



Ararat Rural City

ARARAT RURAL CITY COUNCIL

INSTRUMENT OF DELEGATION

S6 INSTRUMENT OF DELEGATION - MEMBERS OF  
STAFF

27 August 2024

## 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:

CEO means Chief Executive Officer  
CE1 means Civil Engineer1  
CE2 means Civil Engineer2  
CE3 means Civil Engineer3  
CSAM means Coordinator Strategic Asset Management  
EMC means Emergency Management Coordinator  
FSC means Financial Services Coordinator  
HRBP means HR Business Partner  
MDR means Manager Development & Regulation  
N/A means Not Applicable  
NOT means Not Delegated Below CEO  
PAYO means Payroll Officer  
PDO1 means Planning and Development Officer 1  
PDO2 means Planning and Development Officer 2  
PDO3 means Planning and Development Officer 3  
RGL means Risk and Governance Lead  
CSOs means Community Safety Officers  
EHOs means All Environmental Health Officers  
PDOs means All Planning and Development Officers  
POs means All Planning Officers  
TOAs means All Technical Officer Assets

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 27 August 2024 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;

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  
ARARAT RURAL CITY COUNCIL  
was affixed hereto in accordance with  
the resolution of Council made on  
27 August 2024

Mayor \_\_\_\_\_

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

Date:

## Delegation Sources

- Cemeteries and Crematoria Act 2003
- Domestic Animals Act 1994
- Food Act 1984
- Heritage Act 2017
- Local Government Act 1989
- Planning and Environment Act 1987
- Residential Tenancies Act 1997
- Road Management Act 2004
- Cemeteries and Crematoria Regulations 2015
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

## S6 Instrument of Delegation - Members of Staff

| <b>Cemeteries and Crematoria Act 2003</b> |   |                 |  |
|---|---|-----------------|--|
| <b>Provision</b>                          | <b>Power and Functions Delegated</b>  | <b>Delegate</b> | <b>Conditions and Limitations</b>                        |
| s 8(1)(a)(ii)                             | Power to manage one or more public cemeteries   | N/A             | Where Council is a Class B cemetery trust                |
| s 12(1)                                   | Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act | N/A             | Where Council is a Class B cemetery trust                |
| s 12(2)                                   | Duty to have regard to the matters set out in paragraphs (a ) - (c) in exercising its functions   | N/A             | Where Council is a Class B cemetery trust                |
| s 12A(1)                                  | Function to do the activities set out in paragraphs (a) - (n)   | N/A             | Where Council is a Class A cemetery trust                |
| s 12A(2)                                  | Duty to have regard to matters set out in paragraphs (a) - (e) in exercising its functions  | N/A             | Where Council is a Class A cemetery trust                |
| s 13                                      | Duty to do anything necessary or convenient to enable it to carry out its functions   | N/A             |  |
| s 14                                      | Power to manage multiple public cemeteries as if they are one cemetery.   | N/A             |  |
| s 15(4)                                   | Duty to keep records of delegations   | N/A             |  |
| s 17(1)                                   | Power to employ any persons necessary   | N/A             |  |
| s 17(2)                                   | Power to engage any professional, technical or other assistance considered necessary  | N/A             |  |
| s 17(3)                                   | Power to determine the terms and conditions of employment or engagement   | N/A             | Subject to any guidelines or directions of the Secretary |
| s 18(3)                                   | Duty to comply with a direction from the Secretary  | N/A             |  |
| s 18B(1) & (2)                            | Duty to establish governance committees within 12 months of becoming a Class A  | N/A             | Where Council is a Class A cemetery trust                |

