

# INSTRUMENT OF DELEGATION COUNCIL TO MEMBERS OF STAFF



## Instrument of Delegation – Council to Members of Staff

### Instrument of Delegation

In exercise of the powers conferred by the 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. record that references in the Schedule are as follows:

<b>Abbreviation</b>	<b>Position</b>
ND	Not Delegated
CEO	Chief Executive Officer
CFO	Chief Financial Officer
DCOM	Director Community
DCOR	Director Corporate
DINF	Director Infrastructure
EHC	Environmental Health Coordinator
EHO	Environmental Health Officer
ED	Executive Director
LLC	Local Laws Coordinator
LLO1	Local Laws Officer 1
LLO2	Local Laws Officer 2
MA	Manager Assets
MCH	Manager Community Health
MPB	Manager Planning & Building
MPF	Manager Projects & Facilities
PL	Planner
PBA1	Planning and Building Assistant 1
PBA2	Planning and Building Assistant 2
PTL	Planning Team Leader
SP	Senior Planner

3. declares that:
  - 3.1 this Instrument of Delegation is authorised by resolution" of Council passed on 21 September 2022, if appropriate; 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

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- 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;
  - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
    - (a) policy; or
    - (b) strategy adopted by Council;
  - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
  - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

**The Common Seal of the  
Campaspe Shire Council  
was hereunto affixed  
on the twenty first day of September 2022  
in the presence of:**

	Councillor
	Councillor
	Chief Executive Officer

## Instrument of Delegation – Council to Members of Staff

### Schedule

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## Instrument of Delegation – Council to Members of Staff

Domestic Animals Act 1994			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	ED, DCOM, LLC, LLO1, LLO2	Council may delegate this power to a Council authorised officer

Food Act 1984			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	EHO, EHC, MCH	If s 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	EHO, EHC, MCH	If s 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	EHO, EHC, MCH	If s 19(1) applies Only in relation to temporary food premises or mobile food premises

## Instrument of Delegation – Council to Members of Staff

Food Act 1984			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(4)(a)	Power to direct that an order made under s 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	EHO, EHC, MCH	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHO, EHC, MCH	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 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	EHO, EHC, MCH	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19CB(4)(b)	Power to request copy of records	EHO, EHC, MCH	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHO, EHC, MCH	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	EHO, EHC, MCH	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	EHO, EHC, MCH	Where Council is the registration authority

## Instrument of Delegation – Council to Members of Staff

Food Act 1984			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	EHO, EHC, MCH	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	EHO, EHC, MCH	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHO, EHC, MCH	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	EHO, EHC, MCH	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	EHO, EHC, MCH	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	EHO, EHC, MCH	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHO, EHC, MCH	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.

## Instrument of Delegation – Council to Members of Staff

Food Act 1984			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHO, EHC, MCH	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	EHO, EHC, MCH	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	EHO, EHC, MCH	Where Council is the registration authority
	Power to register or renew the registration of a food premises	EHO, EHC, MCH	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	EHO, EHC, MCH	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	EHO, EHC, MCH	Where Council is the registration authority



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Food Act 1984			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	EHO, EHC, MCH	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	EHO, EHC, MCH	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHO, EHC, MCH	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	EHO, EHC, MCH	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHO, EHC, MCH	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	EHO, EHC, MCH	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	EHO, EHC, MCH	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	EHO, EHC, MCH	Where Council is the registration authority

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Food Act 1984			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	EHO, EHC, MCH	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	EHO, EHC, MCH	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	EHO, EHC, MCH	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	EHO, EHC, MCH	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 Public Health and Wellbeing Act 2008	EHO, EHC, MCH	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	EHO, EHC, MCH	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	EHO, EHC, MCH	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	EHO, EHC, MCH	

