

Instrument of Delegation

to

Members of Council Staff

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Instrument of Delegation

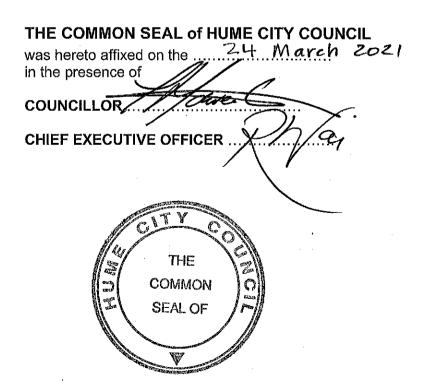
In exercise of the power of delegation conferred by each of the Acts referred to in Schedule 1 (attached), the Council:

- 1. delegates each power described in column 1 of Schedule 1 (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such power in column 3 of Schedule 1;
- 2. also delegates each power described in column 1 of Schedule 1 (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the position of Chief Executive Officer except where specific qualifications are required by the delegate;
- 3. records that a reference in Schedule 1 to:

ASP	means	All Statutory Planning Staff
		(DPD/MSTA/CCI/CSPG/CSP/STP/TP/MPIP/SO/SPIO/SSO/TLPS/PSO)
ASTP	means	All Strategic Planning Staff (DPD/MSTR, CGAP, CIP, SSP, SLUP, SP)
CCL	means	Coordinator City Laws
CCI	means	Coordinator Continuous Improvement Planning and Building
CEO	means	Chief Executive Officer
CEP	means	Coordinator Environmental Planning
CFO	means	Chief Financial Officer
CGAP	means	Coordinator Growth Areas Planning
CIP	means	Coordinator Integrated Planning
CPH	means	Coordinator Public Health
CSP	means	Coordinator Statutory Planning
CSPG	means	Coordinator Statutory Planning (Growth Areas)
CTS	means	Coordinator Technical Services
DCOM	means	Director Community Services
DCOR	means	Director Corporate Services
DSIS	means	Director Sustainable Infrastructure & Services
DPD	means	Director Planning & Development
EHO	means	Environmental Health Officer
EPO	means	Environmental Planning Officer
EPCO	means	Environmental Planning and Compliance Officer
MPIP	means	Major Projects and Investment Planner
MA	means	Manager Assets
MBS	means	Municipal Building Surveyor
MCWB	means	Manager Capital Works & Building Maintenance
MHCW	means	Manager Health & Community Wellbeing
MG	means	Manager Governance
MSE MSD	means	Manager Subdivisional Development
MSTA	means means	Manager Subdivisional Development Manager Statutory Planning and Building Control Services
MSTR	means	Manager Stategic Planning
MW	means	Manager Waste
PSO	means	Planning Support Officer
SLUP	means	Strategic Land Use Planner
SO	means	Subdivisions Officer
SP	means	Strategic Planner
SPIO	means	Senior Planning Investigations Officer
SSO	means	Senior Subdivisions Officer
SSP	means	Senior Strategic Planner
STP	means	Senior Town Planner
TLPS	means	Team Leader Planning Support
TP	means	Town Planner

declares that:

- 4.1 this Instrument of Delegation is authorised by a resolution of Council passed on **22 March 2021** and
- 4.2 the delegation:
 - 4.2.1 comes into force immediately when the common seal of Council is affixed to this Instrument of Delegation;
 - 4.2.2 remains in force until varied or revoked;
 - 4.2.3 is subject to any conditions and limitations set out in sub-paragraph 4.3, and Schedule 1; and
 - 4.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts.
- 4.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 4.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a resolution of Council; or
 - 4.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a policy; or strategy adopted by Council; or
 - 4.3.3 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
 - 4.3.4 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.



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DOMESTIC ANIMALS ACT 1994				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.41A(1)	Power to declare a dog to be a menacing dog	DCOR/MG	Council may delegate this power to an authorised officer	

ENVIRONMENT PROTECTION ACT 1970 PROVISION THING DELEGATED **DELEGATE CONDITIONS & LIMITATIONS** CPH s.53M(3)Power to require further information regarding septic tank systems s.53M(5)Power to approve plans, issue a permit or refuse a CPH Refusal by the delegated officer must be ratified by Council or it is of no effect permit pursuant to section 53M(9) CPH s.53M(6) Power to refuse to issue a septic tank permit Refusal by the delegated officer must be ratified by Council or it is of no effect pursuant to section 53M(9)

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CPH/EHO	If section 19(1) applies
s.19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CPH/EHO	If section 19(1) applies
s.19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CPH/EHO	if section 19(1) applies Only in relation to temporary food premises or mobile food premises
s.19(4)(a)	Power to direct that an order made under section 19(3)(a) or (b): • be affixed to a conspicuous part of the premises; and • inform the public by notice in a published newspaper or otherwise	CPH/EHO	If section 19(1) applies

		ACT	1984
ГU	UU	AGI	1904

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a) to (c)	CPH/EHO	Where Council is the registration authority.
s.19AA(4)(c)	Power to direct, in an order made under section 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	CPH/EHO	Note: the power to direct the matters under section 19AA(4)(a) and (b) are not capable of delegation and so such directions must be made by a Council resolution
s.19CB(4)(b)	Power to request a copy of records	CPH/EHO	Where Council is the registration authority
s.19E(1)(d)	Power to request a copy of the food safety program	CPH/EHO	Where Council is the registration authority
s.19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CPH/EHO	Where Council is the registration authority
s.19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	Not applicable	Where Council is the registration authority Note – the section refers to contractors who conduct food safety audits of food premises. Council staff do not conduct food safety audits
s.19NA(1)	Power to request food safety audit reports	CPH/EHO	Where Council is the registration authority

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	Not applicable	Note – the section refers to contractors who conduct food safety audits of food premises. Council staff do not conduct food safety audits
s.19UA	Power to charge fees for conducting a food safety assessment or inspection	CPH/EHO	Except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39
s.19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CPH/EHO	Where Council is the registration authority
s.19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CPH/EHO	Where Council is the registration authority
s.19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CPH/EHO	Where Council is the registration authority
Various	Power to register, renew or transfer registration	СРН	Where Council is the registration authority Refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see Section 58A{2})

