS	means	General Manager Human Services
GMI	means	General Manager Infrastructure
GMs	means	All General Managers
HACC AOs	means	Home and Community Care Assessment Officers
HD&BT	means	Head of Digital and Business Technology
HF&CP	means	Head of Finance and Corporate Performance
IRO	means	Infringements Review Officer
MADO	means	Metro Access Development Officer
MARD	means	Manager Arts and Recreation Development
MBI	means	Manager Built Infrastructure
MBS	means	Municipal Building Surveyor
MC	means	Manager Compliance
MCD	means	Manager Community Development
MCOM	means	Manager Communications
MCS	means	Manager Civic Services
MCT	means	Manager Contracts and Tendering
MCW	means	Manager City Works
MEES	means	Manager Engineering & Environmental Services
MERO	means	Municipal Emergency Response Officer
Mgmt Acct	means	Management Accountant
Mgrs	means	All Managers

Abbreviation		Title
MH&CC	means	Manager Home and Community Care
MHFS	means	Manager Health and Family Services
MMP	means	Manager Major Projects
MNCH	means	Manager Nunawading Community Hub
MOD	means	Manager Organisation Development
MP&B	means	Manager Planning and Building
MPR	means	Manager Property and Rates
MPW	means	Manager Parks Wide
MR&WC	means	Manager Recycling and Waste Centre
PayCoord	means	Payroll Coordinator
P&BAO	means	Planning and Building Administration Officers
PDC	means	Protected Disclosure Coordinator
PEO	means	Planning Enforcement Officer(s)
POs	means	Planning Officer(s) which includes, TLSTATP, PP,DP,UP and SPO
PP	means	Principal Planner
PrivOffr	means	Privacy Officer
PropSup	means	Property Supervisor
PSO	means	Parking Services Officer
RA	means	Rate Administrator
RAO	means	Rate Administration Officers
RQSO	means	Rates Quality Systems Officer
SBCO	means	Senior Building Control Officer
SBS	means	Student Building Surveyor

Abbreviation		Title
SIC	means	Safety and Insurance Coordinator
SP	means	Strategic Planner
SPO	means	Subdivision Planning Officer
SPSO	means	Senior Parking Services Officer
SRAO	means	Senior Rates Administration Officer
SSP	means	Senior Strategic Planner
TLC	means	Team Leader Compliance
TLCF&P	means	Team Leader Cultural Facilities & Programs
TLEH	means	Team Leader Environmental Health
TLG	means	Team Leader Governance
TLSTATP	means	Team Leader Statutory Planning
TptCoord	means	Transport Coordinator
UP	means	Urban Planners(s)
WCC	means	Whitehorse Centre Coordinator

3. declares that:
 - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on **21 August 2017**; and
 - 3.2 the delegation:
 - 3.2.1 revokes all previous delegations issued by the Council apart from the:
 - a) delegation dated 19 August 2013 (signed and sealed 20 August 2013) to the Special Committee of Council;
 - b) delegation dated 18 May 2015 (signed and sealed 1 June 2015) to the Chief Executive Officer;
 - 3.2.2 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2.3 remains in force until varied or revoked;
 - 3.2.4 is subject to any conditions and limitations set out in sub-paragraph 3.3 and the Schedule;
 - 3.2.5 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a resolution of Council; or
 - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy;
 adopted by Council; or
 - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
 - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

THE COMMON SEAL of the)
WHITEHORSE CITY COUNCIL)
was hereunto affixed this)
day of August 2017)
in the presence of:)

.....Councillor

.....Chief Executive Officer

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4B	Power to prepare an amendment to the Victoria Planning Provisions.	GMCD and MP&B.	If authorised by the Minister. <i>Note – section 4B refers to the Minister authorising a body to change state planning provisions.</i>
s.4G	Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister.	GMCD, MP&B, AMI&ED, CStratP, SSP & SP.	
s.4H	Duty to make amendments to the Victoria Planning Provisions available.	GMCD, MP&B AMI&ED, CStratP, SSP & SP.	
s.4I	Duty to keep the Victoria Planning Provisions and other documents available.	GMCD, MP&B, AMI&ED, CStratP, SSP, SP and P&BAO	
s.8A(2)	Power to seek authorisation to prepare an amendment to the planning scheme where the Minister has given consent under section 8A.	GMCD and MP&B.	
s.8A(3)	Power to apply to the Minister to prepare an amendment to the planning scheme.	GMCD and MP&B.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.8A(5)	Function of receiving notice of the Minister's decision.	GMCD,MP&B, SSP and SP.	
s.8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response is received after 10 business days.	GMCD,MP&B, SSP and SP.	
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.	The power remains with the Council.
s.11(3)(b)	Duty to submit amendment to planning scheme to the Minister for approval if the Minister withdraws authorisation.	GMCD.	
s.12A (1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>).	GMCD and MP&B.	
s.12(3)	Power to carry out studies and do things to ensure proper use of land in which Council is the planning authority and consult with other persons to ensure co-ordination of planning scheme with these persons.	CEO, GMCD, MP&B, AMI&ED, AMSP and CStratP.	
s.12B(1)	Duty to review the planning scheme.	GMCD and MP&B.	
s.12B(2)	Duty to review the planning scheme at the direction of the Minister.	GMCD and MP&B.	
s.12B(5)	Duty to report the findings of a review of the planning scheme to the Minister without delay.	GMCD and MP&B.	