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Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40F	Power to cancel registration of food premises	EHO, EHC, MCH	Where Council is the registration authority
s 43	Duty to maintain records of registration	EHC, MCH	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	EHO, EHC, MCH	Where Council is the registration authority
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	EHO, EHC, MCH	Where Council is the registration authority
s 45AC	Power to bring proceedings	EHO, EHC, MCH	
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	EHO, EHC, DCOM, MCH	Where Council is the registration authority

## Instrument of Delegation – Council to Members of Staff

Heritage Act 2017			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	ND	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			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO, EHC, DCOM, MCH	

## Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	CEO, DCOM, MPB	If authorised by the Minister
s 4I(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	CEO, DCOM, MPB	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CEO, DCOM, MPB	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	ND	
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	CEO, DCOM, MPB	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	ND	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	CEO, DCOM, MPB	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	DCOM, MPB	Until the proposed amendment is approved or lapsed

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Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CEO, DCOM, MPB	
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	ND	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	DCOM, MPB	Until the end of 2 months after the amendment comes into operation or lapses
s 22(1)	Duty to consider all submissions received before the date specified in the notice	DCOM, MPB	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	DCOM, MPB	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, DCOM, MPB	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	DCOM, MPB	

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Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	MPB, PBA1, PBA2	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	CEO, DCOM, MPB	
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CEO, DCOM, MPB	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CEO, DCOM, MPB	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CEO, DCOM, MPB	
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, DCOM, MPB	Where Council is the collecting agency
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	CEO, DCOM, MPB, PTL	Where Council is the collecting agency

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Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and 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	CEO, DCOM, MPB, PTL	Where Council is the collecting agency
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	CEO, DCOM, MPB, PTL	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	CEO, DCOM, MPB, PTL	Where Council is a collecting agency or development agency
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, DCOM, MPB, PTL	
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	CEO, DCOM, MPB, PTL	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, DCOM, MPB, PTL	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, DCOM, MPB, PTL	



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Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, DCOM, MPB, PTL	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO, DINF, DCOM, MPB, PTL, CFO	Only applies when levy is paid to Council as a 'development agency'
s 46QC	Power to recover any amount of levy payable under Part 3B	CEO, DCOR, DINF, DCOM, MPB, PTL	
s 47	Power to decide that an application for a planning permit does not comply with that Act	DCOM, MPB, PTL	
s 50(5)	Power to refuse to amend application	CEO, DCOM, MPB, PTL	
s 50A(1)	Power to make amendment to application	PL, CEO, DCOM, MPB, SP, PTL	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	PL, CEO, DCOM, MPB, SP, PTL	

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Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52(3)	Power to give any further notice of an application where appropriate	PL, CEO, DCOM, MPB, SP, PTL	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	PL, CEO, DCOM, MPB, SP, PTL	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	PL, CEO, DCOM, MPB, SP, PTL	
s 54(1)	Power to require the applicant to provide more information	PL, CEO, DCOM, MPB, SP, PTL	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	PL, CEO, DINF, DCOM, MPB, SP, PTL	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DINF, MPB, SP, PTL	
s 57A(5)	Power to refuse to amend application	CEO, DINF, DCOM, MPB, SP, PTL	

## Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 58A	Power to request advice from the Planning Application Committee	CEO, DINF, DCOM, MPB, SP, PTL	
s 60(1A)	Duty to consider certain matters	PL, CEO, DINF, DCOM, MPB, SP, PTL	
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	CEO, DINF, DCOM, MPB, SP, PTL	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.  Council has the ability to call in an application proposed to be approved or refused by a delegate, if consistent with the approved 'call-in' process.
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, DINF, DCOM, MPB	Council has the ability to call in an application proposed to be approved or refused by a delegate, if consistent with the approved 'call-in' process.
s 62(2)	Power to include other conditions	CEO, DINF, DCOM, MPB, SP, PTL	

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Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, DINF, DCOM, MPB, SP, PTL	
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	CEO, DCOM, MPB, SP, PTL	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, DCOM, MPB, SP, PTL	
s 69(2)	Power to extend time	CEO, DCOM, MPB, SP, PTL	
s 71(1)	Power to correct certain mistakes	CEO, DINF, DCOM, MPB, SP, PTL	
s 73	Power to decide to grant amendment subject to conditions	PL, CEO, DINF, DCOM, MPB, SP, PTL	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, DCOM, MPB, SP, PTL	

