

ATTACHMENT 1

***S6. Instrument of Delegation – Members of Staff***

**Whitehorse City Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

**Under the Planning and Environment Act 1987  
and Regulations**

## 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	Position Title
AMSTP		Assistant Manager Statutory Planning
CEO		Chief Executive Officer
CSTRP		Coordinator Strategic Planning
DP		Development Planner
GMCD		General Manager City Development
GMI		General Manager Infrastructure
MP&B		Manager Planning and Building
P&BAO		Planning and Building Administration Officer
PEO		Planning Enforcement Officer
POs		Planning Officers which includes TLSTP, PP, DP, UP and SPO
PP		Principal Planner
STRP		Strategic Planner
SPO		Subdivision Planning Officer
SSTRP		Senior Strategic Planner
TLSTP		Team Leader Statutory Planning
TLSTPE		Team Leader Statutory Planning Enforcement
UP		Urban Planner

3. declares that:
  - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on May 2019; 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; 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 May 2019 in the presence of:    )

..... **Councillor**

..... **Chief Executive Officer**

# **SCHEDULE**

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 4B	Power to prepare an amendment to the Victorian Planning Provisions.	GMCD and MP&B.	If authorised by the Minister.
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister.	GMCD, MP&B, CSTRP, SSTRP and STRP.	
s 4H	Duty to make amendment to Victorian Planning Provisions available.	GMCD, MP&B, CSTRP, SSTRP and STRP.	
s 4I	Duty to keep Victorian Planning Provisions and other documents available.	GMCD, MP&B, CSTRP, SSTRP, STRP and P&BAO.	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A.	GMCD and MP&B.	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme.	GMCD and MP&B.	
s 8A(5)	Function of receiving notice of the Minister's decision.	GMCD, MP&B, SSTRP and STRP.	
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.	GMCD, MP&B, SSTRP and STRP.	

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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.	CEO, GMCD, MP&B, AMSTP and CSTRP.	
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 12B(1)	Duty to review planning scheme.	GMCD and MP&B.	
s 12B(2)	Duty to review planning scheme at direction of Minister.	GMCD and MP&B.	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay.	GMCD and MP&B.	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d).	CEO, GMCD, MP&B, AMSTP and CSTRP.	
s 17(1)	Duty of giving copy amendment to the planning scheme.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	

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s 17(2)	Duty of giving copy s 173 agreement.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	
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 amendment etc. available.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	
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.	CEO and GMCD. MP&B, SSTRP and STRP.	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.	GMCD, MP&B, CSTRP, SSTRP and STRP.	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.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19.	CEO, GMCD and MP&B.	



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s 21(2)	Duty to make submissions available.	GMCD, MP&B, CSTRP, SSTRP and STRP.	
s 21A(4)	Duty to publish notice.	GMCD, MP&B and CSTRP.	
s 22	Duty to consider all submissions.	CEO, GMCD, MP&B AMSTP, CSTRP, SSTRP and STRP.	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.	GMCD, MP&B and CSTRP.	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment.	GMCD, MP&B, AMSTP and CSTRP.	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D).	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	
s 26(1)	Power to make report available for inspection.	GMCD, MP&B, CSTRP, SSTRP and STRP.	
s 26(2)	Duty to keep report of panel available for inspection.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	

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s 27(2)	Power to apply for exemption if panel's report not received.	CEO, GMCD, MP&B AMSTP, CSTRP, SSTRP and STRP.	
s 28	Duty to notify the Minister if abandoning an amendment.	CEO and GMCD.	Note: The power to make a decision to abandon an amendment cannot be delegated.
s 30(4)(a)	Duty to say if amendment has lapsed.	CEO, GMCD, MP&B AMSTP, CSTRP, SSTRP and STRP.	
s 30(4)(b)	Duty to provide information in writing upon request.	CEO, GMCD, MP&B AMSTP, CSTRP, SSTRP and STRP.	
s 32(2)	Duty to give more notice if required.	CEO, GMCD, MP&B AMSTP, CSTRP, SSTRP and STRP.	
s 33(1)	Duty to give more notice of changes to an amendment.	CEO, GMCD, MP&B AMSTP, CSTRP, SSTRP and STRP.	
s 36(2)	Duty to give notice of approval of amendment.	CEO, GMCD, MP&B AMSTP, CSTRP, SSTRP and STRP.	

