

# Instrument of Delegation Planning



## Council to Council Staff

In exercise of the powers conferred by the legislation referred to in the attached Schedule 1, the Council:

1. delegates each duty and/or function and/or power described in column 1 of Schedule 1 (and summarised in column 2 of Schedule 1) 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 Schedule 1;

2. records that reference in the Schedules to:

“Group A” means	Chief Executive Officer Director City Liveability Manager City Planning & Building Manager City Futures
“Group B” means	Coordinator Planning Coordinator City Strategy and Planning Major Projects Subdivision Planner Principal Planner Senior Strategic Planner
“Group C” means	Senior Planner Strategic Planner Planning Officer Student Planner
“Group D” means	Subdivision Planner
“Group E” means	Planning Investigation Officer Landscape Inspection Officer
“Group F” means	Planning Support Officer Student Strategic Planner Project Support Officer
“Group G” means	Coordinator Business Support City Planning and Building Business Support Officer City Planning and Building Counter Support Officer
“Group H” means	Senior Sustainable Development Engineer Development Engineer
“Group I” means	Arborist Landscape Assessment Officer Assistant Landscape Officer

# Schedule 1

3. declares that:
- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 26 February 2024 and
- 3.2 the delegation:
- 3.2.1 comes into force on 26 February 2024;
- 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 Schedule 1; 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 a Council Meeting; 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; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegate committee.



Cr Jude Dwight - Mayor



Bruce Dobson – Chief Executive Officer

Date: 26 Feb 24

# Schedule 1

## INDEX

HERITAGE ACT 2017 .....	4
LOCAL GOVERNMENT ACT 1989 .....	4
PLANNING AND ENVIRONMENT ACT 1987 .....	5
RESIDENTIAL TENANCIES ACT 1997 .....	59
PLANNING AND ENVIRONMENT REGULATIONS 2015 .....	61
PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016 .....	62
RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 .....	63
SCHEDULE 2 .....	69

<b>HERITAGE ACT 2017</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>
s 116	Power to sub-delegate Executive Director's functions, duties or powers	Not Delegated	Must first obtain Executive Director's written consent  Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

<b>LOCAL GOVERNMENT ACT 1989</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 185L(4)	Power to declare and levy a cladding rectification charge	Chief Executive Officer	Council must first have entered into a cladding rectification agreement under Section 185I

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	Group A	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	Group A	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	All Groups	
s 4I(2)	Duty to make a copy of the Victoria Planning Provisions and other documents available in accordance with public availability requirements	All Groups	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	Group A	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	Group A	
s 8A(5)	Function of receiving notice of the Minister's decision	Group A	
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	Group A	
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	Groups A, B & C	
s 12B(1)	Duty to review planning scheme	Groups A, B & C	
s 12B(2)	Duty to review planning scheme at direction of Minister	Groups A, B & C	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	Groups A, B & C	
s 14	Duties of a Responsible Authority as set out in subsections (a) to (d)	Groups A, B, C, D, E, F & I	-
s 17(1)	Duty of giving copy amendment to the planning scheme	Groups A, B & C	
s 17(2)	Duty of giving copy s.173 agreement	Groups A, B & C	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	Groups A, B & C	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	All Groups	Until the proposed amendment is approved or lapsed.
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	Groups A	Decision not to give notice under sections 19(1)(a) and (b) and (1A) must be recorded.
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	Groups A, B & C	Only 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 section 19	Groups A, B & C	Where Council is a Planning Authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	All Groups	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice in accordance with section	Groups A, B & C	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	Groups A, B & C	Except submissions which request a change to the items in s.22(5)(a) and (b)

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 22(2)	Power to consider a late submission Duty to consider a late submission if directed by the Minister	Groups A, B & C	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	Groups A, B & C	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	Groups A, B & C	Only where Council has already resolved to refer the Amendment to a Panel
s 24	Function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)	Groups A, B & C	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	Group A All other Groups	Group A: No conditions or limitations All other Groups: Only after the Planning Authority has decided whether or not to adopt the planning amendment or twenty eight days has elapsed since it received the panel's report.
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	Group A All other Groups	Group A: No conditions or limitations All other Groups: Only after the Planning Authority has decided whether or not to adopt the planning amendment or twenty eight days has elapsed since it received the panel's report during the inspection period.
s 27(2)	Power to apply for exemption if panel's report not received	Group A	
s 28(1)	Duty to notify the Minister if abandoning an amendment	Groups A, B & C	Note: the power to make a decision to abandon an amendment cannot be delegated
S 28(2)	Duty to publish notice of the decision on Internet Site	Groups A, B & C	
s 28(4)	Duty to make notice of the decision available on Council's internet site for a period of at least 2 months	Groups A, B & C	
s 30(4)(a)	Duty to say if amendment has lapsed	Group A	