Whitehorse City Council – Council to Staff Delegation Register, Under the Planning and Environment Act 1987, Planning and Environment Regulations 2015, Planning and Environment (Fees) Regulations 2016 Adopted by Council 21 August 2017

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.14	Duties of a Responsible Authority as set out in subsections (a) to (d).	CEO, GMCD, MP&B, AMI&ED, AMSP and CStratP.	
s.17(1)	Duty of giving a copy of an amendment to the planning scheme.	GMCD, MP&B, AMI&ED, AMSP, CStratP, SSP and SP.	<i>Note – refers to supplying a copy of the amendment to the Minister or any person specified by the Minister.</i>
s.17(2)	Duty of giving a copy of a section 173 agreement.	GMCD, MP&B, AMI&ED, AMSP, CStratP, SSP and SP.	
s.17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days.	GMCD and MP&B.	
s.18	Duty to make amendments etc. available.	GMCD, MP&B, AMI&ED, AMSP, CStratP, SSP and SP.	
s.19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme.	CEO and GMCD.	May give notice to the Minister.
		MP&B, SSP and SP.	May give notice to a public authority or a council.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19	Function of receiving notice of preparation of an amendment to a planning scheme.	GMCD, MP&B, CStratP, SSP and SP.	Where: <ul style="list-style-type: none"> • Council is not the planning authority and the amendment affects land within Council's municipal district; or • the amendment will amend the planning scheme to designate Council as an acquiring authority.
s.20(1)	Power to apply to the Minister for exemption from the requirements of section 19.	CEO, GMCD and MP&B.	
s.21(2)	Duty to make submissions available.	GMCD, MP&B, AMSP, CStratP, SSP and SP	
s.21A(4)	Duty to publish notice in accordance with the section.	GMCD, MP&B and CStratP.	<i>Note – the section refers to joint submissions in relation to a proposed amendment.</i>
s.22	Duty to consider all submissions.	CEO, GMCD, MP&B, AMSP, CStratP, SSP and SP	
s.23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel.	GMCD, MP&B and CStratP	
s.23(2)	Power to refer submissions which do not require a change to the amendment to a panel.	GMCD, MP&B, AMSP And CStratP.	Only where Council has already resolved to refer the amendment to a panel.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in section 96D).	GMCD, MP&B, AMSP, CStratP, SSP and SP.	
s.26(1)	Power to make a panel report available for inspection.	GMCD, MP&B, CStratP, SSP and SP.	
s.26(2)	Duty to keep the report of a panel available for inspection.	GMCD, MP&B, AMSP, CStratP, SSP and SP.	
s.27(2)	Power to apply for exemption if the panel's report is not received.	CEO, GMCD, MP&B, AMSP, CStratP, SSP and SP.	
s.28	Duty to notify the Minister if abandoning an amendment.	CEO and GMCD.	<i>Note – the power to make a decision to abandon an amendment cannot be delegated.</i>
s.30(4)(a)	Duty to say if an amendment has lapsed.	CEO, GMCD, MP&B, AMSP, CStrat, SSP and SP.	
s.30(4)(b)	Duty to provide information in writing upon request.	CEO, GMCD, MP&B, AMSP, CStratP, SSP and SP.	
s.32(2)	Duty to give more notice if required.	CEO, GMCD, MP&B, AMSP, CStratP, SSP and SP.	
s.33(1)	Duty to give more notice of changes to an amendment.	CEO, GMCD, MP&B, AMSP, CStratP, SSP and SP.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.36(2)	Duty to give notice of approval of amendment.	CEO, GMCD, MP&B, AMSP, CStratP, SSP and SP.	
s.38(5)	Duty to give notice of revocation of an amendment.	CEO, GMCD, MP&B, AMSP, and CStratP, SSP and SP.	
s.39	Function of being a party to a proceeding commenced under section 39 and duty to comply with a determination by VCAT.	GMCD,MP&B, AMSP, CStratP, SSP and SP.	
s.40(1)	Function of lodging copy of approved amendment.	GMCD, MP&B, AMSP, CStratP, SSP and SP.	
s.41	Duty to make an approved amendment available.	GMCD, MP&B, AMSP, CStratP, SSP and SP.	
s.42	Duty to make a copy of the planning scheme available.	GMCD, MP&B, AMSP, CStratP, SSP and SP.	
s.46AS(ac)	Power to request the Metropolitan Planning Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria.	Not applicable.	Whitehorse is not in a "growth area" as defined.
s.46GF	Duty to comply with directions issued by the Minister.	Not applicable.	<i>Note - the provisions of section 46GF to 46GM do not currently apply to Whitehorse.</i>
s.46GG	Duty to include a condition in a permit relating to matters set out in section 46GG(c) and (d).	Not applicable.	
s.46GH(1)	Power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction.	Not applicable.	Where council is a collecting agency.