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 36A	Power to accept an application for registration or notification using online portal	CPH/EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s.38AA(5)	Power to: a) request further information; or b) advise the proprietor that the premises must be registered if the premises are not exempt	CPH/EHO	Where Council is the registration authority
s.38AB(4)	Power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1) s 38AB(1)	СРН	Where Council is the registration authority The fees are approved by Council as part of Council annual budget
s.38A(4)	Power to request a copy of a completed food safety program template	CPH/EHO	Where Council is the registration authority
s.38D(3)	Power to request copies of any audit reports	CPH/EHO	Where Council is the registration authority
s.38E(2)	Power to register the food premises on a conditional basis	СРН	Where Council is the registration authority Not exceeding the prescribed time limit defined under subsection (5)

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CPH/EHO	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	CPH/EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 38G(2)	Power to require the proprietor of the food premises to comply with any requirement of the Act	CPH/EHO	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s.39A	Power to register, renew or transfer food premises despite minor defects	СРН	Where Council is the registration authority Only if satisfied of matters in subsections (2)(a)-(c)
s.40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act</i> 2008	СРН	
s.40C(2)	Power to grant or renew the registration of food premises for a period of less than one year	СРН	Where Council is the registration authority

FOOD ACT 1984				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.40D(1)	Power to suspend or revoke the registration of food premises	СРН	Where Council is the registration authority	
s 40F	Power to cancel registration of food premises	СРН	Where Council is the registration authority	
			Note: This provision commences on 1 July 2021, unless proclaimed earlier	
s.43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	СРН	Where Council is the registration authority.	
s.46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	СРН	Where Council is the registration authority	

HERITAGE ACT 1995					
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 116	Power to sub-delegate Executive Director's functions, duties or powers		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		

LOCAL GOVERNMENT ACT 1989				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge		The Chief Executive Officer cannot delegate this power to another person.	
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	The Chief Executive Officer cannot delegate this power to another person.	

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	NOT DELEGATED	If authorised by the Minister	
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	ASTP		
s 4H	Duty to make amendment to Victorian Planning Provisions available	ASTP		
s 4I	Duty to keep Victorian Planning Provisions and other documents available	ASTP		
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	DPD/MSTR/CGA P/CIP/SP/SSP/ SLUP		
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	DPD/MSTR	Only in relation to amendments which seek to correct an anomaly or error in the planning scheme	
s 8A(5)	Function of receiving notice of the Minister's decision	ASTP		
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	DPD/MSTR/CGA P/CIP/SP/SSP/ SLUP		

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	DPD/MSTR	
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	DPD/MSTR	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	DPD/MSTR	
s 12B(1)	Duty to review planning scheme	ASTP	
s 12B(2)	Duty to review planning scheme at direction of Minister	ASTP	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	ASTP	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	ASTP	
s 17(1)	Duty of giving copy amendment to the planning scheme	ASTP	
s 17(2)	Duty of giving copy s 173 agreement	ASTP	

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	ASTP		
s 18	Duty to make amendment etc. available	ASTP		
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	DPD/MSTR		
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	DPD/MSTR	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority	
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	NOT DELEGATED		
s 21(2)	Duty to make submissions available	ASTP		
s 21A(4)	Duty to publish notice	ASTP		
s 22	Duty to consider all submissions	ASTP	Except submissions which request a change to the items in s 22(5)(a) and (b)	

PLANNING AND ENVIRONMENT ACT 1987 DELEGATE CONDITIONS & LIMITATIONS PROVISION THING DELEGATED **ASTP** s 23(1)(b) Duty to refer submissions which request a change to the amendment to a panel NOT s 23(2) Power to refer to a panel submissions which do not **DELEGATED** require a change to the amendment DPD/MSTR/ Function to represent Council and present a submission s 24 at a panel hearing (including a hearing referred to in s CSPG/STP 96D) /CGAP/ CIP/SP/SSP/ SLUP/CSP/MPIP DPD/MSTR/ s 26(1) Power to make report available for inspection CGAP/CIP s 26(2) Duty to keep report of panel available for inspection **ASTP** s 27(2) Power to apply for exemption if panel's report not NOT **DELEGATED** received Duty to notify the Minister if abandoning an amendment **ASTP** s 28 Note: the power to make a decision to abandon an amendment cannot be delegated s 30(4)(a) Duty to say if amendment has lapsed **ASTP ASTP** s 30(4)(b)Duty to provide information in writing upon request s 32(2) Duty to give more notice if required **ASTP**

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 33(1)	Duty to give more notice of changes to an amendment	ASTP		
s 36(2)	Duty to give notice of approval of amendment	ASTP		
s 38(5)	Duty to give notice of revocation of an amendment	ASTP		
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	ASTP		
s 40(1)	Function of lodging copy of approved amendment	ASTP		
s 41	Duty to make approved amendment available	ASTP		
s 42	Duty to make copy of planning scheme available	ASTP		
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity		Where Council is a responsible public entity and is a planning authority	
			Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils	
s 46AW	Function of being consulted by the Minister	ASTP	Where Council is a responsible public entity	

PLANNING AND ENVIRONMENT ACT 1987 DELEGATE PROVISION THING DELEGATED **CONDITIONS & LIMITATIONS ASTP** Function of receiving a draft Statement of Planning Where Council is a responsible public entity s 46AX Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy NOT Power to endorse the draft Statement of Planning DFI FGATED Policy **ASTP** Where Council is a responsible public entity s 46AZC(2) Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity Duty not to act inconsistently with any provision of the **ASTP** Where Council is a responsible public entity s 46AZK 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 s 46GI(2)(b)(i) Power to agree to a lower rate of standard levy for a DPD Where Council is the planning authority, the class of development of a particular type of land than municipal Council of the municipal district in which the land is located and/or the the rate specified in a Minister's direction development agency s 46GJ(1) Function of receiving written directions from the Minister DPD/MSTR/ in relation to the preparation and content of **CGAP** infrastructure contributions plans

PLANNING AND ENVIRONMENT ACT 1987 DELEGATE PROVISION THING DELEGATED **CONDITIONS & LIMITATIONS** DPD/MSTR/ s 46GK Duty to comply with a Minister's direction that applies to Council as the planning authority **CGAP** s 46GN(1) Duty to arrange for estimates of values of inner public DPD/MSTR/ purpose land CGAP/CIP/SSP s 46GO(1) Duty to give notice to owners of certain inner public DPD/MSTR/ purpose land CGAP/CIP/SSP **ASTP** s 46GP Function of receiving a notice under s 46GO Where Council is the collecting agency **ASTP** 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 s 46GR(1) Duty to consider every submission that is made by the DPD/MSTR/ closing date for submissions included in the notice CGAP/CIP/SSP under s 46GO DPD s 46GR(2) Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister s 46GS(1) Power to accept or reject the estimate of the value of NOT the inner public purpose land in a submission made DELEGATED under s 46GQ

