

**Instrument of Delegation  
to the Chief Executive Officer**

**Instrument of Delegation**

**to the**

**Chief Executive Officer**

# Bayside City Council

## Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* ("the Act") and all the powers enabling it, the Bayside City Council ("Council") delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 13 September 2011.
2. the delegation
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 remains in force until Council resolves to vary or revoke it;
  - 2.3 is subject to any conditions and limitations set out in the Schedule; and
  - 2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts;
3. the Instrument of Delegation to Council's Chief Executive Officer authorised by a Resolution of Council passed on 28<sup>th</sup> November 2006 is revoked on the coming into force of this Instrument of Delegation;
- 4.. the member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other power incapable of sub-delegation which this Instrument of Delegation delegates to him or her.

The Common Seal of Bayside City Council was affixed to this Instrument of Delegation on **14 September 2011** in the presence of:-

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Mayor

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Chief Executive Officer

## Schedule

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

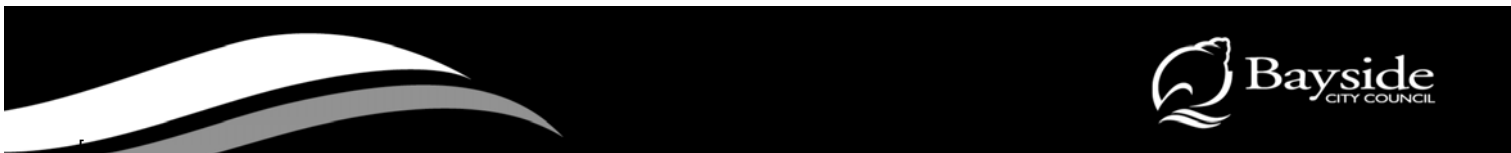
The power to appoint a person to the position of Acting Chief Executive Officer in the absence of the Chief Executive Officer for periods of annual leave, long service leave or any other extended period of leave up to a maximum period of 3 months, with the exception of sick leave in excess of 6 weeks.

### Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

4. If the issue, action, act or thing is an issue, action, act or thing which involves:
  - 4.1 awarding a contract exceeding the value of **\$250,000**;
  - 4.2 making a local law under Part 5 of the Act;
  - 4.3 approval of the Council Plan under section 125 of the Act;
  - 4.4 adoption of the Strategic Resource Plan under section 126 of the Act;
  - 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
  - 4.6 adoption of the Auditor's report and Annual Financial Statements under Part 6 of the Act;
  - 4.7 noting Declarations of Impartiality by Valuers pursuant to section 13DH(2) of the *Valuation of Land Act* 1960;
  - 4.8 determining pursuant to section 37 of the Act that an extraordinary vacancy on Council not be filled;
  - 4.9 exempting a member of a special committee who is not a Councillor from submitting a return under section 81 of the Act;
  - 4.10 appointment of councillor or community delegates or representatives to external organisations; or
  - 4.11 the return of the general valuation and any supplementary valuations;
5. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action or thing which must be the subject of a Resolution of Council.

6. 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
  - 6.1 policy; or
  - 6.2 strategyadopted by Council; or
7. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
8. if 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.





**Instrument of Delegation  
From Council to Members of Staff**

**Bayside City Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

## Instrument of Delegation

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

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

AEHO	means	All Environmental Health Officers
ALLTO		All Local Laws Officers
AAMO		All Animal Management Officers
APAC		Amenity Protection Administration Coordinator
APO		All Parking Officers
APAO		Amenity Protection Appeals Officer
DInf		Director Infrastructure Services
DCity		Director City Strategy
DCorp		Director Corporate Services
EHC		Environmental Health Co-ordinator
LSP		Legal Support Planner
MA&DS		Manager Aged & Disability Services
MAM		Manager Asset Management
MAP		Manager Amenity Protection
MF		Manager Finance
MUS		Manager Urban Strategy
MCS		Manager Commercial Services
MSP		Manager Statutory Planning
ND		Not Delegated (Reserved for Council)
PEO		Planning Enforcement Officer
PSP		Principal Statutory Planner
SEHO		Senior Environmental Health Officer
SP		Statutory Planner
SPC		Statutory Planning Co-ordinator
SSP		Senior Statutory Planner
TLLL		Team Leader Local Laws
USC		Urban Strategy Coordinator

3. declares that:
- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on **13 September 2011**; and
- 3.2 the delegation:
- 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
- 3.2.2 remains in force until varied or revoked;
- 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
- 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
- (a) policy; or
- (b) strategy
- (c) adopted by Council; or
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

The Common Seal of Bayside City Council was affixed to this Instrument of Delegation on 14 September 2011 in the presence of: -

\_\_\_\_\_ Mayor

\_\_\_\_\_ Chief Executive

## SCHEDULE

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## DOMESTIC ANIMALS ACT 1994

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.41A(1)	power to declare a dog to be a menacing dog	MAP & LLC	Council may delegate this power to an authorised officer
s.41A(3)	Power to revoke a declaration made under s.41A(1)	MAP & LLC	
s.41B(1)	Duty to notify the owner	MAP & LLC	
S.41C	Duty to give notice of a menacing dog declaration to owner	MAP & LLC	