Whitehorse City Council – Council to Staff Delegation Register, Under the Planning and Environment Act 1987, Planning and Environment Regulations 2015, Planning and Environment (Fees) Regulations 2016 Adopted by Council 21 August 2017

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GH(2)	Power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable.	Not applicable.	Where council is a collecting agency.
s.46GH(3)	Duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant.	Not applicable.	Where council is a collecting agency.
s.46GI(1)	Duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the <i>Planning and Environment Act 1987</i> .	Not applicable.	
s.46GI(2)	Duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency.	Not applicable.	
s.46GI(3)	Duty to apply the levy amount only in accordance with section 46GI (3) (a) and (b).	Not applicable.	
s46GI(4)	Power to refund any amount of the infrastructure levy paid to it as a development agency under Part 2 of the <i>Planning and Environment Act 1987</i> if satisfied that the development is not to proceed.	Not applicable.	
s.46GI(5)	Duty to take action described in sections 46GI (5)(c) – (e) where section 46GI(5)(a) and (b) applies.	Not applicable.	

Whitehorse City Council – Council to Staff Delegation Register, Under the Planning and Environment Act 1987, Planning and Environment Regulations 2015, Planning and Environment (Fees) Regulations 2016 *Adopted by Council 21 August 2017*

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GL	Power to recover any amount of an infrastructure levy as a debt due to Council.	Not applicable.	Where council is a collecting agency.
s.46GM	Duty to prepare a report and give a report to the Minister.	Not applicable.	Where council is a collecting agency or development agency.
s.46N(1)	Duty to include a condition in a permit regarding payment of development infrastructure levy.	GMCD, MP&B, AMSP, CStratP, SSP, SP and POs	
s.46N(2)(c)	Function of determining time and manner for receipt of development contributions levy.	GMCD, MP&B, AMSP and CStratP.	Subject to any relevant Council policy.
s.46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of a development infrastructure levy.	GMCD, MP&B, AMSP and CStratP.	
s.46O(1)(a) & (2)(a)	Power to ensure that a community infrastructure levy is paid or an agreement is in place, prior to issuing a building permit.	GMCD, MP&B, AMSP and CStratP.	
s.46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of a community infrastructure levy.	GMCD, MP&B, AMSP and CStratP.	Subject to any relevant Council policy.
s.46P(1)	Power to require payment of the amount of levy under section 46N or section 46O to be satisfactorily secured.	GMCD, MP&B, AMSP and CStratP.	
s.46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable.	GMCD and MP&B.	
s.46Q(1)	Duty to keep proper accounts of levies paid.	GMCD and MP&B.	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46Q(1A)	Duty to forward to the 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.	GMCD, MP&B, AMSP and CStratP.	
s.46Q(2)	Duty to apply a 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.	GMCD and MP&B.	
s.46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed.	GMCD and MP&B.	Only applies when levy is paid to Council as a 'development agency'.
s.46Q(4)(c)	Duty to pay an amount to the 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 section 46Q(4)(a).	CEO, GMCD and MP&B.	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.	GMCD and MP&B.	Must be done in accordance with Part 3.
s.46Q(4)(e)	Duty to expend that amount on other works etc.	GMCD and MP&B.	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.	GMCD and MP&B.	
s.46QD	Duty to prepare a report and give a report to the Minister	GMCD	Where council is a collecting agency or development agency.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.47	Power to decide that an application for a planning permit does not comply with that Act.	GMCD, MP&B AMSP, TLStatP and PP	
s.49(1)	Duty to keep a register of all applications for permits and determinations relating to permits.	GMCD, MP&B, AMSP, CStratP, POs and P&BAO.	
s.49(2)	Duty to make the register available for inspection.	GMCD, MP&B, AMSP, CStratP, TLStatP, POs and P&BAO.	
s.50(4)	Duty to amend an application.	GMCD, MP&B, AMSP, CStratP, TLStatP and POs.	The SPO is authorised to exercise this for subdivision applications only.
s.50(5)	Power to refuse to amend an application as it is considered that the amendment is so substantial that a new application for a permit should be made.	GMCD, MP&B, AMSP, CStratP, TLStatP and POs.	The SPO is authorised to exercise this for subdivision applications only.
s.50(6)	Duty to make note of an amendment to an application in a register.	GMCD, MP&B, AMSP, CStratP, TLStatP, POs and P&BAO.	
s.50A(1)	Power to make an amendment to an application.	GMCD, MP&B, AMSP, CStratP, TLStatP, POs and P&BAO.	The SPO is authorised to exercise this for subdivision applications only.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.50A(3)	Power to require an applicant to notify the owner and make a declaration that notice has been given.	GMCD, MP&B, AMSP, CStratP, TLStatP, POs and P&BAO.	The SPO is authorised to exercise this for subdivision applications only.
s.50A(4)	Duty to note an amendment to an application in the register.	GMCD, MP&B, AMSP, CStratP, TLStatP, POs and P&BAO.	The SPO is authorised to exercise this for subdivision applications only.
s.51	Duty to make a copy of an application available for inspection.	GMCD, MP&B, AMSP, CStratP, TLStatP, POs and P&BAO.	