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DPD/MSTR/ CGAP/CIP/SSP	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DPD/MSTR/ CGAP/CIP/SSP	
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	DPD/MSTR/ CGAP/CIP/SSP	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DPD/MSTR/ CGAP/CIP/SSP	
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	DPD/MSTR/ CGAP/CIP/SSP	

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution	DPD/MSTR/ CGAP/CIP/SSP	Where Council is the collecting agency	
	Power to specify the manner in which the payment is to be made	DPD/MSTR/ CGAP/CIP		
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DPD/MSTR	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)	DPD/MSTR/ CGAP/CIP/SSP	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)	DPD/MSTR/ CGAP/CIP/SSP	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	DPD/MSTR/ CGAP/CIP/SSP/ MSTA/CCI/CSPG /CSP/STP/TP/ MPIP/SO/SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority	
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	DPD/MSTR/ CGAP/CIP	Where Council is the collecting agency	

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	DPD/MSTR	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	DPD/MSTR/ CGAP/CIP/SSP	Where Council is the collecting agency	
s 46GY(1)	Duty to keep proper and separate accounts and records	DPD/MSTR/ CGAP/CFO	Where Council is the collecting agency	
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	DPD/MSTR/ CGAP/CFO	Where Council is the collecting agency	
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DPD/MSTR/ CGAP/CIP/SSP	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	DPD/MSTR/ CGAP/CIP/SSP	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency	

PLANNING AND ENVIRONMENT ACT 1987 **DELEGATE PROVISION** THING DELEGATED **CONDITIONS & LIMITATIONS** s 46GZ(2)(b) Duty to forward any part of the monetary component DPD/MSTR/ Where Council is the collecting agency under that is imposed for the provision of works, services or an approved infrastructure contributions plan CGAP/CIP/SSP facilities to the development agency that is specified in This provision does not apply where Council the plan as responsible for those works, services or is also the relevant development agency facilities DPD/MSTR/ s 46GZ(2)(b) Function of receiving the monetary component Where Council is the development agency CGAP/CIP/SSP 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 Where Council is the collecting agency under DPD/MSTR/ credit amounts under s 46GZ(7), except any part of CGAP/CIP/SSP an approved infrastructure contributions plan those amounts that are to be forwarded to a development agency under s 46GZ(5) Duty to forward any part of a land equalisation amount DPD/MSTR/ Where Council is the collecting agency under s 46GZ(5) required for the acquisition of outer public purpose land an approved infrastructure contributions plan CGAP/CIP/SSP by a development agency specified in the approved This provision does not apply where Council infrastructure contributions plan to that development is also the relevant development agency agency

PLANNING AND ENVIRONMENT ACT 1987 DELEGATE CONDITIONS & LIMITATIONS PROVISION THING DELEGATED s 46GZ(5) Function of receiving any part of a land equalisation DPD/MSTR/ Where Council is the development agency amount required for the acquisition of outer public specified in the approved infrastructure CGAP/CIP/SSP purpose land contributions plan This provision does not apply where Council is also the collecting agency s 46GZ(7) Duty to pay to each person who must provide an DPD/MSTR/ Where Council is the collecting agency under infrastructure contribution under the approved CGAP/CIP/SSP an approved infrastructure contributions plan infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW s 46GZ(9) Duty to transfer the estate in fee simple in the land to If any inner public purpose land is vested in DPD/MSTR/ CGAP/CIP/SSP Council under the Subdivision Act 1988 or the development agency specified in the approved infrastructure contributions plan as responsible for the acquired by Council before the time it is use and development of that land 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

PLANNING AND ENVIRONMENT ACT 1987

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(9)	Function of receiving the fee simple in the land	DPD/MSTR/ CGAP/CIP/SSP	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	DPD/MSTR/ CGAP/CIP/SSP	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 Local Government Act 1989	ASTP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	DPD/MSTR/ CGAP/CIP/SSP	Where Council is a development agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987 **DELEGATE PROVISION** THING DELEGATED **CONDITIONS & LIMITATIONS** If the VPA is the collecting agency under an s 46GZB(4) Duty, in accordance with requirements of the VPA, to DPD/MSTR/ report on the use of the infrastructure contribution in the CGAP/CIP/SSP approved infrastructure contributions plan development agency's annual report and provide Where Council is a development agency reports on the use of the infrastructure contribution to under an approved infrastructure contributions the VPA plan s 46GZD(2) Duty, within 6 months after the date on which the DPD/MSTR/ Where Council is the development agency CGAP/CIP approved infrastructure contributions plan expires, to under an approved infrastructure contributions follow the steps set out in s 46GZD(2)(a) and (b) plan s 46GZD(3) Duty to follow the steps set out in s 46GZD(3)(a) and DPD/MSTR/ Where Council is the collecting agency under (b) CGAP/CIP an approved infrastructure contributions plan Duty to make payments under s 46GZD(3) in Where Council is the collecting agency under s 46GZD(5) DPD/MSTR/ accordance with ss 46GZD(5)(a) and 46GZD(5)(b) CGAP/CIP an approved infrastructure contributions plan s 46GZE(2) Duty to forward the land equalisation amount back to Where Council is the development agency DPD/MSTR/ the collecting agency within 6 months after the expiry CGAP/CIP under an approved infrastructure contributions date if any part of a land equalisation amount paid or plan forwarded to a development agency for acquiring outer This duty does not apply where Council is public purpose land has not been expended by the also the collecting agency development agency to acquire that land at the date on which the approved infrastructure contributions plan expires

PLANNING AND ENVIRONMENT ACT 1987 **PROVISION** THING DELEGATED **DELEGATE CONDITIONS & LIMITATIONS** s 46GZE(2) Function of receiving the unexpended land equalisation DPD/MSTR/ Where Council is the collecting agency under an approved infrastructure contributions plan CGAP/CIP/SSP amount This duty does not apply where Council is also the development agency s 46GZE(3) Duty, within 12 months after the date on which the DPD/MSTR/ Where Council is the collecting agency under approved infrastructure contributions plan expires, to CGAP/CIP an approved infrastructure contributions plan follow the steps set out in s 46GZE(3)(a) and (b) s 46GZF(2) Duty, within 12 months after the date on which the DPD/MSTR/ Where Council is the development agency approved infrastructure contributions plan expires, to CGAP/CIP under an approved infrastructure contributions use the public purpose land for a public purpose plan approved by the Minister or sell the public purpose land DPD/MSTR/ s 46GZF(3) Duty, if land is sold under s 46GZF(2)(b), to follow the Where Council is the development agency steps in s 46GZF(3)(a) and (b) CGAP/CIP under an approved infrastructure contributions plan s 46GZF(3) s 46GZF(3)(a) function of receiving proceeds of sale DPD/MSTR/ Where Council is the collection agency under CGAP/CIP/SSP an approved infrastructure contributions plan This provision does not apply where Council is also the development agency