## ENVIRONMENT PROTECTION ACT 1970

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53M(3)	power to require further information	AEHO	
s.53M(4)	duty to advise applicant that application is not to be dealt with	AEHO	
s.53M(5)	duty to approve plans, issue permit or refuse permit	AEHO	refusal must be ratified by council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	AEHO	refusal must be ratified by council or it is of no effect
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	AEHO	refusal must be ratified by council or it is of no effect

## FOOD ACT 1984

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 19(1) and (2)	Order directing premises be cleaned, or steps taken to ensure food is safe etc, on being satisfied about unsatisfactory nature of the food premises or food.	EHC, SEHO, EHO	
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	EHC, SEHO, 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	EHC, SEHO, EHO	If section 19(1) applies
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CEO, DInfs, MAP, EHC	If section 19(1) applies
s.19(4)(b)	duty to notify the Department of the making of the order	CEO, MAP, EHC	If section 19(1) applies
s.19(4)(c)	duty to notify the registration authority of the making of the order and any appeal and the outcome of the appeal	CEO, MAP, EHC	If section 19(1) applies and if council is not the registration authority
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	EHC, SEHO, EHO	If section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied	EHC, SEHO, EHO	If section 19(1) applies

## FOOD ACT 1984

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	with		
s.19A(4)(b)	function of receiving notice from authorised officer		where council is the registration authority
s.19BA(3)	duty to give notice of the variation or revocation of the order to the general public in the same manner as the original notice		must be done by the same person as gave the original notice
s.19CB(4)(b)	power to request copy of records	EHC, SEHO, EHO	where council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	EHC, SEHO, EHO	where council is the registration authority
s.19EA(3)	function of receiving a copy of any significant revision made to the food safety program	EHC, SEHO, 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	EHC, SEHO, EHO	where council is the registration authority
s. 19H(4)(b)	Specify the range of frequencies and intervals for assessment or audit that may be applied to a specific premises, instead of the default requirements.	DInfs, MAP, EHC	Where council is the registration authority
s.19H(5)(a) & (5)(b)	duty to take into account (a) the food safety performance of the food business; and (b) any guidelines issued by the Secretary in determining the frequency and intervals of the assessments and audits	DInfs, MAP, EHC	where council is the registration authority
s.19I	duty to conduct a food safety assessment as required	EHC, SEHO,	Subject to section 19J

## FOOD ACT 1984

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	under section 19H	EHO	where council is the registration authority
s.19IA(2)	duty to give written notice to proprietor if food safety requirements or section 19DC(2) have not been complied with unless subsection (3) applies.	EHC, SEHO, 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	<b>N/A</b>	The delegation is limited to an officer or member of staff who is an approved food safety auditor.
s.19N	function of receiving information from a food safety auditor	EHC, SEHO, EHO	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	EHC, SEHO, EHO	where council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	<b>N/A</b>	The delegation is limited to fixing the criteria to which regard must be had when Council or a delegates determines whether special circumstances exist that warrants or varying of the costs of an audit payable in a particular case.
s.19U(4)	duty to ensure that information relating to costs of a food safety audit are available for inspection by the public	<b>N/A</b>	The delegation is limited to waiving or varying the costs of an audit payable in a particular case. It does not include the power to fix criteria under the provision.
s.19UA	power to charge fees for conducting a food safety assessment or inspection	<b>N/A</b>	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.

## FOOD ACT 1984

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19UA(4)	duty to consider proprietor's history of compliance in deciding whether to charge the fee	N/A	
s.19UA(5)	duty to ensure that the method of determining a fee under subsection (3)(a) and the considerations that apply under subsection (4) are available for inspection by the public	N/A	
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHC, SEHO, 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	EHC, SEHO, 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	EHC, SEHO, EHO	where council is the registration authority
---	power to register, renew or transfer registration		where council is the registration authority  refusal to grant/renew/transfer registration must be ratified by Council (see section 58A(2))
s.35B(1)	power to recognise, in writing, the registration of another registration authority for a specified temporary or mobile food premises	EHC, SEHO, EHO	
s.38(3)	duty to consult with the Secretary about the proposed exemption under section 38(2)	DInfs, MAP, EHC, SEHO	

## FOOD ACT 1984

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38AA(2)	function of being notified of operation	EHC, SEHO, EHO	where council is the registration authority
s.38AA(4)	duty to determine whether the food premises are exempt from the requirement of registration	EHC, SEHO, EHO	where council is the registration authority
s.38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHC, SEHO, 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)	EHC, SEHO, EHO	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	EHC, SEHO, EHO	where council is the registration authority
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	MAP, EHC, SEHO, EHO	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	MAP, EHC, SEHO, EHO	where council is the registration authority
s.38B(1)(c)	duty to inspect premises	MAP, EHC, SEHO, EHO	where council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	MAP, EHC, SEHO, EHO	where council is the registration authority

## FOOD ACT 1984

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	MAP, EHC, SEHO, EHO	where council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	MAP, EHC, SEHO, EHO	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	MAP, EHC, SEHO, EHO	where council is the registration authority
s.38E(1)(c)	function of assessing the requirement for a food safety program	EHC, SEHO, EHO	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	EHC, SEHO, EHO	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).
s.38E(3)(a)	function of receiving certificates	EHC, SEHO, EHO	where council is the registration authority
s.38E(4)	duty to register the food premises when conditions are satisfied	EHC, SEHO, EHO	where council is the registration authority
s.38F(3)(a)	duty to note the change to the classification of the food premises on the certificate of registration	MAP, EHC, SEHO, EHO	where council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	MAP, EHC, SEHO, EHO	where council is the registration authority