**Cemeteries and Crematoria Act 2003**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b>         |
|------------------|--|-----------------|---|
|                  | cemetery trust and power to establish other governance committees from time to time  |                 |   |
| s 18C            | Power to determine the membership of the governance committee  | N/A             | Where Council is a Class A cemetery trust |
| s 18D            | Power to determine procedure of governance committee   | N/A             | Where Council is a Class A cemetery trust |
| s 18D(1)(a)      | Duty to appoint community advisory committee for the purpose of liaising with communities  | N/A             | Where Council is a Class A cemetery trust |
| s 18D(1)(b)      | Power to appoint any additional community advisory committees  | N/A             | Where Council is a Class A cemetery trust |
| s 18D(2)         | Duty to establish a community advisory committee under section 18D(1)(a) within 12 months of becoming a Class A cemetery trust.  | N/A             | Where Council is a Class A cemetery trust |
| s 18D(3)         | Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the Financial Management Act 1994          | N/A             | Where Council is a Class A cemetery trust |
| s 18F(2)         | Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee   | N/A             | Where Council is a Class A cemetery trust |
| s 18H(1)         | Duty to hold an annual meeting before 30 December in each calendar year  | N/A             | Where Council is a Class A cemetery trust |
| s 18I            | Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting  | N/A             | Where Council is a Class A cemetery trust |
| s.18J            | Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2)) | N/A             | Where Council is a Class A cemetery trust |

**Cemeteries and Crematoria Act 2003**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b>         |
|------------------|--|-----------------|---|
| s 18L(1)         | Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust                      | N/A             | Where Council is a Class A cemetery trust |
| s 18N(1)         | Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)                        | N/A             | Where Council is a Class A cemetery trust |
| s 18N(3)         | Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval    | N/A             | Where Council is a Class A cemetery trust |
| s 18N(5)         | Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months                 | N/A             | Where Council is a Class A cemetery trust |
| s 18N(7)         | Duty to ensure that an approved annual plan is available to members of the public on request   | N/A             | Where Council is a Class A cemetery trust |
| s 18O(1)         | Duty to prepare a strategic plan and submit the plan to the Secretary for approval   | N/A             | Where Council is a Class A cemetery trust |
| s 18O(4)         | Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan | N/A             | Where Council is a Class A cemetery trust |
| s 18O(5)         | Duty to ensure that an approved strategic plan is available to members of the public on request                                      | N/A             | Where Council is a Class A cemetery trust |
| s 18Q(1)         | Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year.         | N/A             | Where Council is a Class A cemetery trust |
| s 19             | Power to carry out or permit the carrying out of works   | N/A             |   |
| s 20(1)          | Duty to set aside areas for the interment of human remains   | N/A             |   |
| s 20(2)          | Power to set aside areas for the purposes of managing a public cemetery  | N/A             |   |

### Cemeteries and Crematoria Act 2003

| Provision | Power and Functions Delegated  | Delegate | Conditions and Limitations  |
|-----------|--|----------|---|
| s 20(3)   | Power to set aside areas for those things in paragraphs (a) - (e)  | N/A      |   |
| s 24(2)   | Power to apply to the Secretary for approval to alter the existing distribution of land  | N/A      |   |
| s 36      | Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36   | N/A      | Subject to the approval of the Minister                                       |
| s 37      | Power to grant leases over land in a public cemetery in accordance with s 37   | N/A      | Subject to the Minister approving the purpose                                 |
| s 40      | Duty to notify Secretary of fees and charges fixed under s 39  | N/A      |   |
| s 47      | Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery   | N/A      | Provided the street was constructed pursuant to the Local Government Act 1989 |
| s 52      | Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery | N/A      |   |
| s 57(1)   | Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act   | N/A      | Report must contain the particulars listed in s 57(2)                         |
| s 59      | Duty to keep records for each public cemetery  | N/A      |   |
| s 60(1)   | Duty to make information in records available to the public for historical or research purposes  | N/A      |   |
| s 60(2)   | Power to charge fees for providing information   | N/A      |   |
| s 64(4)   | Duty to comply with a direction from the Secretary under s 64(3)   | N/A      |   |