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)

s 46GZF(4)

Where Council is the collecting agency under

an approved infrastructure contributions plan

DPD/MSTR/

CGAP/CIP

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DPD/MSTR/ CGAP/CIP	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	DPD/MSTR/CGAP/ CIP	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	DPD/MSTR/ CGAP/CIP/SSP	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	DPD/MSTR/ CGAP/CIP	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)	ASTP	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	DPD/MSTR/ CGAP/CIP	

PLANNING AND ENVIRONMENT ACT 1987			
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	DPD/MSTA/ CSPG/ MSTR/ CGAP/CIP/CSP	
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	DPD/MSTA/ CSPG/MSTR/CG AP/ CIP/ CSP	Conditional upon the agreement being a requirement of the planning scheme amendment.
			To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DPD/MSTA/ MSTR/CGAP/ CIP/CSPG/CSP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	DPD/MSTA/ CSPG/MSTR/ CGAP/CIP/CSP	Note – payment can be in the form of a bank guarantee
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	NOT DELEGATED	
s 46Q(1)	Duty to keep proper accounts of levies paid	ASTP	

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
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	DPD/MSTR/ CGAP/CIP		
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	DPD/MSTR/ CGAP/CIP		
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DPD/MSTR	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)	DPD/MSTR/ CGAP/CIP	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister	
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	DPD/MSTR/ CGAP/CIP/SSP	Must be done in accordance with Part 3	
s 46Q(4)(e)	Duty to expend that amount on other works etc.	DPD/MSTR/ CGAP/CIP	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	DPD/MSTR		

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46QD	Duty to prepare report and give a report to the Minister	DPD/MSTR/ CGAP/CIP/SSP	Where Council is a collecting agency or development agency	
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	ASTP		
s 46Y	Duty to carry out works in conformity with the approved strategy plan	ASTP/ASP		
s 47	Power to decide that an application for a planning permit does not comply with that Act	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	ASP		
s 49(2)	Duty to make register available for inspection	ASP		
s 50(4)	Duty to amend application	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 50(5)	Power to refuse to amend application	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.	
s 50(6)	Duty to make note of amendment to application in register	ASP		
s 50A(1)	Power to make amendment to application	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority	
s 50A(4)	Duty to note amendment to application in register	ASP		
s 51	Duty to make copy of application available for inspection	ASP		

PLANNING AND ENVIRONMENT ACT 1987 DELEGATE CONDITIONS & LIMITATIONS PROVISION THING DELEGATED s 52(1)(a) Duty to give notice of the application to To be in accordance with the Statutory DPD/MSTA/CCI/ owners/occupiers of adjoining allotments unless Planning Procedures Manual for Making CSPG/CSP/STP/ satisfied that the grant of permit would not cause **Decisions Under Delegated Authority** TP/MPIP/SO/ material detriment to any person SSO s 52(1)(b) Duty to give notice of the application to other municipal DPD/MSTA/CCI/ council where appropriate CSPG/CSP/STP/ TP/MPIP/SO/ SSO s 52(1)(c) Duty to give notice of the application to all persons DPD/MSTA/CCI/ required by the planning scheme CSPG/CSP/STP/ TP/MPIP/SO/ SSO s 52(1)(ca) Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive DPD/MSTA/CCI/ covenant if may result in breach of covenant CSPG/CSP/STP/ TP/MPIP/SO/ SSO

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 52(3)	Power to give any further notice of an application where appropriate	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority	

PLANNING AND ENVIRONMENT ACT 1987 PROVISION DELEGATE CONDITIONS & LIMITATIONS THING DELEGATED To be in accordance with the Statutory s 53(1A) Power to require the applicant to give the notice under s DPD/MSTA/CCI/ Planning Procedures Manual for Making 52(1AA) CSPG/CSP/STP/ **Decisions Under Delegated Authority** TP/MPIP/SO/ SSO To be in accordance with the Statutory s 54(1) Power to require the applicant to provide more DPD/MSTA/CCI/ Planning Procedures Manual for Making information CSPG/CSP/STP/ **Decisions Under Delegated Authority** TP/MPIP/SO/ SSO Duty to give notice in writing of information required s 54(1A) DPD/MSTA/CCI/ under s 54(1) CSPG/CSP/STP/ TP/MPIP/SO/ SSO s 54(1B) Duty to specify the lapse date for an application DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	DPD/MSTA/CCI/ CSPG/CSP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	ASP		
s 57(5)	Duty to make available for inspection copy of all objections	ASP		

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 57A(5)	Power to refuse to amend application	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority	
s 57A(6)	Duty to note amendments to application in register	ASP		
s 57B(1)	Duty to determine whether and to whom notice should be given	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 57C(1)	Duty to give copy of amended application to referral authority	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 58	Duty to consider every application for a permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 58A	Power to request advice from the Planning Application Committee	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 60	Duty to consider certain matters	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 60(1A)	Duty to consider certain matters	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006	
			To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority	
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.	

PLANNING AND ENVIRONMENT ACT 1987				
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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 62(2)	Power to include other conditions	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/MSE/CEP/ EPCO/EPO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.	

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.	