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s 38(5)	Duty to give notice of revocation of an amendment.	CEO, GMCD, MP&B AMSTP, CSTRP, SSTRP and STRP.	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	
s 40(1)	Function of lodging copy of approved amendment.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	
s 41	Duty to make approved amendment available.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	
s 42	Duty to make copy of planning scheme available.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity.	Not applicable.	Whitehorse is not within the Yarra River land area.
s 46AW	Function of being consulted by the Minister.	Not applicable.	Where Council is a responsible public entity.

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s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy.  Power to endorse the draft Statement of Planning Policy.	Not applicable.	Where Council is a responsible public entity.
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity.	Not applicable.	Where Council is a responsible public entity.
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area.	Not applicable.	Where Council is a responsible public entity.
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction.	Not applicable.	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency.
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	

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s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	
s 46GP	Function of receiving a notice under s 46GO.	Not applicable.	Where Council is the collecting agency.
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.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	
s 46GR(2)	Power to consider a late submission.  Duty to consider a late submission if directed to do so by the Minister.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	

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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.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	
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.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	
s 46GT(4)	Function of receiving, from valuer-general, written confirmation of agreement between the planning authority's valuer and affected owner's valuer as to estimated value of the inner public purpose land.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5).	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	

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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.	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution.  Power to specify the manner in which the payment is to be made.	Not applicable.	Where Council is the collecting agency.
s 46GV(3)(b)	Power to enter into an agreement with the applicant.	Not applicable.	Where Council is the collecting agency.
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6).	Not applicable.	Where Council is the development agency.
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6).	Not applicable.	Where Council is the collecting agency.
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.	GMCD, MP&B, AMSTP, CSTRP, SSTRP, STRP and POs.	

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s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction.	Not applicable.	Where Council is the collecting agency.
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable.	Not applicable.	Where Council is the collecting agency.
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan.	Not applicable.	Where Council is the collecting agency.
s 46GY(1)	Duty to keep proper and separate accounts and records.	Not applicable.	Where Council is the collecting agency.
s 46GY(2)	Duty to keep the accounts and records in accordance with <i>Local Government Act 1989</i> .	Not applicable.	Where Council is the collecting agency.
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs.	Not applicable.	Where Council is the collecting agency under an approved infrastructure contributions plan.  This duty does not apply where Council is that planning authority.
s 46GZ(2)(a)	Function of receiving the monetary component.	Not applicable.	Where the Council is the planning authority. This duty does not apply where Council is also the collecting agency.



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s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities.	Not applicable.	Where Council is the collecting agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the relevant development agency.
s 46GZ(2)(b)	Function of receiving the monetary component.	Not applicable.	Where Council is the development agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the collecting agency.
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5).	Not applicable.	Where Council is the collecting agency under an approved infrastructure contributions plan.
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency.	Not applicable.	Where Council is the collecting agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the relevant development agency.
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land.	Not applicable.	Where Council is the development agency specified in the approved infrastructure contributions plan. This provision does not apply where Council is also the collecting agency.

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW.	Not applicable.	Where Council is the collecting agency under an approved infrastructure contributions plan.
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land.	Not applicable.	<p>If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4).</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan.</p> <p>This duty does not apply where Council is also the development agency.</p>
s 46GZ(9)	Function of receiving the fee simple in the land.	Not applicable.	<p>Where Council is the development agency under an approved infrastructure contributions plan.</p> <p>This duty does not apply where Council is also the collecting agency.</p>
s 46GZA(1)	Duty to keep proper and separate accounts and records.	Not applicable.	Where Council is a development agency under an approved infrastructure contributions plan.
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i> .	Not applicable.	Where Council is a development agency under an approved infrastructure contributions plan.
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) - (c).	Not applicable.	Where Council is a development agency under an approved infrastructure contributions plan.

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s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA.	Not applicable.	If the VPA is the collecting agency under an approved infrastructure contributions plan.  Where Council is a development agency under an approved infrastructure contributions plan.
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b).	Not applicable.	Where Council is the development agency under an approved infrastructure contributions plan.
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b).	Not applicable.	Where Council is the collecting agency under an approved infrastructure contributions plan.
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b).	Not applicable.	Where Council is the collecting agency under an approved infrastructure contributions plan.
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires.	Not applicable.	Where Council is the development agency under an approved infrastructure contributions plan.  This duty does not apply where Council is also the collecting agency.