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.	GMCD, MP&B, AMSP, CStratP, TLSTATP, PP, DP and SPO.	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 GMCD, MP&B, AMSP, CStratP, TLStatP and PP.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.52(1)(b)	Duty to give notice of the application to other municipal councils where appropriate.	GMCD, MP&B, AMSP, CStratP and POs.	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.	GMCD, MP&B, AMSP, CStratP and POs.	The SPO is authorised to exercise this for subdivision applications only.
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.	GMCD, MP&B, AMSP, CStratP and POs.	
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.	GMCD, MP&B, AMSP, CStratP and POs.	
s.52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected.	GMCD, MP&B, AMSP, CStratP and POs.	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant.	GMCD, MP&B, CStratP, AMSP and POs.	
s.52(3)	Power to give any further notice of an application where appropriate.	GMCD, MP&B, AMSP, CStratP and POs.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53(1)	Power to require the applicant to give notice under section 52(1) to persons specified by it.	GMCD, MP&B, AMSP, CStratP, TLStatP, PP and DP.	
s.53(1A)	Power to require the applicant to give the notice under section 52(1AA).	GMCD, MP&B, AMSP, CStratP, TLStatP, PP and DP.	
s.54(1)	Power to require the applicant to provide more information.	GMCD, MP&B, AMSP, CStratP and POs.	Must be in accordance with the Delegation Policy.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(1A)	Duty to give notice in writing of information required under section 54(1).	GMCD, MP&B, AMSP, CStratP and POs.	The SPO is authorised to exercise this for subdivision applications only.
s.54(1B)	Duty to specify the lapse date for an application.	GMCD, MP&B, AMSP, CStratP and POs.	The SPO is authorised to exercise this for subdivision applications only.
s.54A(3)	Power to decide to extend time or refuse to extend time to give required information.	GMCD, MP&B, AMSP, CStratP and POs.	<p>A decision to refuse to extend time in response to any request pursuant to Section 54A(1) must only be exercised by the GMCD, MP&B, AMSP, CSStatP, TLStatP and PP</p> <p>The SPO is authorised to exercise this for subdivision applications only.</p>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54A(4)	Duty to give written notice of a decision to extend or refuse to extend time under section 54A (3).	GMCD, MP&B, AMSP, CStratP and POs.	The SPO is authorised to exercise this for subdivision applications only.
s.54A(5)	Duty to ensure the notice sets out a new lapse date for the application.	GMCD, MP&B, AMSP, CStratP and POs.	
s.54A(6)	Duty to ensure the notice must set out a new lapse date that is 14 days from the date of the decision.	GMCD, MP&B, AMSP, CStratP and POs.	
s.55(1)	Duty to give a copy application together with the prescribed information to every referral authority specified in the planning scheme.	GMCD, MP&B, AMSP, CStratP, POs and P&BAO.	
s.57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector.	CEO, GMCD, MP&B.	
s.57(3)	Function of receiving the name and address of persons to whom notice of decision is to go.	GMCD, MP&B, AMSP, CstratP, POs and P&BAO.	
s.57(5)	Duty to make available for inspection a copy of all objections.	GMCD, MP&B, AMSP, CStratP, POs and P&BAO.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57A(4)	Duty to amend application in accordance with the applicant's request, subject to section 57A (5).	GMCD, MP&B, AMSP, CStratP, POs and P&BAO.	
s.57A(5)	Power to refuse to amend an application.	GMCD, MP&B, AMSP, CStratP, , and POs.	The SPO is authorised to exercise this for subdivision applications only.
s.57A(6)	Duty to note amendments to an application in the register.	GMCD, MP&B, AMSP, CStratP, POs and P&BAO.	
s.57B(1)	Duty to determine whether and to whom notice should be given.	GMCD, MP&B, AMSP, CStratP, and POs.	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.	GMCD, MP&B, AMSP, CStratP, and POs.	
s.57C(1)	Duty to give a copy of an amended application to a referral authority.	GMCD, MP&B, AMSP, CStratP, POs and P&BAO.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.58	Duty to consider every application for a permit except for a development assessment committee application.	GMCD, MP&B, AMSP, CStratP and POs.	
s.58A	Power to request advice from the Planning Application Committee.	CEO and GMCD.	
s.60	Duty to consider certain matters.	GMCD, MP&B, AMSP, CStratP and POs.	
s.60(1A)	Power to consider certain matters before deciding on an application.	GMCD, MP&B, AMSP, CStratP and POs.	The SPO is authorised to exercise this for subdivision applications only.
s.60(1B)	Duty to consider the number of objectors in considering whether the use or development may have a significant social effect.	GMCD, MP&B, AMSP, CStratP and POs.	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.	GMCD, MP&B, AMSP, CStratP, TLStatP, PP, DP and SPO.	The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> . The SPO is authorised to exercise this for subdivision applications only.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<p>A decision to refuse a permit application must only be exercised by GMCD, MP&B, CStratP, TLStatP and PP, except any application “called in” by a Councillor.</p> <p>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> <ul style="list-style-type: none"> a) any application “called in” by a Councillor, whereby a Councillor advises the General Manager City Development, Manager Planning and Building, Assistant Manager Statutory Planning, Coordinator Strategic Planning, Team Leader Statutory Planning or Principal Planner 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) 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; 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;