**Cemeteries and Crematoria Act 2003**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b>                                      |
|------------------|--|-----------------|--|
| s 64B(d)         | Power to permit interments at a reopened cemetery  | N/A             |  |
| s 66(1)          | Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park                                      | N/A             | The application must include the requirements listed in s 66(2)(a)-(d) |
| s 69             | Duty to take reasonable steps to notify of conversion to historic cemetery park  | N/A             |  |
| s 70(1)          | Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed                      | N/A             |  |
| s 70(2)          | Duty to make plans of existing place of interment available to the public  | N/A             |  |
| s 71(1)          | Power to remove any memorials or other structures in an area to which an approval to convert applies   | N/A             |  |
| s 71(2)          | Power to dispose of any memorial or other structure removed  | N/A             |  |
| s 72(2)          | Duty to comply with request received under s 72  | N/A             |  |
| s 73(1)          | Power to grant a right of interment  | N/A             |  |
| s 73(2)          | Power to impose conditions on the right of interment   | N/A             |  |
| s 74(3)          | Duty to offer a perpetual right of interment   | N/A             |  |
| s 75             | Power to grant the rights of interment set out in s 75(a) and (b)  | N/A             |  |
| s 76(3)          | Duty to allocate a piece of interment if an unallocated right is granted   | N/A             |  |
| s 77(4)          | Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application | N/A             |  |

**Cemeteries and Crematoria Act 2003**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b>  |
|------------------|--|-----------------|--|
| s 80(1)          | Function of receiving notification and payment of transfer of right of interment   | N/A             |  |
| s 80(2)          | Function of recording transfer of right of interment   | N/A             |  |
| s 82(2)          | Duty to pay refund on the surrender of an unexercised right of interment   | N/A             |  |
| s 83(2)          | Duty to pay refund on the surrender of an unexercised right of interment   | N/A             |  |
| s 83(3)          | Power to remove any memorial and grant another right of interment for a surrendered right of interment                     | N/A             |  |
| s 84(1)          | Function of receiving notice of surrendering an entitlement to a right of interment  | N/A             |  |
| s 84F(2)(d)      | Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5) | N/A             |  |
| s 84H(4)         | Power to exercise the rights of a holder of a right of interment   | N/A             |  |
| s 84I(4)         | Power to exercise the rights of a holder of a right of internment  | N/A             |  |
| s 84I(5)         | Duty to pay refund to the previous holder or holders of the right of interment   | N/A             |  |
| s 84I(6)(a)      | Power to remove any memorial on the place of interment   | N/A             |  |
| s 84I(6)(b)      | Power to grant right of interment under s 73   | N/A             |  |
| s.85(1)          | Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry                         | N/A             | The notice must be in writing and contain the requirements listed in s 85(2)       |
| s 85(2)(b)       | Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry                | N/A             | Does not apply where right of internment relates to remains of a deceased veteran. |

**Cemeteries and Crematoria Act 2003**

| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b> | <b>Conditions and Limitations</b>   |
|------------------|---|-----------------|---|
| 85(2)(c)         | Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or;<br>remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location. | N/A             | May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment |
| s 86             | Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified  | N/A             |   |
| s 86(2)          | Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment  | N/A             |   |
| s 86(3)(a)       | Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment   | N/A             |   |
| s 86(3)(b)       | Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)   | N/A             |   |
| s 86A            | Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)   | N/A             |   |
| s 87(3)          | Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment   | N/A             |   |
| s 88             | Function to receive applications to carry out a lift and re-position procedure at a place of interment  | N/A             |   |
| s 91(1)          | Power to cancel a right of interment in accordance with s 91  | N/A             |   |
| s 91(3)          | Duty to publish notice of intention to cancel right of interment  | N/A             |   |