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Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 84AB	Power to agree to confining a review by the Tribunal	CEO, DCOM, MPB, SP, PTL	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, DINF, DCOM, MPB, SP, PTL	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, DINF, DCOM, MPB, SP, PTL	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, DINF, DCOM, MPB	
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 Planning and Environment (Planning Schemes) Act 1996	CEO, DINF, DCOM, MPB	
s 96H(3)	Power to give notice in compliance with Minister's direction	PL, CEO, DINF, DCOM, MPB, SP, PTL	

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Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96J	Duty to issue permit as directed by the Minister	CEO, DINF, DCOM, MPB, SP, PTL	
s 97C	Power to request Minister to decide the application	CEO, DINF, DCOM, MPB, PTL	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, DCOM, MPB	
s 107(3)	Power to agree to extend time for making claim	CEO, DINF, DCOM, MPB	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	ND	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, DCOM, MPB, PTL	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DCOM, MPB, PTL	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, DCOM, PTL	

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Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, DCOM, MPB	Except Crown Land
s 130(5)	Power to allow person served with an infringement notice further time	CEO, DCOM, MPB, PTL	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, DINF, DCOM, MPB, PTL	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CEO, DCOM, MPB, PTL	
s 171(2)(f)	Power to carry out studies and commission reports	CEO, DINF, DCOM, MPB, SP, PTL	
s 171(2)(g)	Power to grant and reserve easements	CEO, DINF, DCOM, MPB, PTL	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO, DCOM, MPB	Where Council is a development agency specified in an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	CEO	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	CEO	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	CEO, MPB	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	CEO, DCOM, MPB	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	CEO, DINF, DCOM, MPB, PTL	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	CEO, DINF, DCOM, MPB, PTL	



## Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DINF, DCOM, MPB, PTL	
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DINF, DCOM, MPB, PTL	
s 178A(5)	Power to propose to amend or end an agreement	CEO, DINF, DCOM, MPB, SP, PTL	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DINF, DCOM, MPB, SP, PTL	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DINF, DCOM, MPB, SP, PTL	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, DINF, DCOM, MPB, SP, PTL	If no objections are made under s 178D Must consider matters in s 178B

## Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DINF, DCOM, MPB, SP, PTL	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DINF, DCOM, MPB, SP, PTL	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DINF, DCOM, MPB	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, DINF, DCOM, MPB, SP, PTL	After considering objections, submissions and matters in s 178B
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	CEO, DINF, DCOM, MPB	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, DCOR, DINF, DCOM, MPB	

## Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 182	Power to enforce an agreement	CEO, DINF, DCOM, MPB, SP, PTL	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, DINF, DCOM, MPB, SP, PTL	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	CEO, DCOM, MPB	
	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	PL, CEO, DINF, DCOM, MPB, SP, PTL	
	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, DINF, DCOM, MPB, SP, PTL	

## Instrument of Delegation – Council to Members of Staff

Residential Tenancies Act 1997			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	EHO, EHC, MCH	
s 522(1)	Power to give a compliance notice to a person	EHO, EHC, MCH	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO, DCOM	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO, DCOM	

Road Management Act 2004			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	ND	Obtain consent in circumstances specified in s 11(2)

## Instrument of Delegation – Council to Members of Staff

Road Management Act 2004			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	ND	
s 12(2)	Power to discontinue road or part of a road	ND	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	DINF	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	DINF	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	ND	
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	ND	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	ND	

## Instrument of Delegation – Council to Members of Staff

Road Management Act 2004			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 16(7)	Power to enter into an arrangement under s 15	DINF	
s 17(3)	Power to decide that a road is reasonably required for general public use	ND	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	ND	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	ND	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	ND	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DINF	
s 42(1)	Power to declare a public road as a controlled access road	DINF	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	DINF	Power of coordinating road authority and sch 2 also applies