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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 must be in accordance with the Delegation Policy.</p>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to the granting of a permit.	GMCD, MP&B, AMSP, CStratP and TLSTATP and PP..	
s.61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of a permit.	GMCD, MP&B, AMSP, CStratP and TLSTATP and PP.	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Not Delegated	Not applicable for Whitehorse
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	GMCD, MP&B, AMSP, CStratP TLSTATP and PP.	
s.61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant.	GMCD, MP&B, AMSP and CStratP, TLSTATP and PP.	
s.62(1)	Duty to include certain conditions in deciding to grant a permit.	GMCD, MP&B, AMSP, CStratP and POs.	The SPO is authorised to exercise this for subdivision applications only.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.62(2)	Power to include other conditions.	GMCD, MP&B, AMSP, CStratP and POs.	The SPO is authorised to exercise this for subdivision applications only.
s.62(4)	Duty to ensure conditions are consistent with subsections (a), (b) and (c).	GMCD, MP&B, AMSP, CStratP and POs.	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.	GMCD, MP&B, AMSP, CStratP and POs.	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 a section 173 agreement.	GMCD, MP&B, AMSP, CStratP and POs.	
s.62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant.	GMCD, MP&B, AMSP, CStratP and POs.	
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 section 62(5) or section 46N.	GMCD, MP&B, AMSP, CStratP and POs.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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 section 62(1)(a).	GMCD, MP&B, AMSP, CStratP and POs.	
s.63	Duty to issue the permit where made a decision in favour of the application (if no one has objected).	GMCD, MP&B, AMSP, CStratP and POs.	
s.64(1)	Duty to give notice of decision to grant a permit to the applicant and objectors.	GMCD, MP&B, AMSP, CStratP and POs.	This provision applies also to a decision to grant an amendment to a permit – see section 75.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.64(3)	Duty not to issue a permit until after the specified period.	GMCD, MP&B, AMI&ED, AMSP, CStratP and POs.	This provision applies also to a decision to grant an amendment to a permit – see section 75.
s.64(5)	Duty to give each objector a copy of an exempt decision.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
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	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
s.65(1)	Duty to give notice of refusal to grant permit to the applicant and any person who objected under section 57.	GMCD, MP&B, AMSP, CStratP and POs.	
s.66(1)	Duty to give notice under section 64 or section 65 and a copy of the permit to relevant determining referral authorities.	GMCD, MP&B, AMSP, CStratP, TLSTATP, PP, POs and P&BAO.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit.	GMCD, MP&B, AMSP, CStratP, TLSTATP, POs and P&BAO.	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(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit.	GMCD, MP&B, AMSP, CStratP, TLSTATP, POs and P&BAO.	
s.66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65.	GMCD, MP&B, AMSP, CStratP, TLSTATP, POs and P&BAO.	
s.69(1)	Function of receiving an application for extension of time of a planning permit.	GMCD, MP&B, AMSP, CStratP, TLSTATP, PP and P&BAO.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.69(1A)	Function of receiving application for extension of time to complete a development.	TLSTATP GMCD, MP&B, AMSP, CStratP, TLSTATP, PP and P&BAO.	
s.69(2)	Power to extend time.	GMCD, MP&B, AMSP, CStratP, TLSTATP,PP,DP and SPO.	<p>Power to refuse to extend time must only be exercised by GMCD, MP&B, AMSP, CStratP, TLStatP and PP.</p> <p>All decisions must be dual signed by the responsible officer and Delegate and be in accordance with the Delegation Policy.</p> <p>The responsible authority may extend the time within which the use or development or any stage of it is to be started or the development or any stage of it is to be completed or within which a plan under the <i>Subdivision Act</i> 1988 is to be certified.</p> <p>The SPO is authorised to exercise this for subdivision applications only.</p>
s.70	Duty to make a copy of a permit available for inspection.	GMCD, MP&B, AMSP, TLStratP, POs and P&BAO.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.71(1)	Power to correct certain mistakes.	GMCD, MP&B, AMSP, TLSTATP, CStratP and DP	All decisions must be dual signed by the responsible officer and Delegate and be in accordance with the Delegation Policy.
s.71(2)	Duty to note corrections in the register.	GMCD, MP&B, AMSP, CStratP, TLSTATP, POs and P&BAO.	<i>Note – “Register” means a Register of Applications pursuant to section 49 of the Act.</i>
s.73	Power to decide to grant an amendment subject to conditions.	GMCD, MP&B, AMSP, CStratP, TLSTATP, PP,DP and SPO.	<p>A decision to refuse to grant an amendment to a permit must only be exercised by GMCD, MP&B, CStratP, TLStatP and PP, except any application “called in” by a Councillor.</p> <p>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> <ul style="list-style-type: none"> a) any application “called in” by a Councillor, whereby a Councillor advises the General Manager City Development, Manager Planning and Building, Assistant Manager Statutory Planning, Coordinator Strategic Planning, Team Leader Statutory Planning or Principal Planner 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;

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<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> <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> <p>The SPO is authorised to exercise this for subdivision applications only.</p>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.74	Duty to issue an amended permit to the applicant if no there are no objectors.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
s.76	Duty to give the applicant and objectors notice of a decision to refuse to grant an amendment to a permit.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
s.76A(1)	Duty to give relevant determining referral authorities a copy of an amended permit and copy of notice.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	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.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	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 section 64 or 76	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit.
s.76D	Duty to comply with the direction of the Minister to issue an amended permit.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
s.83	Function of being a respondent to an appeal.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
s.83B	Duty to give or publish notice of application for a review.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	For approvals, this power cannot be exercised in relation to: <ul style="list-style-type: none"> a) any application “called in” by a Councillor, whereby a Councillor advises the General Manager City Development, Manager Planning and Building, Assistant Manager Statutory Planning, Coordinator Strategic Planning, Team Leader Statutory Planning or Principal Planner 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) 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; 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;