**Cemeteries and Crematoria Act 2003**

| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b> | <b>Conditions and Limitations</b> |
|------------------|---|-----------------|-----------------------------------|
| s 92             | Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment                   | N/A             |                                   |
| s 98(1)          | Function of receiving application to establish or alter a memorial or a place of interment  | N/A             |                                   |
| s 99             | Power to approve or refuse an application made under s 98, or to cancel an approval   | N/A             |                                   |
| s 99(4)          | Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested | N/A             |                                   |
| s 100(1)         | Power to require a person to remove memorials or places of interment  | N/A             |                                   |
| s 100(2)         | Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)   | N/A             |                                   |
| s 100(3)         | Power to recover costs of taking action under s 100(2)  | N/A             |                                   |
| s 101            | Function of receiving applications to establish or alter a building for ceremonies in the cemetery  | N/A             |                                   |
| s 102(1)         | Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)   | N/A             |                                   |
| s 102(2) & (3)   | Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)   | N/A             |                                   |
| s 103(1)         | Power to require a person to remove a building for ceremonies   | N/A             |                                   |

### Cemeteries and Crematoria Act 2003

| Provision   | Power and Functions Delegated  | Delegate | Conditions and Limitations   |
|-------------|--|----------|--|
| s 103(2)    | Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)   | N/A      |  |
| s 103(3)    | Power to recover costs of taking action under s 103(2)   | N/A      |  |
| s 106(1)    | Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs       | N/A      |  |
| s 106(2)    | Power to require the holder of the right of interment to provide for an examination  | N/A      |  |
| s 106(3)    | Power to open and examine the place of interment if s 106(2) not complied with   | N/A      |  |
| s 106(4)    | Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with | N/A      |  |
| s 107(1)    | Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs   | N/A      |  |
| s 107(2)    | Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with   | N/A      |  |
| s 108       | Power to recover costs and expenses  | N/A      |  |
| s 109(1)(a) | Power to open, examine and repair a place of interment   | N/A      | Where the holder of right of interment or responsible person cannot be found |
| s 109(1)(b) | Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial   | N/A      | Where the holder of right of interment or responsible person cannot be found |
| s 109(2)    | Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies                            | N/A      | Where the holder of right of interment or responsible person cannot be found |

**Cemeteries and Crematoria Act 2003**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b> |
|------------------|--|-----------------|-----------------------------------|
| s 110(1)         | Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary                            | N/A             |                                   |
| s 110(1A)        | Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary                        | N/A             |                                   |
| s 110(2)         | Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary                                     | N/A             |                                   |
| s 110A           | Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran | N/A             |                                   |
| s 111            | Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment   | N/A             |                                   |
| s 112            | Power to sell and supply memorials   | N/A             |                                   |
| s 116(4)         | Duty to notify the Secretary of an interment authorisation granted   | N/A             |                                   |
| s 116(5)         | Power to require an applicant to produce evidence of the right of interment holder's consent to application  | N/A             |                                   |
| s 118            | Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met   | N/A             |                                   |
| s 119            | Power to set terms and conditions for interment authorisations   | N/A             |                                   |
| s 131            | Function of receiving an application for cremation authorisation   | N/A             |                                   |

**Cemeteries and Crematoria Act 2003**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b>                            |
|------------------|--|-----------------|--|
| s 133(1)         | Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with                            | N/A             | Subject to s 133(2)  |
| s 145            | Duty to comply with an order made by the Magistrates' Court or a coroner   | N/A             |  |
| s 146            | Power to dispose of bodily remains by a method other than interment or cremation   | N/A             | Subject to the approval of the Secretary                     |
| s 147            | Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation                    | N/A             |  |
| s 149            | Duty to cease using method of disposal if approval revoked by the Secretary  | N/A             |  |
| s 150 & 152(1)   | Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met                           | N/A             |  |
| s 151            | Function of receiving applications to inter or cremate body parts  | N/A             |  |
| s 152(2)         | Power to impose terms and conditions on authorisation granted under s 150  | N/A             |  |
| sch 1 cl 8(3)    | Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication | N/A             |  |
| sch 1 cl 8(8)    | Power to regulate own proceedings  | N/A             | Subject to cl 8  |
| sch 1A cl 8(3)   | Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication | N/A             | Where Council is a Class A cemetery trust                    |
| sch 1A cl 8(8)   | Power to regulate own proceedings  | N/A             | Where Council is a Class A cemetery trust<br>Subject to cl 8 |