## FOOD ACT 1984

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.39(2)	duty to inspect within 12 months before renewal of registration	MAP, EHC, SEHO, EHO	where council is the registration authority
s.39(3)	duty to inspect within 3 months before renewal of registration if circumstances in section 39(3)(a)-(d) apply	MAP, EHC, SEHO, EHO	where council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	MAP, EHC, SEHO, EHO	where council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.39A(6)	duty to comply with direction of Secretary.		
s.40(1)	duty to issue a certificate of registration in the prescribed form	MAP, EHC, SEHO, EHO	where council is the registration authority
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	MAP, EHC, SEHO, EHO	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	MAP, EHC, SEHO, EHO	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	MAP, EHC, DInfs	where council is the registration authority
s.40D(2)	duty to specify how long a suspension is to last under s.40D(1)	DInfs, MAP, EHC	where council is the registration authority
s.40E(4)	duty to comply with direction of Secretary		

## FOOD ACT 1984

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.43(1) and (2)	duty to maintain records of the prescribed particulars and orders in force under Part III	MAP, EHC	where council is the registration authority
s.43(3)	duty to make available information held in records, free of charge, on request	MAP, EHC	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	MAP, EHC, SEHO, EHO	where council is the registration authority

**HERITAGE ACT 1995**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.84(2)	power to sub-delegate Executive Director's functions	DCity	The delegate must first obtain Executive Director's written consent. Executive Director means the Executive Director under Part 3 of the Public Administration Act 2004.

## PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4B	power to prepare an amendment to the Victoria Planning Provisions	Reserved for Council	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	DCity, MUS	
s.4H	duty to make amendment to Victoria Planning Provisions available	DCity, MUS	
s.4I	duty to keep Victoria Planning Provisions and other documents available	DCity, MUS	
s. 8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	DCity, MUS	
s.11(3)(b)	duty to submit amendment to planning scheme to Minister for approval if the Minister withdraws authorisation	DCity, MUS	
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	DCity, MUS	
s 12A (1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	DCity, MUS	

s.12B(1)	duty to review planning scheme	Reserved for Council	
s.12B(2)	duty to review planning scheme at direction of Minister	Reserved for Council	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	DCity, MUS,	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	DCity, MUS, MSP	
s.17(1)	duty of giving copy amendment to the planning scheme	DCity, MUS, USC	
s.17(2)	duty of giving copy s.173 agreement	DCity, MUS, MSP, USC	
s.18	duty to make amendment etc. available	DCity, MUS, USC	
s.19	power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme	DCity, MUS	
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	DCity, MUS	
s.21(2)	duty to make submissions available	DCity, MUS, USC	
s.21A(4)	duty to publish notice in accordance with section	DCity, MUS	
s.22	duty to consider all submissions	DCity, MUS	

s.23(2)	power to refer submissions to a panel	DCity, MUS	
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)	DCity, MUS External Representation	
s.26(1)	power to make report available for inspection	DCity, MUS, USC	
s.26(2)	duty to keep report of panel available for inspection	DCity, MUS, USC	
s.27(2)	power to apply for exemption if panel's report not received	DCity, MUS	
s.28	duty to notify the Minister if abandoning an amendment	DCity, MUS	
s.30(4)(a)	duty to say if amendment has lapsed	DCity, MUS	
s.30(4)(b)	duty to provide information in writing upon request	DCity, MUS	
s.31	duty to submit adopted amendment to Minister and, if applicable, details under section 19(1B)	DCity, MUS	
s.32(2)	duty to give more notice if required	DCity, MUS	
s.33(1)	duty to give more notice of changes to an amendment	DCity, MUS	
s.35A(2)	duty to not approve an amendment under section 35B unless the amendment has been certified by the Secretary	DCity, MUS	
s.35B(1)	power to approve amendment in form certified under section 35A	DCity, MUS	
s.35B(2)	duty to give to Minister notice of approval, copy of approved amendment and other documents	DCity, MUS	
s.36(2)	duty to give notice of approval of amendment	DCity, MUS	

s.38(5)	duty to give notice of revocation of an amendment	DCity, MUS	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	DCity, MUS	
s.40(1)	function of lodging copy of approved amendment	DCity, MUS, USC	
s.40(1A)	duty to lodge prescribed documents and copy of approved amendment with the relevant authorities	DCity, MUS, USC	
s.41	duty to make approved amendment available	DCity, MUS, USC	
s.42	duty to make copy of planning scheme available	DCity, MUS, USC	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	DCity, MSP, SPS, PSP, SSP, SP	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	DCity, MSP	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DCity, MSP	
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	DCity, MSP, MBS	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	DCity, MSP	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	DCity, MSP	

s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	DCity, MSP	
s.46Q(1)	duty to keep proper accounts of levies paid	DCity, MSP, MSP, MF	
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	DCity, MSP, MSP, MF	
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of the works, services and facilities in respect of which the levy was paid etc.	DCity, MSP, DInf	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	DCity,	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	DCity, MUS	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	DCity, MUS	must be done in accordance with Part 3
s46Q(4)(e)	duty to expend that amount on other works etc.	DCity, DInf	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	DCity	
s.47	power to decide that an application for a planning permit does not comply with that Act	DCity, MSP	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	DCity, MSP	