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s 46GZE(2)	Function of receiving the unexpended land equalisation amount.	Not applicable.	Where Council is the collecting agency under an approved infrastructure contributions plan.  This duty does not apply where Council is also the development agency.
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b).	Not applicable.	Where Council is the collecting agency under an approved infrastructure contributions plan.
s 46GZF(2)	Duty, within 12 months after date on which the approved infrastructure contributions plan expires, to use public purpose land for a public purpose approved by Minister or sell public purpose land.	Not applicable.	Where Council is the development agency under an approved infrastructure contributions plan.
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b).	Not applicable.	Where Council is the development agency under an approved infrastructure contributions plan.
s 46GZF(3)	Function of receiving proceeds of sale.	Not applicable.	Where Council is the collection agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the development agency.
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5).	Not applicable.	Where Council is the collecting agency under an approved infrastructure contributions plan.

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s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b).	Not applicable.	Where Council is the collecting agency under an approved infrastructure contributions plan.
s 46GZH	Power to recover monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction.	Not applicable.	Where Council is the collecting agency under an approved infrastructure contributions plan.
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister.	Not applicable.	Where Council is a collecting agency or development agency.
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council.	Not applicable.	Where Council is a collecting agency or development agency.
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).	GMCD, MP&B, AMSTP, CSTRP, SSTRP and STRP.	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy.	GMCD, MP&B, AMSTP, CSTRP, SSTRP, STRP and POs.	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy.	GMCD, MP&B, AMSTP and CSTRP.	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy.	GMCD, MP&B, AMSTP and CSTRP.	
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.	GMCD, MP&B, AMSTP and CSTRP.	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy.	GMCD, MP&B, AMSTP and CSTRP.	
s 46P(1)	Power to require payment of amount of levy under s 46N or 46O to be satisfactorily secured.	GMCD, MP&B, AMSTP and CSTRP.	
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.	
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.	GMCD, MP&B, AMSTP and CSTRP.	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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.	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 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 Council of works, services or facilities in an area under s 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 report and give a report to the Minister.	GMCD.	Where Council is a collecting agency or development agency.

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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.	Not applicable for Whitehorse.
s 46Y	Duty to carry out works in conformity with the approved strategy plan.	Not delegated.	Not applicable for Whitehorse.
s 47	Power to decide that an application for a planning permit does not comply with that Act.	GMCD, MP&B, AMSTP, TLSTP and PP.	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits.	GMCD, MP&B, AMSTP, CSTRP, POs and P&BAO.	
s 49(2)	Duty to make register available for inspection.	GMCD, MP&B, AMSTP, CSTRP, TLSTP, POs and P&BAO.	
s 50(4)	Duty to amend application.	GMCD, MP&B, AMSTP, CSTRP, TLSTP, POs and SPO.	The SPO is authorised to exercise this for subdivision applications only.



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 50(5)	Power to refuse to amend application.	GMCD, MP&B, AMSTP, CSTRP, TLSTP, POs and SPO.	The SPO is authorised to exercise this for subdivision applications only.
s 50(6)	Duty to make note of amendment to application in register.	GMCD, MP&B, AMSTP, CSTRP, TLSTP, POs and P&BAO.	
s 50A(1)	Power to make amendment to application.	GMCD, MP&B, AMSTP, CSTRP, TLSTP, POs, P&BAO and SPO.	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.	GMCD, MP&B, AMSTP, CSTRP, TLSTP, POs, P&BAO and SPO.	The SPO is authorised to exercise this for subdivision applications only.
s 50A(4)	Duty to note amendment to application in register.	GMCD, MP&B, AMSTP, CSTRP, TLSTP, POs, P&BAO and SPO.	The SPO is authorised to exercise this for subdivision applications only.
s 51	Duty to make copy of application available for inspection.	GMCD, MP&B, AMSTP, CSTRP, TLSTP, POs and P&BAO.	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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, AMSTP, CSTRP, TLSTP, 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, AMSTP, CSTRP, TLSTP and PP.
s 52(1)(b)	Duty to give notice of the application to other municipal Council where appropriate.	GMCD, MP&B, AMSTP, CSTRP, POs and SPO.	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, AMSTP, CSTRP and POs.	
s 52(1)(ca)	Duty to give notice of application to owners and occupiers of land benefited by registered restrictive covenant if may result in breach of covenant.	GMCD, MP&B, AMSTP, CSTRP 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, AMSTP, CSTRP and POs.	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected.	GMCD, MP&B, AMSTP, CSTRP and POs.	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant.	GMCD, MP&B, AMSTP, CSTRP and POs.	
s 52(3)	Power to give any further notice of an application where appropriate.	GMCD, MP&B, AMSTP, CSTRP, POs and SPO.	The SPO is authorised to exercise this for subdivision applications only.
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it.	GMCD, MP&B, AMSTP, CSTRP, TLSTP, PP and DP.	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA).	GMCD, MP&B, AMSTP, CSTRP, TLSTP, PP and DP.	
s 54(1)	Power to require the applicant to provide more information.	GMCD, MP&B, AMSTP, CSTRP and POs.	Must be in accordance with the Delegation Policy.
s 54(1A)	Duty to give notice in writing of information required under s 54(1).	GMCD, MP&B, AMSTP, CSTRP, POs and SPO.	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, AMSTP, CSTRP, POs and SPO.	The SPO is authorised to exercise this for subdivision applications only.