Instrument of Delegation – Council to Staff Planning

February 2024

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 30(4)(b)	Duty to provide information in writing upon request	Group A	
s 32(2)	Duty to give more notice if required	Groups A, B & C	
s 33(1)	Duty to give more notice of changes to an amendment	Groups A, B & C	
s 36(2)	Duty to give notice of approval of amendment	Groups A, B & C	
s 38(5)	Duty to give notice of revocation of an amendment	Groups A, B & C	
s 39	Function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	Groups A, B & C	
s 40(1)	Function of lodging copy of approved amendment	Groups A, B & C	
s 41(1)	Duty to make approved amendment available in accordance with the public availability requirements during inspection period	All Groups	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in S197B of the Act after the inspection period ends	All Groups	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	All Groups	
s 46AW	Function of being consulted by the Minister	Groups A, B and C	Where Council is a responsible public entity
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	Groups A, B and C	Where Council is a responsible public entity



**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	Groups A, B, C & D	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	Groups A, B, C & D	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	Groups A, B, C & D	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	Groups A, B, C & D	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	Groups A, B, C & D	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	Groups A, B, C & D	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	Groups A, B, C & D	
s 46GP	Function of receiving a notice under s.46GO	Groups A, B, C & D	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	Groups A, B, C & D	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO	Groups A, B, C & D	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	Groups A, B, C & D	
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	Groups A, B, C & D	
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	Groups A, B, C & D	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	Groups A, B, C & D	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	Groups A, B, C & D	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s.46GT(5)	Groups A, B, C & D	
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	Groups A, B, C & D	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	Groups A, B, C & D	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	Groups A, B, C & D	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)	Groups A, B, C & D	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)	Groups A, B, C & D	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	Groups A, B, C & D	
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	Groups A, B, C & D	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	Groups A, B, C & D	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	Groups A, B, C & D	Where Council is the collecting agency
s 46GY(1)	duty to keep proper and separate accounts and records	Groups A, B, C & D	where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	Groups A, B, C & D	Where Council is the collecting agency

**PLANNING AND ENVIRONMENT ACT 1987**

Column 2		Column 3		Column 4	
Column 1	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
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	Groups A, B, C & D	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	Groups A, B, C & D	Where the Council is the planning authority this duty does not apply where Council is also the collecting agency		
s 46GZ(2)(b)	Duty to forward any part of the of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in as responsible for those works, services or facilities	Groups A, B, C & D	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	Groups A, B, C & D	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)	Groups A, B, C & D	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	Groups A, B, C & D	Where Council is the collecting agency specified 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	Groups A, B, C & D	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		

**PLANNING AND ENVIRONMENT ACT 1987**

Column 2		Column 3	Column 4
Column 1	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	Groups A, B, C & D	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	Groups A & B	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) 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 46GZ(9)	Function of receiving the fee simple in the land	Groups A & B	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	Groups A & B	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 2020</i>	Groups A, B, C & D	Where Council is a development agency under an approved infrastructure contributions plan
s46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)		Where Council is a development agency under an approved infrastructure contributions plan
s46GZB(4)	Duty in accordance with the 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	Groups A & B	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

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1		Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
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)	Groups A & B	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)	Groups A & B	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 s.46GZD(5)(a) and 46GZD(5)(b).	Groups A & B	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	Chief Executive Officer Director City Liveability	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency	
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	Chief Executive Officer Director City Liveability	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 month after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in S 46GZE(3)(a) and (b)	Groups A & B	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 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	Groups A & B	Where Council is the development agency under an approved infrastructure contributions plan	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	Groups A & B	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Function of receiving proceeds of sale	Groups A & B	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)	Groups A & B	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s.46GZF(4) in accordance with s.46GZF(6)(a) and (b)	Groups A & B	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	Groups A & B	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	Groups A & B	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	Groups A & B	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)	Groups A & B	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	Groups A, B, C & D	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	Groups A, B, C & D	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	Groups A & B	
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	Groups A & B	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	Groups A & B	
s 46P(1)	Power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	Groups A & B	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	Groups A & B	
s 46Q(1)	Duty to keep proper accounts of levies paid	Chief Executive Officer Director City Liveability	
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	Chief Executive Officer Director City Liveability	
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	Chief Executive Officer Director City Liveability	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	Chief Executive Officer Director City Liveability	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s.46Q(4)(a)	Chief Executive Officer Director City Liveability	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