s.49(2)	duty to make register available for inspection	DCity, MSP	
s.50(4)	duty to amend an application	DCity, MSP, SPC, PSP, SSP, SP	
s.50(5)	power to refuse to amend application	DCity, MSP, SPC, PSP	
s.50(6)	duty to make note of amendment to application in register	DCity, MSP, SPC, PSP, SSP, SP	
s.50A(1)	power to make an amendment to application before notice	DCity, MSP, SPC, PSP, SSP, SP	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	DCity, MSP, SPC, PSP, SSP, SP	
s.50A(4)	duty to note amendment to application in register	DCity, MSP, SPC, PSP, SSP, SP	
s.51	duty to make copy of application available for inspection	DCity, MSP, SPC, PSP, SSP, SP	
s.52(1)(a)	duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	DCity, MSP, SPC, PSP, SSP, SP	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	DCity, MSP, SPC, PSP, SSP, SP	

s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	DCity, MSP, SPC, PSP, SSP, SP	
s.52(1)(ca)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	DCity, MSP, SPC, PSP, SSP, SP	
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	DCity, MSP, SPC	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	DCity, MSP, , PSP, SSP, SP SPC	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	DCity, MSP, SPC, PSP, SSP, SP	
s.52(1A)	power to refuse an application	DCity, MSP, SPC	Cnl Resolution 11/04  Refusal of application where inadequate information is submitted, or where the application is clearly contrary to policy.  Refusal of other applications subject to no Councillor 'call-in' following weekly notification procedure.
s.52(3)	power to give any further notice of an application where appropriate	DCity, MSP, SPC, PSP, SSP, SP	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	DCity, MSP, SPC, PSP, SSP, SP	

s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	DCity, MSP, SPC, PSP, SSP, SP	
s.54(1)	power to require the applicant to provide more information	DCity, MSP, SPC, PSP, SSP, SP	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	DCity, MSP, SPC, PSP, SSP, SP	
s.54(1B)	duty to specify the lapse date for an application	DCity, MSP, SPC, PSP, SSP, SP	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	DCity, MSP, SPC, PSP, SSP, SP	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	DCity, MSP, SPC, PSP, SSP, SP	
s.55(1)	duty to give copy of an application to every referral authority specified in the planning scheme	DCity, MSP, SPC, PSP, SSP, SP	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	ND: Reserved for Council	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	DCity, MSP, SPC, PSP, SSP, SP	

s.57(5)	duty to make available for inspection copy of all objections	DCity, MSP,	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	DCity, MSP, SPC, PSP, SSP, SP	
s.57A(5)	power to refuse to amend application	DCity, MSP, SPC	
s.57A(6)	duty to note amendments to application in register	DCity, MSP, SPC, PSP, SSP, SP	
s.57B(1)	duty to determine whether and to whom notice should be given	DCity, MSP, SPC, PSP, SSP, SP	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	DCity, MSP, SPC, PSP, SSP, SP	
s.57C(1)	duty to give copy of amended application to referral authority	DCity, MSP, SPC, PSP, SSP, SP	
s.58	duty to consider every application for a permit except for a development assessment committee application	DCity, MSP, SPC, PSP, SSP, SP	

s.59 (1)	Power to decide on an application	DCity, MSP, SPC	<p>In respect of a decision to grant a permit with or without conditions or a Notice of Decision with or without conditions. This power cannot be exercised in relation to:</p> <p>Any application 'called in' by a Councillor whereby a Councillor advises the Manager Statutory Planning via email prior to 12 noon on the Monday immediately following the publishing of the Weekly Planning Application Update the planning application must be reported to Council for determination before the decision notice is issued.</p> <p>An application where more than one objection has been received, the application must be reported to Council for determination. Noting that multiple objections from persons residing at one address shall be considered as a single objection for the purpose of the delegation. (Cnl Res 10.11 – 16/2/10)</p>
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s.59(2)	Power to decide on an application as soon as it gets the last of the replies from referral authorities	DCity, MSP, SPC	<p>In respect of a decision to grant a permit with or without conditions or a Notice of Decision with or without conditions. This power cannot be exercised in relation to:</p> <p>Any application 'called in' by a Councillor whereby a Councillor advises the Manager Statutory Planning via email prior to 12 noon on the Monday immediately following the publishing of the Weekly Planning Application Update the planning application must be reported to Council for determination before the decision notice is issued.</p> <p>An application where more than one objection has been received, the application must be reported to Council for determination. Noting that multiple objections from persons residing at one address shall be considered as a single objection for the purpose of the delegation. (Cnl Res 10.11 – 16/2/10)</p>
s.59(3)(a)	Duty for a decision to not be made on any other case until the end of the prescribed period allowed by the Minister under s56	DCity, MSP, SPC,	

s.60	duty to consider certain matters	DCity, MSP, SPC, PSP, SSP, SP	
s60(1A)	power to consider certain matters before deciding on application	DCity, MSP, SPC	
s.61(1)(a)	power to decide to grant a permit	DCity, MSP, SPC	<p>In respect of a decision to grant a permit r without conditions This power cannot be exercised in relation to:</p> <p>Any application 'called in' by a Councillor whereby a Councillor advises the Manager Statutory Planning via email prior to 12 noon on the Monday immediately following the publishing of the Weekly Planning Application Update the planning application must be reported to Council for determination before the decision notice is issued.</p> <p>.</p>