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	This provision applies also to a decision to grant an amendment to a permit – see s 75	
s 64(3)	Duty not to issue a permit until after the specified period	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	This provision applies also to a decision to grant an amendment to a permit – see s 75	
s 64(5)	Duty to give each objector a copy of an exempt decision	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	This provision applies also to a decision to grant an amendment to a permit – see s 75	

PLANNING AND ENVIRONMENT ACT 1987 DELEGATE CONDITIONS & LIMITATIONS PROVISION THING DELEGATED s 64A Duty not to issue permit until the end of a period when DPD/MSTA/CCI/ This provision applies also to a decision to an application for review may be lodged with VCAT or CSPG/CSP/STP/ grant an amendment to a permit – see s 75A until VCAT has determined the application, if a relevant TP/MPIP/SO/ recommending referral authority has objected to the SSO grant of a permit s 65(1) DPD/MSTA/CCI/ Duty to give notice of refusal to grant permit to applicant and person who objected under s 57 CSPG/CSP/STP/ TP/MPIP/SO/ SSO DPD/MSTA/CCI/ s 66(1) Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities CSPG/CSP/STP/ TP/MPIP/SO/ SSO s 66(2) Duty to give a recommending referral authority notice of DPD/MSTA/CCI/ If the recommending referral authority its decision to grant a permit CSPG/CSP/STP/ objected to the grant of the permit or the TP/MPIP/SO/ responsible authority decided not to include a condition on the permit recommended by the SSO recommending referral authority

PLANNING AND ENVIRONMENT ACT 1987 DELEGATE CONDITIONS & LIMITATIONS PROVISION THING DELEGATED DPD/MSTA/CCI/ If the recommending referral authority s 66(4) Duty to give a recommending referral authority notice of CSPG/CSP/STP/ objected to the grant of the permit or the its decision to refuse a permit TP/MPIP/SO/ recommending referral authority SSO recommended that a permit condition be included on the permit s 66(6) DPD/MSTA/CCI/ If the recommending referral authority did not Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a CSPG/CSP/STP/ object to the grant of the permit or the copy of any notice given under s 64 or 65 TP/MPIP/SO/ recommending referral authority did not SSO recommend a condition be included on the permit s 69(1) Function of receiving application for extension of time of **ASP** permit s 69(1A) Function of receiving application for extension of time to **ASP** complete development

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 69(2)	Power to extend time	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority. The responsible authority may extend the time within which the use or development or ant stage of it is to be started or the development or any stage of it is to be completed or within which a plan under the <i>Subdivision Act</i> 1988 is to be certified.	
s 70	Duty to make copy permit available for inspection	ASP		
s 71(1)	Power to correct certain mistakes	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.	
s 71(2)	Duty to note corrections in register	ASP		
s 73	Power to decide to grant amendment subject to conditions	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority	

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 74	Duty to issue amended permit to applicant if no objectors	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	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	

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 83	Function of being respondent to an appeal	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/ASTP		
s 83B	Duty to give or publish notice of application for review	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority	

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 84AB	Power to agree to confining a review by the Tribunal	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/ASTP		
s 86	Duty to issue a permit at order of Tribunal within 3 working days	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DPD/MSTA/CCI/ CSPG/CSP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/ASTP	
s 91(2)	Duty to comply with the directions of VCAT	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/ASTP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/	
s 93(2)	Duty to give notice of VCAT order to stop development	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/SPIO	
s 95(3)	Function of referring certain applications to the Minister	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/	

PLANNING A	PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 95(4)	Duty to comply with an order or direction	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO			
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DPD/MSTA/CCI/ CSPG/CSP			
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DPD/MSTA/CCI/ CSPG/CSP			
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority		
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/MSTR/ CGAP/CIP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority		
s 96F	Duty to consider the panel's report under s 96E	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/MSTR/ CGAP/CIP			

PLANNING AND ENVIRONMENT ACT 1987				
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 s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/MSTR/ CGAP/CIP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority	
s 96H(3)	Power to give notice in compliance with Minister's direction	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority	
s 96J	Power to issue permit as directed by the Minister	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO		
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	ASP		

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97C	Power to request Minister to decide the application	NOT DELEGATED	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO	
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	ASP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	ASP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	ASP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/MSTR/ CGAP/CIP/SLUP/ SSP/SP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DPD/MSTA/ MSTR	

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	SPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP		
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/SPIO		
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/SPIO		
s 97Q(4)	Duty to comply with directions of VCAT	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/SPIO		
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	ASP		
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	ASP/CFO		
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	ASP/CFO		

PLANNING AND ENVIRONMENT ACT 1987 DELEGATE CONDITIONS & LIMITATIONS PROVISION THING DELEGATED ASP/CFO Function of receiving claim for expenses in conjunction s 101 with claim Note – refers to small claims, ie: Power to reject a claim for compensation in certain DPD/MSTA/ s 103 MSTR/CFO a) \$500 or any greater amount circumstances prescribed by the Regulations; b) or 0.1% of the value that the land would have had if the land had not been affected by any circumstance set out in section 98(1) or (2) or 107. s 107(1) Function of receiving claim for compensation ASP/CFO s 107(3) Power to agree to extend time for making claim DPD/MSTA/ MSTR/CFO DPD/MSTA/CCI/ To be in accordance with the Statutory s 114(1) Power to apply to the VCAT for an enforcement order CSPG/CSP/STP/ Planning Procedures Manual for Making SPIO/MPIP/MSE/ Decisions Under Delegated Authority. CEP/EPO DPD/MSTA/CCI/ s 117(1)(a) Function of making a submission to the VCAT where CSPG/CSP/STP/ objections are received SPIO/MPIP/TP/ MSE/CEP/EPO

PLANNING A	PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DPD/MSTA/CCI/ CSPG/CSP/SPIO /MSE/CEP/EPO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.		
s 123(1)	Power to carry out work required by enforcement order and recover costs	DPD/MSTA/CCI/ CSP/SPIO/MSE/ CEP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.		
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DPD/DSIS/MSTA/ MSE	Except Crown Land		
s 129	Function of recovering penalties	ASP			
s 130(5)	Power to allow person served with an infringement notice further time	DPD/MSTA/CCI/ CSPG/CSP/SPIO /STP/MPIP/MSE/ CEP/EPO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority		
s 149A(1)	Power to refer a matter to the VCAT for determination	DPD/MSTA/CCI/ CSPG/CSP/SPIO /MSE/CEP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.		
			Note – Part 6 of the Act refers to enforcement and legal proceedings		

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	DPD/MSTA/CCI/ CSPG/CSP/SPIO /MSE/CEP/ASTP		
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)	DPD/MSTA/ MSTR/MSE	Where Council is the relevant planning authority	
s 171(2)(f)	Power to carry out studies and commission reports	DPD/MSTA/ MSTR/MSE/CEP/ EPO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority. Subject to budgetary provision	
s 171(2)(g)	Power to grant and reserve easements	DPD/MSTA/CCI/ CSPG/CSP		