**PLANNING AND ENVIRONMENT ACT 1987**

<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(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	Chief Executive Officer Director City Liveability	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	Chief Executive Officer Director City Liveability	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	Chief Executive Officer Director City Liveability	
s 46QD	Duty to prepare report and give a report to the Minister	Groups A & B	Where Council is a collecting agency or development agency
s 46Y	Duty to carry out works in conformity with the approved strategy plan	Groups A & B	
s 47	Power to decide that an application for a planning permit does not comply with that Act	All Groups	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	All Groups	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	All Groups	
s 50(4)	Duty to amend application	Groups A, B, C, D, F & I	
s 50(5)	Power to refuse to amend application	Groups A, B, C, D & I	
s 50(6)	Duty to make note of amendment to application in register	Groups A, B, C, D, F & I	
s 50A(1)	Power to make amendment to application	Groups A, B, C, D, F & I	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	Groups A, B, C, D, F & I	
s 50A(4)	Duty to note amendment to application in register	Groups A, B, C, D, F & I	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1		Column 2		Column 3		Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS				
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	All Groups					
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	Groups A, B, C, D, F & I					
s 52(1)(b)	Duty to give notice of the application to other municipal Councils where appropriate	Groups A, B, C, D, F & I					
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	Groups A, B, C, D, F & I					
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	Groups A, B, C, D, F & I					
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	Groups A, B, C & D					
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	Groups A, B, C, D, F & I					
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	Groups A, B, C & D					
s 52(3)	Power to give any further notice of an application where appropriate	Groups A, B & C					
s 53(1)	Power to require the applicant to give notice under section 52(1) to persons specified by it	Groups A, B, C, D, F, G & I					
s 53(1A)	Power to require the applicant to give the notice under section 52(1AA)	Groups A, B, C, D, F, G & I					

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54(1)	Power to require the applicant to provide more information	Groups A, B, C, D, F, G & I	
s 54(1A)	Duty to give notice in writing of information required under section 54(1)	Groups A, B, C, D, F, G & I	
s 54(1B)	Duty to specify the lapse date for an application	Groups A, B, C, D, F & I	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	Groups A, B, C, D, F & I	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under section 54A(3)	Groups A, B, C, D, F, G & I	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Groups A, B, C, D, F, G & I	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	Group A	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	Groups A, B, C, D, F & I	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	All Groups	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to section 57A(5)	Groups A, B, C, D, F & I	
s 57A(5)	Power to refuse to amend application	Groups A, B, C & D, F & I	
s 57A(6)	Duty to note amendments to application in register	All Groups	
s 57B(1)	Duty to determine whether and to whom notice should be given	Groups A, B, C & D, F & I	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	Groups A, B, C & D, F & I	
s 57C(1)	Duty to give copy of amended application to referral authority	Groups A, B, C, D, F & I	
s 58	Duty to consider every application for a permit	Groups A, B, C, D, F & I	
s 58A	Power to request advice from the Planning Application Committee	Chief Executive Officer Director City Liveability	
s 60	Duty to consider certain matters	Groups A, B, C, D, F & I	
s 60(1A)	Duty to consider certain matters	Groups A, B, C, D, F & I	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	Groups A, B, C, D, F & I	

s 61(1)(a)	Power to decide to grant a permit	Groups A, B, C, D, F & I	<p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The proposal must be considered to be in compliance with the Knox Planning Scheme, including the Municipal Strategic Statement and Local Planning Policy Framework and any incorporated documents to the planning scheme;</p> <p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>• an application once it is “called up” by a Knox Councillor (in consultation with the Director City Liveability) or the CEO, Director City Liveability or Manager City Planning &amp; Building.</li> <li>• an application located outside the Dandenong Foothills Policy Area which has received objections from the owners and/or occupiers of 15 or more separate properties.</li> <li>• An application located within the Dandenong Foothills Policy Area which has received objections from the owners and/or occupiers of 10 or more separate properties.</li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p>
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**PLANNING AND ENVIRONMENT ACT 1987**