## Instrument of Delegation – Council to Members of Staff

Road Management Act 2004			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	DINF	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 49	Power to develop and publish a road management plan	DINF	
s 51	Power to determine standards by incorporating the standards in a road management plan	DINF	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	DINF	
s 54(6)	Power to amend road management plan	DINF	
s 63(1)	Power to consent to conduct of works on road	DINF	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	Where Council is the infrastructure manager
s 66(1)	Power to consent to structure etc	DINF	Where Council is the coordinating road authority

## Instrument of Delegation – Council to Members of Staff

Road Management Act 2004			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 67(3)	Power to request information	DINF, MO, MA	Where Council is the coordinating road authority
s 68(2)	Power to request information	DINF, MO, MA	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	CEO	
s 112(2)	Power to recover damages in court	DINF	
s 116	Power to cause or carry out inspection	DINF, MO, MA	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	DINF, MO, MA	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	DINF, MO, MA	
s 121(1)	Power to enter into an agreement in respect of works	DINF, MO, MA	
s 122(1)	Power to charge and recover fees	DINF, MO, MA	



## Instrument of Delegation – Council to Members of Staff

Road Management Act 2004			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 123(1)	Power to charge for any service	DINF, MO, MA	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DINF, MA	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	DINF, MA	
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	DINF	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DINF	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	DINF	Where Council is the coordinating road authority
sch 7 cl 13(2)	Power to vary notice period	DINF	Where Council is the coordinating road authority
sch 7 cl 16(1)	Power to consent to proposed works	DINF, MA	Where Council is the coordinating road authority
sch 7 cl 16(5)	Power to consent to proposed works	DINF	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	DINF	Where Council is the coordinating road authority

## Instrument of Delegation – Council to Members of Staff

Road Management Act 2004			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 16(8)	Power to include consents and conditions	DINF	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	DINF	Where Council is the coordinating road authority
sch 7 cl18(1)	Power to enter into an agreement	DINF	Where Council is the coordinating road authority
sch7 cl 19(1)	Power to give notice requiring rectification of works	DINF	Where Council is the coordinating road authority
sch 7 cl 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	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DINF	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	DINF	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road

## Instrument of Delegation – Council to Members of Staff

Planning and Environment Regulations 2015			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	CEO, DCOM, MPB, SP, PTL	

Planning and Environment (Fees) Regulations 2016			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, DINF, MPB	when Council is the responsible authority
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, DINF, MPB	when Council is the planning authority

## Instrument of Delegation – Council to Members of Staff

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	EHC, DCOM, MCH	Agreements that may incorporate or impact on Essential Services Requirements under the control of the MBS must have the prior approval of the MBS
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	DCOM, MCH	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHC, DCOM, MCH	
r 14(3)	Power to determine where notice of transfer is displayed	EHC, MCH	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	ND	
r 18(4)	Power to determine where the emergency contact person's details are displayed	EHC, MCH	
r 18(6)	Power to determine where certain information is displayed	EHC, MCH	

## Instrument of Delegation – Council to Members of Staff

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHC, MCH	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHC, MCH	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHC, DCOM, MCH	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHC, DCOM, MCH	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	DCOM, MPB, MCH	
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	DCOM, MPB, MCH	

## Instrument of Delegation – Council to Members of Staff

Road Management (General) Regulations 2016			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 16(3)	Power to issue permit	DINF, MO, MA	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	DINF, MO, MA	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	CEO, DINF	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	DINF, MO, MA	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	DINF, MO, MA	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	CEO, DINF	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, DINF	

## Instrument of Delegation – Council to Members of Staff

Road Management (Works and Infrastructure) Regulations 2015			
Column 1	Column 2	Column 3	Column 4
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	CEO, DINF, MPF, MO, MA	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	CEO, DINF, MPF, MO, MA	Where Council is the coordinating road authority