s.61(1)(b)	power to decide to grant a permit with conditions	DCity, MSP, SPC,	<p>In respect of a decision to grant a permit with conditions. This power cannot be exercised in relation to:</p> <p>Any application 'called in' by a Councillor whereby a Councillor advises the Manager Statutory Planning via email prior to 12 noon on the Monday immediately following the publishing of the Weekly Planning Application Update the planning application must be reported to Council for determination before the decision notice is issued.</p> <p>An application where more than one objection has been received, the application must be reported to Council for determination. Noting that multiple objections from persons residing at one address shall be considered as a single objection for the purpose of the delegation. (Cnl Res 10.11 – 16/2/10)</p>
s.61(1)(c)	power to refuse to grant a permit	DCity, MSP, SPC	<p>Refusal of applications where inadequate information is submitted or where the application is clearly contrary to policy.</p> <p>Refusal of the applications is subject to no Councillor call-in following weekly notification procedure regardless of any objectives.</p>
s.61(2)	duty to decide to refuse to grant a permit if referral authority objects to grant of permit	DCity, MSP, SPC	
s.61(3)(a)	duty to not decide to grant a permit to use coastal Crown land without Minister's consent	ND: Reserved for Council	

s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	ND: Reserve for Council	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	ND: Reserved for Council	
s.62(1)	duty to include certain conditions in deciding to grant a permit	DCity, MSP, SPC	
s.62(2)	power to include other conditions	DCity, MSP, SPC	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DCity, MSP, SPC	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	DCity, MSP, SPC	
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	DCity, MSP, SPC	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	DCity, MSP, SPC	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with section 62(5) or section 46N	DCity, MSP, SPC	
s.62(6)(b)	duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in section 62(1)(a)	DCity, MSP, SPC	

s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	DCity, MSP, SPC, PSP, SSP, SP	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	DCity, MSP, SPC, PSP, SSP, SP	
s.64(3)	duty not to issue a permit until after the specified period	DCity, MSP, SPC, PSP, SSP, SP	
s.64(5)	duty to give each objector a copy of an exempt decision	DCity, MSP, SPC, PSP, SSP, SP	
s.65(1)	duty to give notice of refusal to grant permit to applicant and objectors	DCity, MSP, SPC, PSP, SSP, SP	
s.66	duty to give notice under section 64 or section 65 and copy permit to referral authorities	DCity, MSP, SPC, PSP, SSP, SP	
s.69(1)	function of receiving application for extension of time of permit	DCity, MSP, SPC, PSP, SSP, SP	
s.69(2)	power to extend time	DCity, MSP, SPC, PSP	
s.70	duty to make copy permit available for inspection	DCity, MSP, SPC, PSP, SSP, SP	

s.71(1)	power to correct certain mistakes	DCity, MSP, SPC	
s.71(2)	duty to note corrections in register	DCity, MSP, SPC, PSP, SSP, SP	
s.73	power to decide to grant amendment subject to conditions	DCity, MSP, SPC	<p>In respect of a decision to grant an amendment to a permit with or without conditions or a Notice of Decision with or without conditions. This power cannot be exercised in relation to:</p> <p>Any application 'called in' by a Councillor whereby a Councillor advises the Manager Statutory Planning via email prior to 12 noon on the Monday immediately following the publishing of the Weekly Planning Application Update the planning application must be reported to Council for determination before the decision notice is issued.</p> <p>An application where more than one objection has been received, the application must be reported to Council for determination. Noting that multiple objections from persons residing at one address shall be considered as a single objection for the purpose of the delegation. (Cnl Res 10.11 – 16/2/10).</p>
s.74	duty to issue amended permit to applicant if no objectors	DCity, MSP, SPC, PSP, SSP, SP	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DCity, MSP, SPC, PSP, SSP, SP	

s.76A	duty to give referral authorities copy of amended permit and copy of notice	DCity, MSP, SPC, PSP, SSP, SP	
s.76D	duty to comply with direction of Minister to issue amended permit	DCity, MSP, SPC, PSP, SSP, SP	
s.83	function of being respondent to an appeal	DCity, MSP, SPC, LSP, PSP, SSP, SP	
s.83B	duty to give or publish notice of application for review	DCity, MSP, SPC	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DCity, MSP, SPC	<p>In respect of a decision to grant a permit with or without conditions or a Notice of Decision with or without conditions. This power cannot be exercised in relation to:</p> <p>Any application 'called in' by a Councillor whereby a Councillor advises the Manager Statutory Planning via email prior to 12 noon on the Monday immediately following the publishing of the Weekly Planning Application Update the planning application must be reported to Council for determination before the decision notice is issued.</p> <p>An application where more than one objection has been received, the application must be reported to Council for determination. Noting that multiple objections from persons residing at one address shall be considered as a single objection for the purpose of the delegation. (Cnl Res 10.11 – 16/2/10)</p>