Column 1 PROVISION	Column 2 THING DELEGATED	Column 3 DELEGATE	Column 4 CONDITIONS & LIMITATIONS
			<p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers may be exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where:</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in Schedule 2, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>

s 61(1)(b)	Power to decide to grant a planning permit with conditions	Groups A, B, C, D, F & I	<p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The proposal must be considered to be in compliance with the Knox Planning Scheme, including the Municipal Strategic Statement and Local Planning Policy Framework and any incorporated documents to the planning scheme;</p> <p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>• an application once it is “called up” by a Knox Councillor (in consultation with the Director City Liveability) or the CEO, Director City Liveability or Manager City Planning &amp; Building.</li> <li>• an application located outside the Dandenong Foothills Policy Area which has received objections from the owners and/or occupiers of 15 or more separate properties.</li> <li>• An application located within the Dandenong Foothills Policy Area which has received objections from the owners and/or occupiers of 10 or more separate properties.</li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p>
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**PLANNING AND ENVIRONMENT ACT 1987**

Column 1 PROVISION	Column 2 THING DELEGATED	Column 3 DELEGATE	Column 4 CONDITIONS & LIMITATIONS
			<p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers may be exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p> <p>The above conditions and limitations do not apply to the Chief Executive Officer where:</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in Schedule 2, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>



s 61(1)(c)	Power to refuse the permit	<p>Groups A, B, C, D, F &amp; I</p> <p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>an application once it is "called up" by a Knox Councillor (in consultation with the Director City Liveability or the CEO, Director City Liveability or Manager City Planning &amp; Building.</li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers may be exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where:</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in Schedule 2, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise</p>
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**PLANNING AND ENVIRONMENT ACT 1987**

Column 1 PROVISION	Column 2 THING DELEGATED	Column 3 DELEGATE	Column 4 CONDITIONS & LIMITATIONS
			<p>determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>

s 61(2)

Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit

Groups A, B, C, D, F & I

This power cannot be exercised in relation to:

- an application once it is "called up" by a Knox Councillor (in consultation with the Director City Liveability or the CEO, Director City Liveability or Manager City Planning & Building.

Groups A & B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.

Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.

Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.

Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.

Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers may be exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.

The above conditions and limitations to do not apply to the Chief Executive Officer where :

- (a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and
- (b) after following the procedure set out in Schedule 2, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1 PROVISION	Column 2 THING DELEGATED	Column 3 DELEGATE	Column 4 CONDITIONS & LIMITATIONS
			<p>determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>

s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	Groups A, B, C, D, F & I	<p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>an application once it is “called up” by a Knox Councillor (in consultation with the Director City Liveability ) or the CEO, Director City Liveability or Manager City Planning &amp; Building.</li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers may be exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where:</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in Schedule 2, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise</p>
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**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Groups A, B, C, D, F & I	determine the issue, take the action or do the act or thing will lapse for want of a quorum; and  (c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	Groups A, B, C, D, F & I	

s 61(4)

Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant

Groups A, B, C, D, F & I

This power cannot be exercised in relation to:

- an application once it is "called up" by a Knox Councillor (in consultation with the Director City Liveability) or the CEO, Director City Liveability or Manager City Planning & Building.

Groups A & B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.

Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.

Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.

Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.

Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers may be exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.

The above conditions and limitations to do not apply to the Chief Executive Officer where:

- (a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and

- (b) after following the procedure set out in Schedule 2, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<p>determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>
s 62(1)	Duty to include certain conditions in deciding to grant a permit	Groups A, B, C, D, F & I	
s 62(2)	Power to include other conditions	Groups A, B, C, D, F & I	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	Groups A, B, C, D, F & I	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	Groups A, B, C, D, F & I	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	Groups A, B, C, D, F & I	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	Groups A, B, C & D, F & I	
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 ss 46N(1), 46GV(7) or 62(5)	Groups A, B, C & D, F & I	
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)	Groups A, B, C, D, F & I	



**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	Groups A, B, C, D, F & I	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	Groups A, B, C, D, F & I	This provision applies also to a decision to grant an amendment to a permit - see section 75
s 64(3)	Duty not to issue a permit until after the specified period	Groups A, B, C, D, F & I	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	Groups A, B, C, D, F & I	This provision applies also to a decision to grant an amendment to a permit - see section 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	Groups A, B, C, D, F & I	This provision applies also to a decision to grant an amendment to a permit - see section 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under section 57	Groups A, B, C, D, F & I	
s 66(1)	Duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	Groups A, B, C, D, F & I	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	Groups A, B, C, D, F & I	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	Groups A, B, C, D, F & I	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