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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>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, 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>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.	GMCD, MP&B, AMSP, CStratP and POs.	
s.84(3)	Duty to tell the Principal Registrar if a decision is made to grant a permit after an application is made for review of its failure to grant a permit.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	<i>Note – “Principal Registrar” means the Principal Registrar of VCAT.</i>
s.84(6)	Duty to issue a permit on receipt of advice within three working days.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
s.86	Duty to issue a permit at the order of VCAT within three working days.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
s.87(3)	Power to apply to VCAT for the cancellation or amendment of a permit.	GMCD and MP&B.	Providing, in the case of the MP&B, the ground for variation relates to Section 87(2), otherwise not delegated
s.90(1)	Function of being heard at a hearing of request for cancellation or amendment of a permit.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.91(2)	Duty to comply with the directions of VCAT.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
s.91(2A)	Duty to issue an amended permit to the owner if the Tribunal so directs.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
s.92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
s.93(2)	Duty to give notice of VCAT order to stop development.	GMCD and MP&B, AMSP, CStratP, TLSTATP, POs and P&BAO.	
s.95(3)	Function of referring certain applications to the Minister.	CEO, GMCD, and MP&B.	
s.95(4)	Duty to comply with an order or direction.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
s.96(1)	Duty to obtain a permit from the Minister to use and develop its land.	GMCD and MP&B	

Whitehorse City Council – Council to Staff Delegation Register, Under the Planning and Environment Act 1987, Planning and Environment Regulations 2015, Planning and Environment (Fees) Regulations 2016 Adopted by Council 21 August 2017

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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 a permit concurrently with preparation of a proposed amendment.	CEO, GMCD and MP&B.	
s.96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C.	CEO, GMCD and MP&B.	
s.96F	Duty to consider the panel's report under section 96E.	GMCD, MP&B, AMSP and CStratP.	
s.96G	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>).	GMCD, MP&B, AMSP and CstratP.	For approvals, this power cannot be exercised in relation to: <ul style="list-style-type: none"> a) any application "called in" by a Councillor, whereby a Councillor advises the General Manager City Development, Manager Planning and Building, Assistant Manager Statutory Planning, Coordinator Strategic Planning, Team Leader Statutory Planning or Principal Planner 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;

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<ul style="list-style-type: none"> 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; 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; g) an application for non-residential use and/or development outside a residential zone where there are 20 or more objector properties; or h) an application for non-residential use and/or development within a residential zone where there are 12 or more objector properties.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<p>In addition:</p> <ul style="list-style-type: none"> a) in deciding an amendment, the delegate must not exercise his or her delegation without first conferring with his or her immediate superior; and 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.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96H(3)	Power to give notice in compliance with the Minister's direction.	GMCD, MP&B, AMSP and CStratP.	
s.96J	Power to issue a permit as directed by the Minister.	GMCD, MP&B, AMSP and CStratP.	
s.96K	Duty to comply with a direction of the Minister to give notice of refusal.	GMCD, MP&B, AMSP and CStratP.	
s.96Z	Duty to keep levy certificates given to it under sections 47 or 96A for no less than five years from receipt of the certificate.	POs.	
s.97C	Power to request the Minister to decide the application.	Not delegated.	The power remains with the Council.
s.97D(1)	Duty to comply with directions of the Minister to supply any document or assistance relating to application.	GMCD, MP&B, AMSP and CStratP.	
s.97G(3)	Function of receiving from the Minister a copy of a notice of refusal to grant a permit or a copy of any permit granted by the Minister.	GMCD, MP&B, AMSP and CStratP.	
s.97G(6)	Duty to make a copy of permits issued under section 97F available for inspection.	GMCD, MP&B, AMI&ED, AMSP, POs and P&BAO.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97L	Duty to include Ministerial decisions in a register kept under section 49.	GMCD, MP&B, AMSP, CStratP, POs and P&BAO.	
s.97MH	Duty to provide information or assistance to the Planning Application Committee.	GMCD and MP&B.	
s.97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee.	GMCD and MP&B.	
s.97O	Duty to consider an application and issue or refuse to issue a certificate of compliance.	GMCD, MP&B, AMSP, CStratP, TLSTATP and PP.	
s.97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate.	GMCD, MP&B, AMSP, CStratP and POs.	
s.97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate.	CEO, GMCD and MP&B, AMStatP, CStratP, TLStatP and PP	
s.97Q(4)	Duty to comply with directions of VCAT.	CEO, GMCD and MP&B, AMSP, CStratP and POs	
s.97R	Duty to keep register of all applications for certificate of compliance and related decisions.	GMCD, MP&B, AMSP, CStratP, POs and P&BAO.	