PLANNING AND ENVIRONMENT ACT 1987 **DELEGATE PROVISION** THING DELEGATED **CONDITIONS & LIMITATIONS** DPD/MSTA/ Where Council is a development agency s 172C Power to compulsorily acquire any outer public purpose **MSTR** specified in an approved infrastructure land that is specified in the approved infrastructure contributions plan. contributions plan This power can only be used when there is no dispute of either the acquisition or of the amount of compensation being offered. If there is a dispute of either the matter must be presented to Council. DPD/MSTA/ s 172D(1) Power to compulsorily acquire any inner public purpose Where Council is a collecting agency **MSTR** land that is specified in the plan before the time that the specified in an approved infrastructure land is required to be provided to Council under s contributions plan 46GV(4) DPD/MSTA/ Where Council is the development agency s 172D(2) Power to compulsorily acquire any inner public purpose **MSTR** specified in an approved infrastructure land, the use and development of which is to be the contributions plan. responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4) This power can only be used when there is no dispute of either the acquisition or of the amount of compensation being offered. If there is a dispute of either the matter must be presented to Council. Details of agreements must be subsequently DPD/MSTA/CCI/ s 173(1) Power to enter into agreement covering matters set out reported to Council in s 174 CSPG/CSP/ MSTR/CGAP/CIP To be in accordance with the Statutory /MSE/CEP Planning Procedures Manual for Making

Decisions Under Delegated Authority.

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	DPD/MSTA/CCI/ CSPG/CSP/STP/ SPIO/MPIP/ MSTR/CGAP/CIP /MSE/CEP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
	Power to give consent on behalf of Council, where an agreement made under s 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	DPD/MSTA/CCI/ CSPG/CSP/STP/ SPIO/MPIP/ MSTR/CGAP/CIP /MSE/CEP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
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	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	Note - section 178 provides: "An agreement may, with the approval of the Minister, be amended by agreement between the responsible authority and all persons who are bound by any covenant in the agreement".
s 178A(1)	Function of receiving application to amend or end an agreement	ASP/ASTP	

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/CIP		
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/CIP		
s 178A(5)	Power to propose to amend or end an agreement	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/SS O/MSTR/CGAP/ CIP		
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/ CIP		

PLANNING A	PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/CIP		
s 178C(4)	Function of determining how to give notice under s 178C(2)	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/ CIP		
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	ASP/ASTP		
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	If no objections are made under s 178D Must consider matters in s 178B To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.	

PLANNING AND ENVIRONMENT ACT 1987 DELEGATE CONDITIONS & LIMITATIONS PROVISION THING DELEGATED If no objections are made under s 178D s 178E(2)(b) Power to amend or end the agreement in a manner that DPD/MSTA/CCI/ CSPG/CSP/ is not substantively different from the proposal Must consider matters in s 178B MSTR/CGAP/CIP To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority. s 178E(2)(c) Power to refuse to amend or end the agreement DPD/MSTA/CCI/ If no objections are made under s 178D CSPG/CSP/ Must consider matters in s 178B MSTR/CGAP/CIP To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority. s 178E(3)(a) Power to amend or end the agreement in accordance DPD/MSTA/CCI/ After considering objections, submissions and with the proposal CSPG/CSP/ matters in s 178B MSTR/CGAP/CIP To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	After considering objections, submissions and matters in s 178B To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.	
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	After considering objections, submissions and matters in s 178B To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.	
s 178E(3)(d)	Power to refuse to amend or end the agreement	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	After considering objections, submissions and matters in s 178B To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.	
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/ CIP		

PLANNING AND ENVIRONMENT ACT 1987				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/ CIP		
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	ASP/ASTP		
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP		
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	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/CIP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/CIP		
s 179(2)	Duty to make available for inspection copy agreement	ASP/ASTP		

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DPD/MSTA/CCI/ CSPG/CSP/ MSTR/CGAP/CIP	
s 182	Power to enforce an agreement	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO/MSTR/ CGAP/CIP	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority.
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/SS O/MSTR/CGAP/ CIP	
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	DPD/MSTA/ MSTR	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	ASP	
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	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/SS O/MSTR/CGAP/ CIP	
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	ASP/ASTP	
s 184G(2)	Duty to comply with a direction of the Tribunal	ASP/ASTP	
s 184G(3)	Duty to give notice as directed by the Tribunal	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/SS O/MSTR/CGAP/ CIP	
s 198(1)	Function to receive application for planning certificate	ASP	
s 199(1)	Duty to give planning certificate to applicant	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 201(1)	Function of receiving application for declaration of underlying zoning	ASP	
s 201(3)	Duty to make declaration	DPD/MSTA/CCI/ CSPG/CSP/STP/ MPIP/TP/SO/ SSO	
-	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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/SPIO/MSTR /CGAP/CIP/MSD/ MSE/CEP/EPCO/ EPO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
	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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/SPIO/MST/ CGAP/CIP/MSD/ MSE/CEP/EPCO/ EPO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	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	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/SPIO/MSTR /CGAP/CIP/MSD/ MSE/CEP/EPCO/ EPO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
-	Power to give written authorisation in accordance with a provision of a planning scheme	DPD/MSTA/CCI/ CSPG/CSP/STP/ TP/MPIP/SO/ SSO/SPIO/MSTR /CGAP/CIP/MSE/ CEP/EPO	To be in accordance with the Statutory Planning Procedures Manual for Making Decisions Under Delegated Authority
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	ASP/ASTP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	ASP/ASTP	

PLANNING AND ENVIRONMENT REGULATIONS 2015 **PROVISION** THING DELEGATED **DELEGATE CONDITIONS & LIMITATIONS** Function of receiving notice, under s 19(1)(c) of r 6 ASTP/ASP Where Council is not the planning authority the Act, from a planning authority of its and the amendment affects land within its preparation of an amendment to a planning municipal district; or scheme. 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 To be in accordance with the Statutory DPD/MSTA/CCI/CSPG/STP applicant to verify information (by statutory Planning Procedures Manual for Making /TP/CSP/MPIP/SO/SSO declaration or other written confirmation Decisions Under Delegated Authority. satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act r 25(a) Duty to make copy of matter considered under s **ASP** Where Council is the responsible authority 60(1A)(g) available for inspection free of charge r 25(b)) Function of receiving a copy of any document

ASP

ASTP/ASP

application

r 42

considered under s 60(1A)(g) by the responsible

Function of receiving notice under s 96C(1)(c) of

the Act from a planning authority of its preparation

of a combined application for an amendment to a

authority and duty to make the document

available for inspection free of charge

planning scheme and notice of a permit

Where Council is not the responsible

Council's municipal district

Council's municipal district; or

acquiring authority.