### Domestic Animals Act 1994

| Provision | Power and Functions Delegated               | Delegate    | Conditions and Limitations                                      |
|-----------|---|-------------|---|
| s 41A(1)  | Power to declare a dog to be a menacing dog | CEO,<br>MDR | Council may delegate this power to a Council authorised officer |

### Food Act 1984

| 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  | CEO,<br>EHOs | 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   | CEO,<br>EHOs | 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 | CEO,<br>EHOs | If s 19(1) applies<br><br>Only in relation to temporary food premises or mobile food premises  |
| 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  | CEO,<br>EHOs | If s 19(1) applies   |
| s 19(6)(a)   | Duty to revoke any order under section 19 if satisfied that an order has been complied with   | CEO,<br>EHOs | If s 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 with  | CEO,<br>EHOs | 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).   | CEO,<br>EHOs | 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  | CEO,<br>EHOs | 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 |



**Food Act 1984**

| <b>Provision</b>  | <b>Power and Functions Delegated</b>  | <b>Delegate</b>       | <b>Conditions and Limitations</b>   |
|-------------------|---|-----------------------|---|
| s 19AA(7)         | Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with   | CEO,<br>EHOs          | Where Council is the registration authority   |
| s 19CB(4)(b)      | Power to request copy of records  | CEO,<br>EHOs          | Where Council is the registration authority   |
| s 19E(1)(d)       | Power to request a copy of the food safety program  | CEO,<br>EHOs          | Where Council is the registration authority   |
| s 19EA(3)         | Function of receiving copy of revised food safety program   | CEO,<br>EHOs          | 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 | CEO,<br>EHOs          | Where Council is the registration authority   |
| s19IA(1)          | Power to form opinion that the food safety requirements or program are non-compliant.   | CEO,<br>EHOs          | Where Council is the registration authority   |
| s 19IA(2)         | Duty to give written notice to the proprietor of the premises   | CEO,<br>EHOs          | Where Council is the registration authority<br>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   | CEO,<br>EHOs          | Where Council is the registration authority   |
| s 19N(2)          | Function of receiving notice from the auditor   | CEO,<br>PDO3,<br>EHOs | Where Council is the registration authority   |
| s 19NA(1)         | Power to request food safety audit reports  | CEO,<br>EHOs          | 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   | CEO,<br>EHOs          |   |
| s 19UA            | Power to charge fees for conducting a food safety assessment or inspection  | CEO,<br>EHOs          | Except for an assessment required by a declaration under s 19C or an  |

**Food Act 1984**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b>  |
|------------------|--|-----------------|--|
|                  |  |                 | inspection under ss 38B(1)(c) or 39.   |
| s 19W            | Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB   | CEO, EHOs       | 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  | CEO, EHOs       | 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 | CEO, EHOs       | Where Council is the registration authority  |
|                  | Power to register or renew the registration of a food premises   | CEO, EHOs       | Where Council is the registration authority<br><br>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  | CEO, EHOs, PDOs | Where Council is the registration authority  |
| s 36B            | Duty to pay the charge for use of online portal  | CEO, EHOs       | 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   | CEO, EHOs       | Where Council is the registration authority  |
| 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)   | CEO, EHOs       | Where Council is the registration authority  |
| s 38A(4)         | Power to request a copy of a completed food safety program template  | CEO, EHOs       | Where Council is the registration authority  |