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information.	GMCD, MP&B, AMSTP, CSTRP, POs and SPO.	The SPO is authorised to exercise this for subdivision applications only.  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, AMSTP, CSTRP, TLSTP and PP.
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3).	GMCD, MP&B, AMSTP, CSTRP, POs and SPO.	The SPO is authorised to exercise this for subdivision applications only.
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme.	GMCD, MP&B, AMSTP, CSTRP, POs and P&BAO.	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector.	CEO, GMCD and MP&B.	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go.	GMCD, MP&B, AMSTP, CSTRP, POs and P&BAO.	
s 57(5)	Duty to make available for inspection copy of all objections.	GMCD, MP&B, AMSTP, CSTRP, POs and P&BAO.	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5).	GMCD, MP&B, AMSTP, CSTRP, POs and P&BAO.	
s 57A(5)	Power to refuse to amend application.	GMCD, MP&B, AMSTP, CSTRP, POs and SPO.	The SPO is authorised to exercise this for subdivision applications only.
s 57A(6)	Duty to note amendments to application in register.	GMCD, MP&B, AMSTP, CSTRP, POs and P&BAO.	
s 57B(1)	Duty to determine whether and to whom notice should be given.	GMCD, MP&B, AMSTP, CSTRP, POs and SPO.	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, AMSTP, CSTRP and POs.	
s 57C(1)	Duty to give copy of amended application to referral authority.	GMCD, MP&B, AMSTP, CSTRP, POs and P&BAO.	
s 58	Duty to consider every application for a permit.	GMCD, MP&B, AMSTP, CSTRP and POs.	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 58A	Power to request advice from the Planning Application Committee.	CEO and GMCD.	
s 60	Duty to consider certain matters.	GMCD, MP&B, AMSTP, CSTRP and POs.	
s 60(1A)	Duty to consider certain matters.	GMCD, MP&B, AMSTP, CSTRP, POs and SPO.	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.	GMCD, MP&B, AMSTP, CSTRP, POs and SPO.	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, AMSTP, CSTRP, TLSTP, PP, DP and SPO.	<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 GMCD, MP&amp;B, CSTRP, TLSTRP AND PP, except any application “called in” by a Councillor.</p>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<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"> <li>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;</li> <li>b) any major development proposal or any other application where considered to be warranted by the delegate;</li> <li>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;</li> <li>d) an application for a single dwelling or dwelling addition where there are 12 or more objector properties;</li> <li>e) an application for multiple dwellings where there are 12 or more objector properties;</li> </ul>

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			<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>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit.	GMCD, MP&B, AMSTP, CSTRP, TLSTP 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 permit.	GMCD, MP&B, AMSTP, CSTRP, TLSTP 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, AMSTP, CSTRP, TLSTP and PP.	