s.84(2)	duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	DCity, MSP, SPC, PSP, SSP, SP	
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	DCity, MSP, SPC, PSP, SSP, SP	Delegation to MSP and SPC is only to notify registrar in accordance with the decision of Council or Committee or delegate.
s.84(6)	duty to issue permit on receipt of advice within 3 working days	DCity, MSP, SPC, PSP, SSP, SP	
s.86	duty to issue a permit at order of Tribunal within 3 working days	DCity, MSP, SPC, PSP, SSP, SP	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	DCity, MSP, SPC, PEO	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	DCity, MSP, SPC, LSP and External Representative	
s.91(2)	duty to comply with the directions of VCAT	DCity, MSP, SPC, PEO	
s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DCity, MSP, SPC, PSP, SSP, SP	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	DCity, MSP, SPC, PEO	

s.93(2)	duty to give notice of VCAT order to stop development	DCity, MSP, SPC, PEO	
s.95(3)	function of referring certain applications to the Minister	DCity, MSP, SPC	
s.95(4)	duty to comply with an order or direction	DCity, MSP, SPC	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	DCity, MSP, SPC	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, DCity,	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	DCity, MSP, MUS	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	DCity, MSP, MUS	
s.96F	duty to consider the panel's report under section 96E	DCity, MSP, MUS	
s.96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	DCity MSP, MUS	
s.96H	power to give notice in compliance with Minister's direction	DCity, MSP, MUS	
s.96J	power to issue permit as directed by the Minister	DCity, MSP, SPC	

s.96K	duty to comply with direction of the Minister to give notice of refusal	DCity, MSP, SPC	
s.97C	power to request Minister to decide the application	CEO DCity	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	DCity, MSP	
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	DCity, MSP	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	DCity, MSP	
s.97L	duty to include Ministerial decisions in a register kept under section 49	DCity, MSP	
s.97MCA(2)	function of consulting with advisory committee regarding the areas for which the Development Assessment Committee is to be established	DCity, MSP, MUS	
s.97MG	duty to provide documents and information to development assessment committee	DCity, MSP	
s.97MH	duty to provide assistance to the development assessment committee	DCity, MSP	
s.97MJ(2)	duty to ensure that the register of applications specifies whether the development assessment committee has made the decision	DCity, MSP	
s.97MK	function of nominating member of the development assessment committee	DCity, MSP	
s.97ML(4)	power to nominate alternate members of the development assessment committee	DCity, MSP	

s.97O	duty to consider application and issue or refuse to issue certificate of compliance	DCity, MSP	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DCity, MSP, SPC	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DCity, MSP, SPC, LSP or External representative	
s.97Q(4)	duty to comply with directions of VCAT	DCity, MSP, SPC	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	DCity, MSP, SPC	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	DCity, MSP, MUS	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	DCity, MSP, MUS	
s.101	function of receiving claim for expenses in conjunction with claim	DCity, MSP, MUS	
s.103	power to reject a claim for compensation in certain circumstances	ND: Reserved for Council	
s.107	function of receiving claim for compensation	DCity, MSP, MUS	
s.114(1)	power to apply to the VCAT for an enforcement order	DCity, MSP, SPC, DINF MAP, PEO	

s.117(1)(a)	function of making a submission to the VCAT where objections are received	DCity, MSP, SPC, PEO, External Representative	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	DCity, MSP, DINF, MAP PEO	
s.123(1)	power to carry out work required by enforcement order and recover costs	ND: Reserved for Council	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	ND: Reserved for Council	except Crown Land
s.125	power to apply for an injunction restraining a person from contravening an enforcement order or interim enforcement order	DCity, MSP, PEO, MAP	
s.129	function of recovering penalties	DCity, MSP, PEO, MAP	
s.130(5)	power to allow person served with an infringement notice further time	DCity DInf, MAP, PEO	
s.149A(1)	power to refer a matter to the VCAT for determination	DCity, MSP, DInf, MAP PEO	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B)power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	DCity, MUS	where council is the relevant planning authority

s.171(2)(f)	power to carry out studies and commission reports	DCity, MUS	
s.171(2)(g)	power to grant and reserve easements	ND: Reserved for Council	
s.173	power to enter into agreement covering matters set out in section 174	CEO, DCity, DInf	
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	DCity, MSP, SPC, MUS	
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	DCity, MSP, SPC	
s.177(2)	power to end a section 173 agreement with approval of the Minister or the consent of all those bound by any covenant in the agreement	DCity, MSP, MUS	
s.178	power to amend a s.173 agreement	DCity, MSP	
s.179(1)	duty to lodge agreement with Minister	DCity, MSP, MUS, SPC, PSP, SSP, SP	
s.179(2)	duty to make available for inspection copy agreement	DCity, MSP, SPC	
s.181	power to apply to the Registrar of Titles for registration of the agreement and to deliver a memorial to Registrar-General	DCity, MSP, MUS, SPC	

s.182	power to enforce an agreement	DCity, MSP, MUS, SPC, PEO, MAP	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	DCity, MSP, MUS, SPC	
s.198(1)	function to receive application for planning certificate	DCity, MSP	
s.199(1)	duty to give planning certificate to applicant	DCity, MSP	
s.201(1)	function of receiving application for declaration of underlying zoning	DCity, MSP, MUS	
s.201(3)	duty to make declaration	DCity, MSP, MUS	
Bayside Planning Scheme	power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	DCity, MSP, MUS, SPS, USC	
Bayside Planning Scheme	power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DCity, MSP, MUS, SPS, USC	
Bayside Planning Scheme	power to approve any plan or other document in accordance with a provision of a planning scheme or condition in a permit	DCity, MSP, SPC, PSP, SSP	Except amendments to plans relating to permits issued at the direction of VCAT.
Bayside Planning Scheme	power to give written authorisation in accordance with a provision of a planning scheme	DCity, MSP, MUS	
Bayside Planning Scheme	Authority to determine Secondary consent where the consent relates to permits issued at the direction of VCAT or where retrospective consent is sought.	Reserved for Council	Not Delegated (Cnl Res 4.12 – 19/5/09)

s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	DCity, MSP, MUS	
s.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	DCity, MSP, MUS	