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	Groups A, B, C, D, F & I	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	All Groups	
s 69(1A)	Function of receiving application for extension of time to complete development	All Groups	
s 69(2)	Power to extend time	Groups A, B, C, D, F & I	<p>In exercising this power consideration must be given to the matters referred to in Butterworths' Casenotes 5.35 relating to 'Extension of Time' and:</p> <ul style="list-style-type: none"> <li>• Whether there has been a change in planning circumstances of the site (ie changes in zoning or planning policy);</li> <li>• Whether there has been a change in the material circumstances of the site and surrounds;</li> <li>• The steps the owner may or may not have undertaken in an endeavour to act on the permit;</li> <li>• Whether the time limit imposed was adequate having regard to the actions required to fulfil permit conditions.</li> </ul> <p>Group B, C, D, &amp; F: May only exercise this power after obtaining the approval of at least one other delegate from Group A or B.</p> <p>Group i: May only exercise these powers where the application involves the removal or pruning of vegetation.</p>

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 70	Duty to make copy permit available in accordance with the public availability requirements	Groups A, B, C, D, F & I	
s 71(1)	Power to correct certain mistakes	Groups A, B, C, D, F & I	
s 71(2)	Duty to note corrections in register	Groups A, B, C & D	
s 73	Power to decide to grant amendment subject to conditions	Groups A, B, C & D	
s 74	Duty to issue amended permit to applicant if no objectors	Groups A, B, C, D, F & I	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Groups A, B, C, D, F & I	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	Groups A, B, C, D, F & I	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Groups A, B, C, D, F & I	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	Groups A, B, C, D, F & I	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	Groups A, B, C, D, F & I	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	Groups A, B, C & D	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 83	Function of being respondent to an appeal	Groups A, B, C, D, E, F & I	
s 83B	Duty to give or publish notice of application for review	Groups A, B, C, D, F & I	

s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	Groups A, B, C, D, F & I	<p><u>Decision to Support an Application</u></p> <p>The application must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The proposal must be considered to be in compliance with the Knox Planning Scheme, including the Municipal Strategic Statement and Local Planning Policy Framework and any incorporated documents to the planning scheme;</p> <p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>• an application once it is “called up” by a Knox Councillor (in consultation with the Director City Liveability) or the CEO, Director City Liveability or Manager City Planning &amp; Building.</li> <li>• an application located outside the Dandenong Foothills Policy Area which has received objections from the owners and/or occupiers of 15 or more separate properties.</li> <li>• An application located within the Dandenong Foothills Policy Area which has received objections from the owners and/or occupiers of 10 or more separate properties.</li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p>
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**PLANNING AND ENVIRONMENT ACT 1987**

Column 1 PROVISION	Column 2 THING DELEGATED	Column 3 DELEGATE	Column 4 CONDITIONS & LIMITATIONS
			<p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers may be exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p> <p><u>Decision to Oppose an Application</u></p> <p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>an application once it is "called up" by a Knox Councillor (in consultation with the Director City Liveability) or the CEO, Director City Liveability or Manager City Planning &amp; Building.</li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p>

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers may be exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where:</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in Schedule 2, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</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	Groups A, B, C, D, F & I	
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	Groups A, B, C, D, F & I	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	Groups A, B, C, D, F & I	
s 84AB	Power to agree to confining a review by the Tribunal	Groups A, B, C, D, F & I	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	Groups A, B, C, D, F & I	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	Group A	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	Groups A, B, C, D & E	
s 91(2)	Duty to comply with the directions of VCAT	Groups A, B, C, D & E, F & I	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Groups A, B, C, D & E, F & I	
s 92	Duty to give notice of cancellation / amendment of permit by VCAT to persons entitled to be heard under section 90	Groups A, B, C, D & E, F & I	
s 93(2)	Duty to give notice of VCAT order to stop development	Groups A, B, C, D & E	
s 95(3)	Function of referring certain applications to the Minister	Groups A, B & C	
s 95(4)	Duty to comply with an order or direction	Groups A, B & C, F & I	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	Groups A & 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	Group A	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	Groups A, B, C & D	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	Groups A, B, C & D	
s 96F	Duty to consider the panel's report under section 96E	Group A	