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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 62(1)	Duty to include certain conditions in deciding to grant a permit.	GMCD, MP&B, AMSTP, CSTRP, POs and SPO.	The SPO is authorised to exercise this for subdivision applications only.
s 62(2)	Power to include other conditions.	GMCD, MP&B, AMSTP, CSTRP, POs and SPO.	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).	GMCD, MP&B, AMSTP, CSTRP, POs and SPO.	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.	GMCD, MP&B, AMSTP, CSTRP, POs and SPO.	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.	GMCD, MP&B, AMSTP, CSTRP, POs and SPO.	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.	GMCD, MP&B, AMSTP, CSTRP, POs and SPO.	The SPO is authorised to exercise this for subdivision applications only.
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).	GMCD, MP&B, AMSTP, CSTRP and POs.	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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).	GMCD, MP&B, AMSTP, CSTRP 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, AMSTP, CSTRP and POs.	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors.	GMCD, MP&B, AMSTP, CSTRP and POs.	This provision applies also to a decision to grant an amendment to a permit - see s 75.
s 64(3)	Duty not to issue a permit until after the specified period.	GMCD, MP&B, AMSTP, CSTRP and POs.	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.	GMCD, MP&B, AMSTP, CSTRP, TLSTP and POs.	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.	GMCD, MP&B, AMSTP, CSTRP, TLSTP and POs.	This provision applies also to a decision to grant an amendment to a permit - see s 75A.

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57.	GMCD, MP&B, AMSTP, CSTRP and POs.	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities.	GMCD, MP&B, AMSTP, CSTRP, TLSTP, PP, POs and P&BAO.	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit.	GMCD, MP&B, AMSTP, CSTRP, TLSTP, POs and P&BAO.	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.	GMCD, MP&B, AMSTP, CSTRP, TLSTP, 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(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.	GMCD, MP&B, AMSTP, CSTRP, TLSTP, POs and P&BAO.	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.
s 69(1)	Function of receiving application for extension of time of permit.	GMCD, MP&B, AMSTP, CSTRP, TLSTP, PP and P&BAO.	

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 69(1A)	Function of receiving application for extension of time to complete development.	GMCD, MP&B, AMSTP, CSTRP, TLSTP, PP and P&BAO.	
s 69(2)	Power to extend time.	GMCD, MP&B, AMSTP, CSTRP, TLSTP, PP, DP and SPO.	<p>The power to refuse to extend time must only be exercised by GMCD, MP&amp;B, 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>
s 70	Duty to make copy permit available for inspection.	GMCD, MP&B, AMSTP, TLSTP, POs and P&BAO.	
s 71(1)	Power to correct certain mistakes.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and DP.	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.	GMCD, MP&B, AMSTP, TLSTP, CSTRP, POs and P&BAO.	Note – “Register” means a register of Applications pursuant to s 49 of the Act.

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 73	Power to decide to grant amendment subject to conditions.	GMCD, MP&B, AMSTP, TLSTP, CSTRP, PP, DP and SPO.	<p>A decision to refuse to grant an amendment to a permit must only be exercised by GMCD, MP&amp;B, AMSTP, TLSTP, 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"> <li>a) any application “called in” by a Councillor, whereby a Councillor advises the GMCD, MP&amp;B, AMSTP, CSTRP, TLSTP or PP that the planning application must be reported to Council for determination;</li> <li>b) any major development proposal or any other application where considered to be warranted by the Delegate;</li> <li>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;</li> <li>d) an application for a single dwelling or dwelling addition where there are 12 or more objector properties;</li> <li>e) an application for multiple dwellings where there are 12 or more objector properties;</li> <li>f) an application for accommodation where there are 12 or more objector properties;</li> </ul>

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			<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.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit.	GMCD, MP&B, AMSTP, TLSTP, CSTRP 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.

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit.	GMCD, MP&B, AMSTP, TLSTP, CSTRP 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 s 64 or 76.	GMCD, MP&B, AMSTP, TLSTP, CSTRP 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 direction of Minister to issue amended permit.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
s 83	Function of being respondent to an appeal.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
s 83B	Duty to give or publish notice of application for review.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
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, AMSTP, TLSTP, CSTRP, POs and SPO.	For approvals, this power cannot be exercised in relation to: a) any application “called in” by a Councillor, whereby a Councillor advises the GMCD, MP&B, AMSTP, CSTRP, TLSTP or PP that the planning application must be reported to Council for determination;

PLANNING AND ENVIRONMENT ACT 1987			
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			<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> <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</p>