## RAIL SAFETY ACT 2006

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.33	duty to comply with a direction of the Safety Director under this section		where council is a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section		duty of council as a road authority under the <i>Road Management Act 2004</i>
s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)		where council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	DInf, MAM	where council is the relevant road manager
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	DInf, MAM	where council is the relevant road manager
s.34D(2)	function of receiving written notice of opinion	DInf, MAM	where council is the relevant road manager
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	DInf, MAM	where council is the relevant road manager
s.34E(1)(a)	duty to identify and assess risks to safety	DInf, MAM	where council is the relevant road manager
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	DInf, MAM	where council is the relevant road manager

s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DInf, MAM	where council is the relevant road manager
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	DInf, MAM	where council is the relevant road manager
s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	DInf, MAM	where council is the relevant road manager
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DInf, MAM	where council is the relevant road manager
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	DInf, MAM	where council is the relevant road manager
s.34I	function of entering into safety interface agreements	DInf, MAM	where council is the relevant road manager
s.34J(2)	function of receiving notice from Safety Director	DInf, MAM	where council is the relevant road manager
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	DInf, MAM	where council is the relevant road manager
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	DInf, MAM	where council is the relevant road manager

## RESIDENTIAL TENANCIES ACT 1997

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142D	function of receiving notice regarding an unregistered rooming house		
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	DCorp, MCS	where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	DCorp, MCS	where council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council		
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements		
s.522(1)	power to give a compliance notice to a person		
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)		
s.525(4)	duty to issue identity card to authorised officers		
s.526(5)	duty to keep record of entry by authorised officer under section 526		
s.526A(3)	function of receiving report of inspection		
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)		

## ROAD MANAGEMENT ACT 2004

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	DInf, MAM	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	Reserved for Council	Not delegated
s.11(9)(b)	duty to advise Registrar	DCorp, GM	
s.11(10)	duty to inform Secretary to Department of Sustainability and Environment of declaration etc.	DCorp, GM	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Sustainability and Environment or nominated person	DInf, MAM	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	DInf, MAM DCorp, MCS	were council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	DCorp, MCS	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	DCorp, DCS	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies

## ROAD MANAGEMENT ACT 2004

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(6)	function of hearing a person in support of their written submission	Reserved for Council	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	Reserved for Council	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	DCorp, MCS	duty of coordinating road authority where it is the discontinuing body  does not apply where an exemption is specified by the regulations or given by the Minister
s.13(1)	power to fix a boundary road by publishing notice in Government Gazette	DInf, MAM	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	DInf, MAM	
s.14(7)	power to appeal against decision of VicRoads	DInf, MAM	
s.15(1)	power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	Reserved for Council	

## ROAD MANAGEMENT ACT 2004

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	Reserved for Council	
s.15(2)	duty to include details of arrangement in public roads register	DInf, MAM	
s.16(7)	power to enter into an arrangement under section 15	Reserved for Council	
s.16(8)	duty to enter details of determination in public roads register	DInf, MAM	
s.17(2)	duty to register public road in public roads register	DInf, MAM	where council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	Reserved for Council	where council is the coordinating road authority
s.17(3)	duty to register a road reasonably required for general public use in public roads register	DInf, MAM	where council is the coordinating road authority
s.17(4)	power to decide that a road is no longer reasonably required for general public use	Reserved for Council	where council is the coordinating road authority
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	DInf, MAM	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	DInf, MAM	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)

## ROAD MANAGEMENT ACT 2004

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18(3)	duty to record designation in public roads register	DInf, MAM	where council is the coordinating road authority
s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	DInf, MAM	
s.19(4)	duty to specify details of discontinuance in public roads register	DInf, MAM	
s.19(5)	duty to ensure public roads register is available for public inspection	DInf, MAM	
s.21	function of replying to request for information or advice	DInf, MAM	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	DInf, MAM	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	DInf, MAM	
s.22(5)	duty to give effect to a direction under this section.	DInf, MAM	
s.40(1)	duty to inspect, maintain and repair a public road.	DInf, MCW	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	DInf, MCW	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	DInf, MAM	