Whitehorse City Council – Council to Staff Delegation Register, Under the Planning and Environment Act 1987, Planning and Environment Regulations 2015, Planning and Environment (Fees) Regulations 2016 Adopted by Council 21 August 2017

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.98(1)&(2)	Function of receiving claim for compensation in certain circumstances.	CEO and GMCD.	
s.98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed.	CEO and GMCD.	
s.101	Function of receiving claim for expenses in conjunction with claim.	GMCD, MP&B, AMSP and CStratP.	
s.103	Power to reject a claim for compensation in certain circumstances.	CEO and GMCD.	<i>Note – refers to small claims, ie:</i> <i>a) \$500.00 or any greater amount prescribed by the Regulations; or</i> <i>b) 0.1% of the value that the land had not been affected by any circumstance set out in section 98(1) or (2) or section 107.</i>
s.107(1)	Function of receiving a claim for compensation.	CEO and GMCD.	
s.107(3)	Power to extend the time for making a claim.	CEO and GMCD.	
s.114(1)	Power to apply to the VCAT for an enforcement order.	CEO, GMCD and MP&B.	
s.117(1)(a)	Function of making a submission to the VCAT where objections are received.	GMCD, MP&B, AMSP, CStratP, POs and PEOs.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.120(1)	Power to apply for an interim enforcement order where section 114 application has been made.	CEO, GMCD and MP&B.	
s.123(1)	Power to carry out work required by enforcement order and recover costs.	GMCD, MP&B, AMSP, CStratP, POs and PEOs.	
s.123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under section 123(1).	CEO.	
s.129	Function of recovering penalties.	GMCD, MP&B and AMSP.	
s.130(5)	Power to allow person served with an infringement notice further time.	GMCD, MP&B and AMSP.	
s.149A(1)	Power to refer a matter to the VCAT for determination.	CEO, GMCD, MP&B, AMSP and CStratP.	<i>Note - Part 6 of the Act refers to enforcement and legal proceedings</i>
s.149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a section 173 agreement.	CEO, GMCD, MP&B, AMSP and CStratP.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.156	Duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B) power to ask for contribution under subsection (3) and power to abandon an amendment or part of it under subsection (4).	GMCD, MP&B, AMSP and CStratP.	Where Council is the relevant planning authority.
s.171(2)(f)	Power to carry out studies and commission reports.	CEO, GMCD, MP&B, AMSP and CStratP.	
s.171(2)(g)	Power to grant and reserve easements.	CEO, GMCD and MP&B.	
s.173	Power to enter into agreement covering matters set out in section 174.	CEO and GMCD.	
	Power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority.	CEO, GMCD, MP&B, AMSP, CStratP, TLSTATP and POs	
	Power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority.	CEO, GMCD, MP&B, AMSP, CStratP and POs.	
s.177(2)	Power to end a section 173 agreement with approval of the Minister or the consent of those bound by any covenant in the agreement.	CEO.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178	Power to amend a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9.	CEO, GMCD and MP&B.	<i>Note – section 178 provides: “An agreement may, with the approval of the Minister, be amended by agreement between the responsible authority and all persons who are bound by any covenant in the agreement”.</i>
s.178A(1)	Function of receiving applications to amend or end an Agreement.	CEO, GMCD, MP&B, AMSP, TLSTATP, POs & P&BAO.	
s.178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under section 178A (1).	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
s.178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
s.178A(5)	Power to propose to amend or end an agreement.	CEO, GMCD and MP&B.	
s.178B(1)	Duty to consider certain matters when considering a proposal to amend an agreement.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
s.178B(2)	Duty to consider certain matters when considering a proposal to end an agreement.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
s.178C(4)	Function of determining how to give notice under section 178C (2).	GMCD, MP&B, AMSP, CStratP, TLSTATP, PP and DP.	
s.178E(1)	Duty not to make a decision until after 14 days after notice has been given.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal.	CEO, GMCD, MP&B, AMSP and TLSTATP.	If no objections are made under section 178D. The delegate must consider the matters in section 178B.
s.178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal.	CEO, GMCD, MP&B, AMSP and TLSTATP.	
s.178E(2)(c)	Power to refuse to amend or end the agreement.	CEO, GMCD, MP&B, AMSP and TLSTATP.	
s.178E(3)(a)	Power to amend or end the agreement in accordance with the Proposal.	CEO, GMCD, MP&B, AMSP and TLSTATP.	After considering objections, submissions and matters in section 148B.
s.178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal.	CEO, GMCD, MP&B, AMSP and TLSTATP.	
s.178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal.	CEO, GMCD, MP&B, AMSP and TLSTATP.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(3)(d)	Power to refuse to amend or end the agreement.	CEO, GMCD, MP&B, AMSP and TLSTATP.	After considering objections, submissions and matters in section 148B.
s.178F(1)	Duty to give notice of its decision under section 178E (3) (a) or (b).	GMCD, MP&B, AMSP, CStratP, TLSTATP, POs and P&BAO.	
s.178F(2)	Duty to give notice of its decision under section 178E (2) (c) or (3) (d).	GMCD, MP&B, AMSP, CStratP, TLSTATP, POs and P&BAO.	
s.178(4)	Duty not to proceed to amend or end an agreement under Section 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.	GMCD, MP&B, AMSP, CStratP, TLSTATP, POs and P&BAO.	
s.178G	Duty to sign an 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.	GMCD, MP&B, AMSP, CStratP and TLSTATP.	
s.178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land.	GMCD, MP&B, AMSP, CStratP, TLS, POs and P&BAO.	
s.179(2)	Duty to make available for inspection a copy of an agreement.	MP&B, AMSP, TLSTATP and POs.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to the Registrar-General.	GMCD, MP&B, AMSP, CStratP, POs and P&BAO.	
s.181(1A)(a)	Power to apply to the Registrar of Titles to record the Agreement.	GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
s.181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement.	TLSTATP GMCD, MP&B, AMSP, CStratP, TLSTATP and POs.	
s.182	Power to enforce an agreement.	GMCD, MP&B, AMSP, TLStratP, POs and PEO.	
s.183	Duty to tell the Registrar of Titles of the ending/amendment of an agreement.	GMCD, MP&B, AMSP, TLStatP and POs.	
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, GMCD and MP&B.	
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, GMCD and MP&B.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.	GMCD, MP&B, AMSP, CStratP and TLSTATP.	
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.	GMCD, MP&B, AMSP, CStratP and TLSTATP.	
s.184G(2)	Duty to comply with a direction of the Tribunal.	GMCD, MP&B, AMSP, CStratP and TLSTATP.	
s.184G(3)	Function to receive an application for a planning certificate.	Not applicable	In the metropolitan area, planning certificates are issued by the Department of Environment, Land Water and Planning.
s.198(1)	function to receive application for planning certificate	Not Delegated	Not applicable for Whitehorse
s.199(1)	duty to give planning certificate to applicant	Not Delegated	Not applicable for Whitehorse
s.201(1)	Function of receiving an application for declaration of underlying zoning.	CEO and GMCD.	
s.201(3)	Duty to make a declaration.	GMCD, MP&B, AMSP, CStratP and POs.	
s.201UAB(1)	Function of providing the Metropolitan Planning Authority with information relating to any land within municipal district.	Not applicable.	<i>Note – Whitehorse is not in a growth area (as defined).</i>
s.201UAB(2)	Duty to provide the Metropolitan Planning Authority with information requested under subsection (1) as soon as possible.	Not applicable.	