authority, but the relevant land is within

and the amendment affects land within

Where the amendment will amend the

Where Council is not the planning authority

planning scheme to designate Council as an

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.19	Power to waive or rebate fee relating to amendment of a planning scheme	DPD/MSTR/CGAP/CIP	Where Council is the planning authority Note – the grounds for waiving or rebating a fee include: a) the request has been withdrawn and a new request submitted in its place; or b) the amendment combines separate items from more than one request for an amendment to a planning scheme into one amendment; or c) in the opinion of the planning authority or the Minister— (i) the request imposes on the planning authority or the Minister (as the case may be) no appreciable burden or a lesser burden than usual for supplying d) that service; or (ii) the primary intention of the amendment is to substantially assist in the implementation of State, regional or local policy; or (iii) the primary intention of the amendment is to upgrade and improve the planning scheme in the public interest; or
			(iv) the amendment implements a review of the planning scheme completed under section 12B of the Act; or

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.19 continued			(v) the amendment rewrites and restructures the planning scheme so
			that it may be more readily understood, without changing the planning policy; or
			(vi) the primary intention of the
			amendment is to make the planning
			scheme consistent in form and content with the directions or guidelines issued by the Minister under section 7 of the
			Act; or
			(vii) the primary intention of the amendment is to remove errors or anomalies in the planning scheme; or
			(viii) the request has been made by a person or group of persons standing to gain no financial benefit from the amendment; or
			(ix) the amendment is not intended to
			financially benefit an owner or group
			of owners of land.
r.20	Power to waive or rebate fee other than a fee relating to an amendment to a planning scheme	DPD/MSTA/MSTR/CGAP/ CIP/CSP/CSPG/CCI	Where Council is the responsible authority Note – the grounds for waiving or rebating a fee include:
			(a) an application is withdrawn and a new application is submitted in its place; or(b) in the opinion of the responsible authority or the Minister the payment of the fee is not warranted because—

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.20 continued			(i) of the minor nature of the consideration of the matter decided or to be decided; or
			(ii) the requested service imposes on the responsible authority or the Minister (as the case may be) no appreciable burden or a lesser burden than usual for supplying that service; or;
			(c) in the opinion of the responsible authority or the Minister (as the case may be) the application or determination assists—
			(i) the proper development of the State, region or municipal district; or
			(ii) the proper development of part of the State, region or municipal district; or
			(iii) the preservation of buildings or places in the State, region or municipal district which are of historical or environmental interest; or
			(d) the application relates to land used exclusively for charitable purposes.
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r19 or 20	ASTP/ASP	

RESIDENTIAL TENANCIES ACT 1997

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	CEO	Where Council is a public statutory authority engaged in the provision of housing
			Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	CEO	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes
			Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	CEO	Where Council is a public statutory authority engaged in the provision of housing
			Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	CEO	Where Council is a public statutory authority engaged in the provision of housing
			Note: this power is not yet in force and will commence on 27 April 2021, unless proclaimed earlier
s.142G(2)	Power to enter certain information in the Rooming House Register	CPH/EHO	

RESIDENTIAL TENANCIES ACT 1997				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.142l(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CPH/EHO		
s.518F	Power to issue a notice to a caravan park operator regarding the emergency management plan if it is determined that the plan does not comply with the requirements	СРН		
s.522(1)	Power to give a compliance notice to a person	СРН		
s.525(2)	Power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	СРН		
s.527	Power to authorise a person to institute proceedings (either generally or in a particular case)	СРН		

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

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 7	Power to enter into a written agreement with a caravan park owner	CPH/EHO	
r. 12 (1) r. 12 (2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with the Regulations	DCOR/MG/CPH	
r. 14(3)	Power to determine where a notice of transfer is displayed	CPH/EHO	
r. 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	NOT DELEGATED	Fee must be determined and approved by Council as part of the Council annual budget
r. 18(4)	Power to determine where the emergency contact person's details are displayed	CPH/EHO	
r. 18(6)	Power to determine where certain information is displayed	CPH/EHO	
r.23	Power to determine places in which the caravan park owner must display a copy of emergency procedures	CPH/EHO	

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

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CPH/EHO	
r.28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CPH/EHO	
r. 40(b)	Power to require notice of proposal to install un- registrable movable dwelling or rigid annexe	CPH/EHO	
r. 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CPH/EHO	
Schedule 3 – clause 4(3)	Power to approve the removal of wheels and axles from un-registrable movable dwelling	CPH/EHO	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.11(1)	Power to declare a road by publishing a notice in the Victoria Government Gazette	NOT DELEGATED	Obtain consent in circumstances specified in 11(2)
s.11(8)	Power to name a road or change the name of a road by publishing a notice in the Government Gazette	NOT DELEGATED	
s.12(2)	Power to discontinue a road or part of a road	NOT DELEGATED	
s12(4)	Power to publish, and provide copy, notice of proposed discontinuance	DSIS/MA	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s13(1)	Power to fix a boundary road by publishing notice in the Government Gazette	DSIS	Power of the coordinating road authority and obtain consent under s13(3) and section 13(4)
s14(7)	Power to appeal against decision of the Head, Transport for Victoria	DSIS/DPD/MA/MSD	
s15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	DSIS	Must be ratified by Council

ROAD MANAGEMENT ACT 2004 PROVISION THING DELEGATED **DELEGATE CONDITIONS & LIMITATIONS** DSIS s15(1A) Power to enter into an arrangement with a utility Must be ratified by Council to transfer a road management function of the utility to the road authority s16(7)Power to enter into an arrangement under section DSIS Must be ratified by Council s.17(3)Power to decide that a road is reasonably required **NOT DELEGATED** Note – a public road includes a road declared pursuant to section 204(1) of the for general public use Local Government Act 1989 s.17(4)Power to decide that a road is no longer **NOT DELEGATED** reasonably required for general public use s.18(1)Power to designate an ancillary area **NOT DELEGATED** Where Council is the coordinating road authority, and obtains consent in circumstances specified in section 18(2) DSIS/DPD/MA/MSD s.21 Power to reply to a request for information or Obtain consent in the circumstances

DSIS/MA

NOT DELEGATED

which is not a public road

direction

s.22(2)

s.40(5)

advice from the Minister or relevant Minister

Power to comment on a proposed Ministerial

Power to inspect, maintain and repair a road

specified in section 11(2)