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			<p>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. 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.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
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.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
s 84AB	Power to agree to confining a review by the Tribunal.	GMCD and MP&B.	
s 86	Duty to issue a permit at order of Tribunal within 3 working days.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit.	GMCD and MP&B.	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
s 91(2)	Duty to comply with the directions of VCAT.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
s 93(2)	Duty to give notice of VCAT order to stop development.	GMCD, MP&B, AMSTP, TLSTP, CSTRP, 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, AMSTP, TLSTP, CSTRP and POs.	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land.	GMCD and MP&B.	
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, 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 s 96C.	CEO, GMCD and MP&B.	
s 96F	Duty to consider the panel's report under s 96E.	GMCD, MP&B, AMSTP and CSTRP.	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> ).	GMCD, MP&B, AMSTP and CSTRP.	For approvals, this power cannot be exercised in relation to: a) any application "called in" by a Councillor, whereby a Councillor advises the GMCD, MP&B, 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

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

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 96H(3)	Power to give notice in compliance with Minister's direction.	GMCD, MP&B, AMSTP and CSTRP.	
s 96J	Power to issue permit as directed by the Minister.	GMCD, MP&B, AMSTP and CSTRP.	
s 96K	Duty to comply with direction of the Minister to give notice of refusal.	GMCD, MP&B, AMSTP and CSTRP.	
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.	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application.	GMCD, MP&B, AMSTP and CSTRP.	
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.	GMCD, MP&B, AMSTP and CSTRP.	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection.	GMCD, MP&B, AMSTP, POs and P&BAO.	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 97L	Duty to include Ministerial decisions in a register kept under s 49.	GMCD, MP&B, AMSTP, CSTRP, 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 application and issue or refuse to issue certificate of compliance.	GMCD, MP&B, AMSTP, TLSTP, CSTRP 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, AMSTP, TLSTP, CSTRP and POs.	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate.	CEO, GMCD, MP&B, AMSTP, TLSTP, CSTRP and PP.	
s 97Q(4)	Duty to comply with directions of VCAT.	CEO, GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions.	GMCD, MP&B, AMSTP, CSTRP, POs and P&BAO.	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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 and AMSTP.	
s 103	Power to reject a claim for compensation in certain circumstances.	CEO and GMCD.	
s 107(1)	Function of receiving claim for compensation.	CEO and GMCD.	
s 107(3)	Power to agree to extend time for making claim.	CEO and GMCD.	
s 114(1)	Power to apply to the VCAT for an enforcement order.	CEO, GMCD, MP&B, AMSTP and TLSTPE.	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received.	GMCD, MP&B, AMSTP, CSTRP, POs and PEO.	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made.	CEO, GMCD, MP&B, AMSTP and TLSTPE.	
s 123(1)	Power to carry out work required by enforcement order and recover costs.	GMCD, MP&B, AMSTP, CSTRP, POs and PEO.	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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.	GMCD, MP&B, AMSTP and TLSTPE.	
s 130(5)	Power to allow person served with an infringement notice further time.	GMCD, MP&B, AMSTP and TLSTPE.	
s 149A(1)	Power to refer a matter to the VCAT for determination.	CEO, GMCD, MP&B, AMSTP and CSTRP.	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement.	CEO, GMCD, MP&B, AMSTP and CSTRP.	
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).	GMCD, MP&B, AMSTP and CSTRP.	Where Council is the relevant planning authority.
s 171(2)(f)	Power to carry out studies and commission reports.	CEO, GMCD, MP&B, AMSTP and CSTRP.	
s 171(2)(g)	Power to grant and reserve easements.	CEO, GMCD and MP&B.	