**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	Groups A, B, C, D, F & I	<p><u>Decision to Support an Application</u></p> <p>The application must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The proposal must be considered to be in compliance with the Knox Planning Scheme, including the Municipal Strategic Statement and Local Planning Policy Framework and any incorporated documents to the planning scheme;</p> <p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>an application once it is “called up” by a Knox Councillor (in consultation with the Director City Liveability) or the CEO, Director City Liveability or Manager City Planning &amp; Building.</li> </ul>

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1 PROVISION	Column 2 THING DELEGATED	Column 3 DELEGATE	Column 4 CONDITIONS & LIMITATIONS
			<ul style="list-style-type: none"> <li>• an application located outside the Dandenong Foothills Policy Area which has received objections from the owners and/or occupiers of 15 or more separate properties.</li> <li>• An application located within the Dandenong Foothills Policy Area which has received objections from the owners and/or occupiers of 10 or more separate properties.</li> </ul> <p>Groups A &amp; B: May only exercise these powers after obtaining the consent of another delegate from Group A or B.</p> <p>Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.</p> <p>Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.</p> <p>Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.</p> <p>Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers may be exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.</p>

Decision to Oppose an Application

This power cannot be exercised in relation to:

- an application once it is "called up" by a Knox Councillor (in consultation with the Director City Liveability) or the CEO, Director City Liveability or Manager City Planning & Building.

- Groups A & B: May only exercise these powers after obtaining the consent of another delegate from Group A or B

Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B.

Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B.

Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B.

Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers may be exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.

The above conditions and limitations do not apply to the Chief Executive Officer where :

- (a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and

- (b) after following the procedure set out in Schedule 2, the Chief Executive Officer forms the opinion that

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and  (c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation
s 96H(3)	Power to give notice in compliance with Minister's direction	Groups A, B & C	
s 96J	Duty to issue permit as directed by the Minister	Groups A, B & C	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	Groups A, B & C	
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	All Groups	
s 97C	Power to request Minister to decide the application	Group A	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	Groups A, B & C	
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	Groups A, B & C	
s 97G(6)	Duty to make a copy of permits issued under section 97F available in accordance with the public availability requirements	All Groups	

**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	Groups A, B & C	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	Group A	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	Group A	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	Groups A & B	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	Groups A, B, C, D & E	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	Groups A, B, C, D & E	
s 97Q(4)	Duty to comply with directions of VCAT	Groups A, B, C, D & E	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	Groups A, B, C, D & E	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	Group A	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	Group A	
s 101	Function of receiving claim for expenses in conjunction with claim	Group A	
s 103	Power to reject a claim for compensation in certain circumstances	Group A	
s 107(1)	Function of receiving claim for compensation	Group A	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1		Column 2		Column 3		Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS				
s 107(3)	Power to agree to extend time for making claim	Group A					
s 113(2)	Power to request a declaration of land to be proposed to be reserved for public purposes	Group A					
s 114(1)	Power to apply to the VCAT for an enforcement order	Groups A, B & E					
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	Groups A, B, C, D & E					
s 120(1)	Power to apply for an interim enforcement order where section 114 application has been made	Groups A & B					
s 123(1)	Power to carry out work required by enforcement order and recover costs	Groups A & E					
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	Group A	Except Crown Land				
S125(1)	Power to apply to any Court of competent jurisdiction or to the Tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.	Group A					
s 129	Function of recovering penalties	Groups A, B & E					
s 130(5)	Power to allow person served with an infringement notice further time	Groups A, B & E					
s 149A(1)	Power to refer a matter to the VCAT for determination	Groups A & B					
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	Groups A & B					
S149B	Power to apply to the Tribunal for a declaration	Group A					

**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 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)	Group A	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	Groups A, B, C, D & E	
s 171(2)(g)	Power to grant and reserve easements	Group A	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	Group A	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)	Group A	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)	Group A	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in section 174	Chief Executive Officer Director City Liveability	The Agreement must align with the requirements of a condition (s) on an issued Planning Permit
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	Group A	Where council is the relevant responsible authority
---	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	Groups A, B, C & D	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	Power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	Groups A, B, C & D	
s 177(2)	Power to end a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	Group A	This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.
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	Group A	The Agreement must align with the requirements of a condition (s) on an issued Planning Permit
s 178A(1)	Function of receiving application to amend or end an agreement	Groups A, B, C & D	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	Groups A, B, C & D	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	Groups A, B, C & D	
s 178A(5)	Power to propose to amend or end an agreement	Group A	This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	Group A	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	Group A	
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	Groups A, B, C & D	