Whitehorse City Council – Council to Staff Delegation Register, Under the Planning and Environment Act 1987, Planning and Environment Regulations 2015, Planning and Environment (Fees) Regulations 2016 Adopted by Council 21 August 2017

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.224(8)	duty to provide information requested by Growth Areas Authority under s.201UAB(1) not yet provided to Growth Areas Authority to Victorian Planning Authority	Not applicable.	<i>Note – Whitehorse is not in a growth area (as defined).</i>
Whitehorse Planning Scheme	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.	GMCD, MP&B, AMSP, CStratP and POs.	The SPO is authorised to exercise this for subdivision applications only.
Whitehorse Planning Scheme	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.	GMCD, MP&B, AMSP, CStratP and POs.	The SPO is authorised to exercise this for subdivision applications only.
Whitehorse Planning Scheme	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.	GMCD, MP&B, AMSP, CStratP and TLSTATP.	
Whitehorse Planning Scheme	Power to give written authorisation in accordance with a provision of a planning scheme.	GMCD, MP&B, AMSP, CStratP and TLSTATP.	
Whitehorse Planning Scheme	Duty to inform applicants that the site analysis submitted with the application meets the requirements of Clause 54.01 of the Whitehorse Planning Scheme and is satisfactory, or does not meet the requirements of Clause 55.01 of the Planning Scheme and is not satisfactory, pursuant to Clause 56.01 of the Whitehorse Planning Scheme.	GMCD, MP&B, AMSP and POs.	
Whitehorse Planning Scheme	Power to make a decision relating to a proceeding before VCAT, including a decision to settle the proceeding.	GMCD, MP&B, AMSP, TLSTATP, PP and DP.	The SPO is authorised to exercise this for subdivision applications only.

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.8	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	GMCD, MP&B, AMI&ED. And CStratP	Where: <ul style="list-style-type: none"> • Council is not the planning authority and the amendment affects land within the Council's municipal district; or • 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.	GMCD, MP&B, AMI&ED, AMSP, CStratP and POs.	Where Council is the responsible authority.
r25(a)	Duty to make a copy of a matter considered under section 60 (1A) (g) available for inspection free of charge	GMCD, MP&B, AMI&ED, AMSP, CStratP POs	
r25(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	GMCD, MP&B, AMI&ED, CStratP, AMSP and POs	Where Council is 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 an amendment to a planning scheme.	GMCD, MP&B, CStratP and AMSP.	Where: <ul style="list-style-type: none"> • Council is not the planning authority and the amendment affects land within the Council's municipal district; or • the amendment will amend the planning scheme to designate Council as an acquiring authority.

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.17	Power to waive or rebate a fee in prescribed circumstances.	GMCD, MP&B and AMSP.	Where Council is the responsible authority. <i>Note – the grounds for waiving or rebating a fee include:</i> <ul style="list-style-type: none"> a) where the application is withdrawn and a new application is submitted; b) the application relates to land used for charitable purposes; and c) the fee is not warranted due to the minor nature of the application.
r.19	Power to waive or rebate a fee for amendment to a planning scheme in prescribed circumstances.	GMCD, MP&B and CStratP.	Where Council is the planning authority. <i>Note – the grounds for waiving or rebating a fee include:</i> <ul style="list-style-type: none"> a) where the application is withdrawn and a new application is submitted; b) the amendment combines separate items from multiple requests for an amendment; and c) the amendment is intended to remove anomalies in the planning scheme
r.21	Duty if a fee is waived or rebated to record in writing the matters taken into account and which formed the basis of the decision.	POs	