## ROAD MANAGEMENT ACT 2004

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.42(1)	power to declare a public road as a controlled access road	DInf, MAM	power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	DInf, MAM	power of coordinating road authority and Schedule 2 also applies
s.42A(3)	duty to consult with VicRoads before road is specified	DInf, MAM	where council is the coordinating road authority if road is a municipal road or part thereof
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	DInf, MAM	where council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	DInf, MCW	where council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the Secretary for purposes of developing guidelines under section 48M		
s.48N	duty to notify the Secretary of the location of the bus stopping point and the action taken by council		
s.49	power to develop and publish a road management plan	Reserved for Council	

s.51	power to determine standards by incorporating the standards in a road management plan	Reserved for Council	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	DInf, MAM	
s.54(2)	duty to give notice of proposal to make a road management plan	DInf, MAM	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	DInf, MAM	
s.54(6)	power to amend road management plan	DInf, MAM	
s.54(7)	duty to incorporate the amendments into the road management plan	DInf, MAM	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	DInf, MAM	
s.63(1)	power to consent to conduct of works on road	DInf, MAM	where council is the coordinating road authority
s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	DInf, MAM	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	DInf, MAM	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	DInf, MAM	where council is the coordinating road authority
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	DInf, MAP	where council is the coordinating road authority
s.67(3)	power to request information	DInf, MAP	where council is the coordinating road authority

s.68(2)	power to request information	DInf, MAP	where council is the coordinating road authority
s.71(3)	power to appoint an authorised officer		
s.72	duty to issue an identity card to each authorised officer		
s.85	function of receiving report from authorised officer		
s.86	duty to keep register re section 85 matters		
s.87(1)	function of receiving complaints	DInf, MAM	
s.87(2)	power to investigate complaint and provide report	DInf, MAM	
s.112(2)	power to recover damages in court	DInf, MAM	
s.116	power to cause or carry out inspection	DInf, MAM	
s.119(2)	function of consulting with VicRoads	DInf, MAM	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	DInf, MAM	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	DInf, MAM	
s.121(1)	power to enter into an agreement in respect of works	DInf, MAM	
s.122(1)	power to charge and recover fees	DInf, MAM	
s.123(1)	power to charge for any service	DInf, MAM	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	DInf, MAM	

Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	DInf, MAM	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	DInf, MAM	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	DInf, MAM	
Schedule 2 Clause 5	duty to publish notice of declaration	DInf, MAM	
Schedule 7, Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	DInf, MAM	where council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	DInf, MAM	where council is the infrastructure manager or works manager
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	DInf, MAM	where council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DInf, MAM	where council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely	DInf, MAM	where council is the infrastructure manager or works manager

	to be significantly affected		
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	DInf, MAM	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	DInf, MAM	where council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	DInf, MAM	where council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	DInf, MAM	where council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	DInf, MAM	where council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	DInf, MAM	where council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	DInf, MAM	where council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	DInf, MAM	where council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	DInf, MAM	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	DInf, MAM	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	DInf, MAM	where council is the coordinating road authority

Schedule 7 Clause 16(8)	power to include consents and conditions	DInf, MAM	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	DInf, MAM	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	DInf, MAM	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	DInf, MAM	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	DInf, MAM	where council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DInf, MAM	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	DInf, MAM	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	DInf, MAM	where council is the responsible road authority
Schedule 7A Clause 3(1)(e)	duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	DInf, MAM	where council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	DInf, MAM	duty of council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)

## PLANNING AND ENVIRONMENT REGULATIONS 2005

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.6	duty of responsible authority to provide copy of matter considered under section 60(1A)(g) for inspection free of charge	DCity, MSP,	
r.7	duty of responsible authority to provide copy of information or report requested by Minister	DCity, MSP,	
r.22	power of responsible authority to require verification of information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in application for permit or to amend a permit or any information provided under section 54 of the Act	DCity, MSP, SPC	
r.55	duty of responsible authority to tell Registrar of Titles under r 183 of the Act of the cancellation or amendment of an agreement	DCity, MSP, MUS, SPC	

## PLANNING AND ENVIRONMENT (FEES) INTERIM REGULATIONS 2011

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.16	power to waive or rebate fee other than a fee relating to amendment to a Planning Scheme in prescribed circumstances	CEO, DCity, MSP	
r.17	power to waive or rebate fee relating to an amendment to a planning scheme.	CEO, DCity, MSP, MUS	
r.18	duty if fee waived or rebated to record in writing the matters taken into account and which formed the basis of the decision	CEO, DCity, MSP, MUS	

## ROAD MANAGEMENT (GENERAL) REGULATIONS 2005

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.301(1)	duty to conduct reviews of road management plan	DInf, MAM	
r.302(2)	duty to give notice of review of road management plan	DInf, MAM	
r.302(5)	duty to produce written report of review of road management plan and make report available	DInf, MAM	
r.303	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	DInf, MAM	
r.306(2)	duty to record on road management plan the substance and date of effect of amendment	DInf, MAM	
r.501(1)	power to issue permit	DInf, MAM	where council is the coordinating road authority
r.501(4)	power to charge fee for issuing permit under regulation 501(1)	DInf, MAM	where council is the coordinating road authority
r.503(1)	power to give written consent to person to drive on road a vehicle which is likely to cause damage to road	DInf, MAM	where council is the coordinating road authority
r.508(3)	power to make submission to Tribunal	DInf, MAM	where council is the coordinating road authority

## ROAD MANAGEMENT (GENERAL) REGULATIONS 2005

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.509(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	DInf, MAM	where council is the responsible road authority
r.509(2)	power to sell or destroy things removed from road or part of road (after first complying with regulation 509(3))	DInf, MAM	where council is the responsible road authority
r.509(4)	power to recover in the Magistrates' Court, expenses from person responsible	DInf, MAM	

## ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.10	power to exempt a person from requirement under clause 13(1) of Schedule 7 to the Act to give notice as to the completion of those work	DInf, MAM	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.18(2)	power to waive whole or part of fee in certain circumstances	DInf, MAM	where council is the coordinating road authority