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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan.	Not applicable.	Where Council is a development agency specified in an approved infrastructure contributions plan.
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4).	Not applicable.	Where Council is a collecting agency specified in an approved infrastructure contributions plan.
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4).	Not applicable.	Where Council is the development agency specified in an approved infrastructure contributions plan.
s 173(1)	Power to enter into agreement covering matters set out in s 174.	CEO and GMCD.	
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.	CEO and GMCD.	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.	CEO, GMCD, MP&B, AMSTP, TLSTP, CSTRP, POs, TLSTPE and PEO.	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
---	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.	CEO, GMCD, MP&B, AMSTP, CSTRP and POs.	
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.	
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, GMCD and MP&B.	
s 178A(1)	Function of receiving application to amend or end an agreement.	CEO, GMCD, MP&B, AMSTP, TLSTP, POs and P&BAO.	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1).	GMCD, MP&B, AMSTP, TLSTP, CSTRP 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, AMSTP, TLSTP, CSTRP and POs.	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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 proposal to amend an agreement.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
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, AMSTP, TLSTP, CSTRP and POs.	
s 178C(4)	Function of determining how to give notice under s 178C(2).	GMCD, MP&B, AMSTP, TLSTP, CSTRP, PP and DP.	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal.	CEO, GMCD, MP&B, AMSTP and TLSTP.	If no objections are made under s 178D. Must consider matters in s 178B.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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, AMSTP and TLSTP.	If no objections are made under s 178D. Must consider matters in s 178B.
s 178E(2)(c)	Power to refuse to amend or end the agreement.	CEO, GMCD, MP&B, AMSTP and TLSTP.	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.	CEO, GMCD, MP&B, AMSTP and TLSTP.	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.	CEO, GMCD, MP&B, AMSTP and TLSTP.	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.	CEO, GMCD, MP&B, AMSTP and TLSTP.	After considering objections, submissions and matters in s 178B.
s 178E(3)(d)	Power to refuse to amend or end the agreement.	CEO, GMCD, MP&B, AMSTP and TLSTP.	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).	GMCD, MP&B, AMSTP, TLSTP, CSTRP, POs and P&BAO.	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d).	GMCD, MP&B, AMSTP, TLSTP, CSTRP, POs and P&BAO.	
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.	GMCD, MP&B, AMSTP, TLSTP, CSTRP, POs and P&BAO.	
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.	GMCD, MP&B, AMSTP, TLSTP and CSTRP.	
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, AMSTP, TLSTP, CSTRP, POs and P&BAO.	
s 179(2)	Duty to make available for inspection copy agreement.	MP&B, AMSTP, TLSTP and POs.	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General.	GMCD, MP&B, AMSTP, CSTRP, POs and P&BAO.	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement.	GMCD, MP&B, AMSTP, TLSTP, CSTRP and POs.	
s 182	Power to enforce an agreement.	GMCD, MP&B, AMSTP, TLSTP, POs, TLSTPE and PEO.	
s 183	Duty to tell Registrar of Titles of ending/ amendment of agreement.	GMCD, MP&B, AMSTP, TLSTP 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.	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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, AMSTP, TLSTP and CSTRP.	
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, AMSTP, TLSTP and CSTRP.	
s 184G(2)	Duty to comply with a direction of the Tribunal.	GMCD, MP&B, AMSTP, TLSTP and CSTRP.	
s 184G(3)	Duty to give notice as directed by the Tribunal.	GMCD, MP&B, AMSTP, TLSTP and CSTRP.	
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 application for declaration of underlying zoning.	CEO and GMCD.	
s 201(3)	Duty to make declaration.	GMCD, MP&B, AMSTP, CSTRP and POs.	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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, AMSTP, CSTRP, POs, SPO, TLSTPE and PEO.	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, AMSTP, CSTRP and POs.	
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, AMSTP, TLSTP and CSTRP.	
Whitehorse Planning Scheme	Power to give written authorisation in accordance with a provision of a planning scheme.	GMCD, MP&B, AMSTP, TLSTP and CSTRP.	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district.	Not applicable.	Whitehorse is not in a growth area (as defined).
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible.	Not applicable.	Whitehorse is not in a growth area (as defined).



<b>PLANNING AND ENVIRONMENT REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme.	GMCD, MP&B, AMSTP and CSTRP.	Where Council is not the planning authority and the amendment affects land within its municipal district; or 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 s 54 of the Act.	GMCD, MP&B, AMSTP, CSTRP and POs.	
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) available for inspection free of charge.	GMCD, MP&B, AMSTP, CSTRP and POs.	Where Council is the responsible authority.
r 25(b)	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge.	GMCD, MP&B, AMSTP, CSTRP and POs.	Where Council is not the responsible authority but the relevant land is within Council's municipal district.
r 42	Function of receiving notice under s 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.	GMCD, MP&B, AMSTP and CSTRP.	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.

<b>PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme.	GMCD, MP&B and CSTRP.	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme.	GMCD, MP&B and AMSTP.	
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.	