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DSIS/MA/CTS	
s.42(1)	Power to declare a public road as a controlled access road	NOT DELEGATED	Power of the coordinating road authority and Schedule 2 also applies Note "controlled access road" means a public road in respect of which a declaration is in force under section 42
s.42(2)	Power to amend or revoke a declaration by notice published in the Government Gazette	NOT DELEGATED	Power of the coordinating road authority - Schedule 2 also applies
s42A(4)	Power to approve the Minister's decision to specify a road as a specified freight road	DSIS/MA	Power of the coordinating road authority If the road is a municipal road or part thereof and where the road is to be specified a freight road
s.49	Power to develop and publish a road management plan	NOT DELEGATED	
s.51	Power to determine standards by incorporating the standards in a road management plan	NOT DELEGATED	

ROAD MANAGEMENT ACT 2004 PROVISION THING DELEGATED **DELEGATE CONDITIONS & LIMITATIONS** Power to cause notice to be published in the s53(2) DSIS/MA Government Gazette of an amendment etc. of a document in a road management plan s.54(6)Power to amend a road management plan **NOT DELEGATED** DSIS/DPD/MA/CTS/MSD/ s.63(1)Power to consent to conduct of works on a road Where Council is the coordinating road authority **MCWB** s.63(2)(e) Power to conduct or to authorise the conduct of DSIS/DPD/MA/MW/MSD/ Where council is the infrastructure manager works in, on, under or over a road in an emergency **MCWB** DSIS/MA Where Council is the coordinating road s.66(1)Power to consent to structure etc authority s.67(3)Power to request information relating to the person DSIS/MA/CTS Where Council is the coordinating road responsible for distributing a sign or bill on a road authority Power to request information relating to the person DSIS/MA/CTS Where Council is the coordinating road s.68(2)responsible for depositing a sign or bill on a road authority s.71(3)CEO only Power to appoint an authorised officer

ROAD MANAGEMENT ACT 2004				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s.87(2)	Power to investigate complaint and provide report	DSIS/DPD/MA/MSD/MCWB/ CTS		
s.112(2)	Power to recover damages in court	DSIS/DPD/MA/MSD/MCWB/ CTS		
s.116	Power to cause or carry out an inspection where a notice of an incident arising out of the condition of a public road has been received	DSIS/DPD/MA/MSD/MCWB		
s.120(1)	Power to exercise road management functions on an arterial road (with the consent of The Head, Transport for Victoria)	DSIS/DPD/MA/MW/MSD/ MCWB		
s.121(1)	Power to enter into an agreement in respect of works	DSIS/DPD/MA/MW/MSD/ MCWB		
s.122(1)	Power to charge and recover fees	DSIS	Note – fees may be charged if authorised under the Road Management (General) Regulations 2005. The Regulations express the fees in terms of "fee units" which are indexed annually. In 2014/15, a fee unit is \$13.24.	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.123(1)	Power to charge for any service	DSIS	Note – the charge can include costs relating to: a) supplying a service, product or commodity; or b) giving information.
Schedule 2 – Clause 2(1)	Power to make a decision in respect of controlled access roads	DSIS/MA/MCWB	Note – controlled access road means a public road in respect of which a declaration is in force under section 42.
Schedule 2 – Clause 3(2)	Power to amend, revoke or substitute policy about controlled access roads	NOT DELEGATED	See above
Schedule 7 Clause 12(2)	Power to direct infrastructure manager or works manager of another authority to conduct reinstatement works	DSIS/MA/CTS/MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 12(3)	Power to take measures to ensure reinstatement works are completed	DSIS/DPD/MA/CTS/MSD/ MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 12(5)	Power to recover costs incurred in sub clause 12(3)	DSIS/DPD/MA/CTS/MSD/ MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 13(2)	Power to vary a notice period	DSIS/MA/CTS/MCWB	Where Council is the coordinating road authority

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 16(1)	Power to consent to proposed works	DSIS/DPD/MA/CTS/MSD/ MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 16(5)	Power to consent to proposed works	DSIS/DPD/MA/CTS/MSD/ MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 16(6)	Power to set reasonable conditions on consent for proposed roadworks	DSIS/DPD/MA/CTS/MSD/ MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 16(8)	Power to include consents and conditions for proposed roadworks	DSIS/DPD/MA/CTS/MSD/ MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 17(2)	Power to refuse to give consent and duty to give reasons for refusal for proposed roadworks	DSIS/DPD/MA/CTS/MSD/ MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 18(1)	Power to enter into an agreement in relation to proposed roadworks	DSIS/DPD/MA/MSD/MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 19(1)	Power to give notice requiring rectification of works	DSIS/DPD/MA/CTS/MSD/ MCWB	Where Council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DSIS/DPD/MA/CTS/MSD/ MCWB	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DSIS/DPD/MA/CTS/MSD/ MCWB	Where Council is the coordinating road authority	
Schedule 7A Clause 2	Power to cause street lights to be installed on roads	DSIS/DPD/MA/MSD/MCWB	Where Council is the coordinating road authority	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 PROVISION THING DELEGATED **DELEGATE CONDITIONS & LIMITATIONS** Where Council is the coordinating road r.16(3) Power to issue a permit DSIS/DPD/MA/CTS/MSD authority r.18(1) Power to give written consent re damage to road DSIS/MA/MCWB Where Council is the coordinating road authority DSIS/MA r.23(2)Power to make a submission to the tribunal. Where Council is the coordinating road authority Note "tribunal" refers to the Victorian Civil and Administrative Tribunal r.23(4) Power to charge a fee for application under section Where Council is the coordinating road 66(1) Road Management Act authority Power to remove objects, refuse, rubbish or other DSIS/DPD/MA/CTS/MSD/ Where Council is the coordinating road r.25(1) material deposited or left on a road authority **MCWB** Where Council is the coordinating road r.25(2)Power to sell or dispose of things removed from a DSIS/MA/CTS/MCWB road or part of road (after first complying with authority regulation 25(3) Power to recover in the Magistrates' Court DSIS/MA/CTS/MCWB Where Council is the coordinating road r.25(5)expenses from the person responsible authority

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015 PROVISION THING DELEGATED **DELEGATE CONDITIONS & LIMITATIONS** DSIS/DPD/MA/MSD/MCWB Where Council is the coordinating road r.15 power to exempt a person from requirement under clause 13(1) of schedule 7 to the Act to give notice authority and where consent given under s as to the completion of those works 63(1) of the Act power to waive whole or part of fee in certain DSIS/DPD/MA/MSD/MCWB Where Council is the coordinating road r.22(2) circumstances authority