**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178C(4)	Function of determining how to give notice under s.178C(2)	Groups A, B, C & D	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	Group A	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	Group A	<p>If no objections are made under s.178D</p> <p>Must consider matters in s.178B</p> <p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>• A section 173 agreement that was entered into via a resolution of Council; or</li> <li>• If any objections are made under s.178D</li> </ul> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where:</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in Schedule 2, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	Group A	<p>If no objections are made under s.178D</p> <p>Must consider matters in s.178B</p> <p>This power cannot be exercised in relation to:</p> <ul style="list-style-type: none"> <li>• A section 173 agreement that was entered into via a resolution of Council; or</li> <li>• If any objections are made under s.178D</li> </ul> <p>The above conditions and limitations do not apply to the Chief Executive Officer where:</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in Schedule 2, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(2)(c)	Power to refuse to amend or end the agreement	Group A	<p>If no objections are made under s.178D</p> <p>Must consider matters in s.178B</p> <p>This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.</p> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where:</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in Schedule 2, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	Group A	<p>After considering objections, submissions and matters in s.178B</p> <p>This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.</p> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where:</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in the table in Schedule 2, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	Group A	<p>After considering objections, submissions and matters in s.178B</p> <p>This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.</p>

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	Group A	<p>After considering objections, submissions and matters in s.178B</p> <p>This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.</p> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where:</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in Schedule 2, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>

**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	Group A	<p>After considering objections, submissions and matters in s.178B</p> <p>This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.</p> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where :</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in Schedule 2, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>
s 178F(1)	Duty to give notice of its decision under s.178E(3)(a) or (b)	Groups A, B, C & D	
s 178F(2)	Duty to give notice of its decision under s.178E(2)(c) or (3)(d)	Groups A, B, C & D	
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	Groups A, B, C & D	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	Chief Executive Officer Director City Liveability	
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	Groups A, B, C & D	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	Groups A, B, C & D	
s 179(2)	Duty to make a copy of each agreement available in accordance with the public availability requirements	Groups A, B, C, D & E	
s 181	Duty to apply to the Registrar of Titles to record the agreement	Groups A, B, C & D	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	Groups A, B, C & D	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	Groups A, B, C & D	
s 182	Power to enforce an agreement	Groups A, B, C, D & E	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	Groups A, B, C & D	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	Group A	<p>This power cannot be exercised in relation to a section 173 agreement that was entered into via a resolution of Council.</p> <p>The above conditions and limitations to do not apply to the Chief Executive Officer where :</p> <p>(a) there is a state of emergency declared under the Public Health and Wellbeing Act 2008 or state of disaster declared under the Emergency Management Act 1986; and</p> <p>(b) after following the procedure set out in Schedule 2, the Chief Executive Officer forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and</p> <p>(c) the Chief Executive Officer makes every reasonable endeavour to consult with Councillors, and has regard to any opinions which they express before exercising the delegation</p>
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	Group A	
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	Groups A, B, C & D	
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	Groups A, B, C & D	



**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 184G(2)	Duty to comply with a direction of the Tribunal	Group A	
s 184G(3)	Duty to give notice as directed by the Tribunal	Groups A, B, C, D & F	
S 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	Groups A, B, C, D & F	
s 198(1)	Function to receive application for planning certificate	Groups A, B & C	
s 199(1)	Duty to give planning certificate to applicant	Groups A, B & C	
s 201(1)	Function of receiving application for declaration of underlying zoning	Group A	
s 201(3)	Duty to make declaration	Group A	
Misc	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	Groups A, B, C, D, E, H & I	
Misc	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	Groups A, B, C, D, E, H & I	
Misc	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	Groups A, B, C, D, E, H & I	
Misc	Power to give written authorisation in accordance with a provision of a planning scheme	Groups A, B, C, D, E & I	

**PLANNING AND ENVIRONMENT ACT 1987**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Misc.	Power to mediate an appeal at the Victorian Civil and Administrative Tribunal – Mediation Hearing / Compulsory Conference	Groups A, B, C, & D	The mediated outcome shall be generally in accordance with the Council decision on the application, unless an agreed outcome involves major changes being made to a proposal that address issues or concerns identified with the Council decision.
Misc.	Power to request that the Minister for Planning prepare and approve a Planning Scheme Amendment	Group A	The Planning Scheme Amendments requested must be matters which do not require advertising and have no policy implications, such as urgent, minor, administrative or procedural matters, or rectification of errors.
Misc.	Power to make minor changes to a Planning Scheme Amendment	Group A	Changes must not affect the purpose or intent of the Amendment.
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	All Groups	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	All Groups	

**RESIDENTIAL TENANCIES ACT 1997**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health	
s 522(1)	Power to give a compliance notice to a person	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	
s 525(2)	Power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	
s 525(4)	Duty to issue identity card to authorised officers	Chief Executive Officer  Director Customer & Performance Manager Governance and Risk	
s 526(5)	Duty to keep record of entry by authorised officer under section 526	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	

<b>RESIDENTIAL TENANCIES ACT 1997</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 526A(3)	Function of receiving report of inspection	<p>Chief Executive Officer            Director City Liveability            Manager City Safety &amp; Health            Coordinator Health Services            Team Leader Environmental Health            Environmental Health Officer</p>	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	<p>Chief Executive Officer            Director City Liveability            Manager City Safety &amp; Health</p>	

**PLANNING AND ENVIRONMENT REGULATIONS 2015**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 6	Function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	All Groups	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 section 54 of the Act	Groups A, B, C, D, F & I	
r 25(a)	Duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	Groups A, B, C, D, G, & I	Where Council is the responsible authority
r 25(b)	Function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements	Groups A, B, C, D, F, G & I	Where Council is not the responsible authority but the relevant land is within Council's municipal district
r 42	Function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	Groups A, B, C, D, & G	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.

**PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	Group A	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	Group A & B	
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	Groups A & B	

**RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 7	Power to enter into a written agreement with a caravan park owner	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Environmental Health Officer	
r 10	Function of receiving application for registration	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	
r 11	Function of receiving application for renewal of registration	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	

**RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	
r 12(4) & (5)	Duty to issue certificate of registration	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	
r 14(1)	Function of receiving notice of transfer of ownership	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	
r 14(3)	Power to determine where notice of transfer is displayed	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	
r 15(1)	Duty to transfer registration to new caravan park owner	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	
r 15(2)	Duty to issue a certificate of transfer of registration	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	



**RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 15(3)	Power to determine where certificate of transfer of registration is displayed	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	Chief Executive Officer Director City Liveability	
r 17	Duty to keep register of caravan parks	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health	
r 18(4)	Power to determine where the emergency contact person's details are displayed	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	
r 18(6)	Power to determine where certain information is displayed	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</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>
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	
r 22(2)	Duty to consult with relevant emergency services agencies	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	

**RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 25(3)	Duty to consult with relevant floodplain management authority	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	
r 26	Duty to have regard to any report of the relevant fire authority	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	

**RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020**

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	
r 41(4)	Function of receiving installation certificate	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	
Sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	Chief Executive Officer Director City Liveability Manager City Safety & Health Coordinator Health Services Team Leader Environmental Health Environmental Health Officer	

## SCHEDULE 2

1. The delegate must determine the timeframe for an issue to be determined, an action to be taken, or an act or thing to be done.
2. The delegate (or any person directed by the delegate) must contact each Councillor by:
  - 2.1 calling their Council-provided phone (including leaving a voice mail message);
  - 2.2 sending a text message to their Council-provided phone; or
  - 2.3 sending an email to their Council-provided email address,and advising them what the issue, action, act or thing is and:
  - 2.4 the timeframe in which a meeting is to be held to determine the issue, take the action or do the act or thing;
  - 2.5 that they are required to respond advising whether they are willing and able to physically and legally attend a meeting within that timeframe in order to determine the issue, take the action or do the act or thing; and
  - 2.6 the deadline by which their response (to the delegate) is required.
3. Only after:
  - 3.1 receiving responses from a majority of the Councillors indicating that they are unwilling or unable to physically and legally attend the meeting; or
  - 3.2 the expiration of the stipulated deadlinemay the delegate form the opinion that the meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum.
4. For the purposes of paragraph 3.2:
  - 4.1 'stipulated deadline' means –
    - (a) a minimum of three (3) hours from the time the final Councillor was contacted by the delegate; or
    - (b) any other time at the delegate's discretion. When exercising his or her discretion, the delegate must have regard to the timeframe within which the issue must be determined, the action must be taken, or the act or thing must be done; and
  - 4.2 following expiration of the stipulated deadline, any Councillor who has not responded to the delegate is deemed, for the purposes of this procedure, to be physically or legally unwilling or unable to attend the meeting.