**Food Act 1984**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b>       | <b>Conditions and Limitations</b>   |
|------------------|--|-----------------------|---|
| s 38B(1)(a)      | Duty to assess the application and determine which class of food premises under s 19C the food premises belongs              | CEO,<br>EHOs          | Where Council is the registration authority   |
| s 38B(1)(b)      | Duty to ensure proprietor has complied with requirements of s 38A  | CEO,<br>EHOs          | Where Council is the registration authority   |
| s 38B(2)         | Duty to be satisfied of the matters in s 38B(2)(a)-(b)   | CEO,<br>EHOs          | Where Council is the registration authority   |
| s 38D(1)         | Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39               | CEO,<br>EHOs          | Where Council is the registration authority   |
| s 38D(2)         | Duty to be satisfied of the matters in s 38D(2)(a)-(d)   | CEO,<br>EHOs          | Where Council is the registration authority   |
| s 38D(3)         | Power to request copies of any audit reports   | CEO,<br>EHOs          | Where Council is the registration authority   |
| s 38E(2)         | Power to register the food premises on a conditional basis   | CEO,<br>EHOs          | Where Council is the registration authority<br><br>not exceeding the prescribed time limit defined under s 38E(5) |
| s 38E(4)         | Duty to register the food premises when conditions are satisfied   | CEO,<br>EHOs          | Where Council is the registration authority   |
| s 38F(3)(b)      | Power to require proprietor to comply with requirements of this Act  | CEO,<br>EHOs          | 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                           | CEO,<br>EHOs          | 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 | CEO,<br>PDO3,<br>EHOs | 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                               | CEO,<br>EHOs          | Where Council is the registration authority   |
| s 39(2)          | Duty to carry out an inspection of the premises during the period of registration  | CEO,<br>EHOs          |   |

**Food Act 1984**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b>       | <b>Conditions and Limitations</b>  |
|------------------|--|-----------------------|--|
|                  | before the registration of the food premises is renewed  |                       |  |
| s 39A            | Power to register, or renew the registration of a food premises despite minor defects  | CEO,<br>EHOs          | Where Council is the registration authority<br><br>Only if satisfied of matters in s 39A(2)(a)-(c) |
| s 39A (6)        | Duty to comply with a direction of the Secretary   | CEO,<br>EHOs          |  |
| s 40(1)          | Duty to give the person in whose name the premises is to be registered a certificate of registration   | CEO,<br>PDO3,<br>EHOs | 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 | CEO,<br>EHOs          |  |
| s 40C(2)         | Power to grant or renew the registration of food premises for a period of less than 1 year   | CEO,<br>EHOs          | Where Council is the registration authority  |
| s 40D(1)         | Power to suspend or revoke the registration of food premises   | CEO,<br>EHOs          | Where Council is the registration authority  |
| s 40E            | Duty to comply with direction of the Secretary   | CEO,<br>EHOs          |  |
| s 40F            | Power to cancel registration of food premises  | CEO,<br>EHOs          | Where Council is the registration authority  |
| s 43             | Duty to maintain records of registration   | CEO,<br>PDO3,<br>EHOs | 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 | CEO,<br>EHOs          | 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                                     | CEO,<br>EHOs          | Where Council is the registration authority  |

**Food Act 1984**

| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b> | <b>Conditions and Limitations</b>           |
|------------------|---|-----------------|---|
|                  | components that do not meet the requirements  |                 |   |
| s 45AC           | Power to bring proceedings  | CEO,<br>EHOs    |   |
| 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 | CEO,<br>EHOs    | Where Council is the registration authority |

**Heritage Act 2017**

| <b>Provision</b> | <b>Power and Functions Delegated</b>                                   | <b>Delegate</b> | <b>Conditions and Limitations</b>   |
|------------------|--|-----------------|---|
| s 116            | Power to sub-delegate Executive Director's functions, duties or powers | CEO,<br>MDR     | Must first obtain Executive Director's written consent<br><br>Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation |

**Local Government Act 1989**

| <b>Provision</b> | <b>Power and Functions Delegated</b>                      | <b>Delegate</b> | <b>Conditions and Limitations</b> |
|------------------|---|-----------------|-----------------------------------|
| s 185L(4)        | Power to declare and levy a cladding rectification charge | NOT,<br>CEO     |                                   |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>                               | <b>Delegate</b> | <b>Conditions and Limitations</b> |
|------------------|--|-----------------|-----------------------------------|
| s 4B             | Power to prepare an amendment to the Victorian Planning Provisions | CEO,<br>MDR     | If authorised by the Minister     |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b>              | <b>Conditions and Limitations</b> |
|------------------|--|------------------------------|-----------------------------------|
| s 4G             | Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister   | CEO,<br>MDR,<br>POs          |                                   |
| s 4H             | Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements   | CEO,<br>MDR,<br>POs,<br>PDOs |                                   |
| s 4I(2)          | Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements                       | CEO,<br>MDR,<br>POs,<br>PDOs |                                   |
| s 8A(2)          | Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A  | CEO,<br>MDR                  |                                   |
| s 8A(3)          | Power to apply to Minister to prepare an amendment to the planning scheme  | CEO,<br>MDR                  |                                   |
| s 8A(5)          | Function of receiving notice of the Minister's decision  | CEO,<br>MDR                  |                                   |
| 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,<br>MDR                  |                                   |
| s 8B(2)          | Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district                                 | CEO,<br>MDR                  |                                   |
| 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,<br>MDR                  |                                   |
| s 12B(1)         | Duty to review planning scheme   | CEO,<br>MDR                  |                                   |
| s 12B(2)         | Duty to review planning scheme at direction of Minister  | CEO,<br>MDR                  |                                   |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b>              | <b>Conditions and Limitations</b>  |
|------------------|---|------------------------------|--|
| s.12B(5)         | duty to report findings of review of planning scheme to Minister without delay  | CEO,<br>MDR                  |  |
| s 14             | Duties of a Responsible Authority as set out in s 14(a) to (d)  | CEO,<br>MDR                  |  |
| s 17(1)          | Duty of giving copy amendment to the planning scheme  | CEO,<br>MDR,<br>PDOs         |  |
| s 17(2)          | Duty of giving copy s 173 agreement   | CEO,<br>MDR,<br>PDOs         |  |
| s 17(3)          | Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days  | CEO,<br>MDR                  |  |
| s 18             | Duty to make amendment etc. available in accordance with public availability requirements   | CEO,<br>MDR,<br>POs,<br>PDOs | Until the proposed amendment is approved or lapsed   |
| s 19             | Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme | CEO,<br>MDR                  |  |
| s 19             | Function of receiving notice of preparation of an amendment to a planning scheme  | CEO,<br>MDR,<br>POs          | Where Council is not the planning authority and the amendment affects land within Council's municipal district; or<br><br>Where the amendment will amend the planning scheme to designate Council as an acquiring authority. |
| s 20(1)          | Power to apply to Minister for exemption from the requirements of s 19  | CEO,<br>MDR,<br>POs          | Where Council is a planning authority  |
| s 21(2)          | Duty to make submissions available in accordance with public availability requirements  | CEO,<br>MDR,<br>POs,<br>PDOs | Until the end of 2 months after the amendment comes into operation or lapses   |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b>              | <b>Conditions and Limitations</b>  |
|------------------|--|------------------------------|--|
| s 21A(4)         | Duty to publish notice   | CEO,<br>MDR,<br>POs          |  |
| s 22(1)          | Duty to consider all submissions received before the date specified in the notice                                    | CEO,<br>MDR,<br>POs          | 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<br>Duty to consider a late submission, if directed by the Minister               | CEO,<br>MDR,<br>POs          |  |
| s 23(1)(b)       | Duty to refer submissions which request a change to the amendment to a panel   | CEO,<br>MDR,<br>POs          |  |
| s 23(2)          | Power to refer to a panel submissions which do not require a change to the amendment                                 | CEO,<br>MDR,<br>POs          |  |
| s 24             | Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D) | CEO,<br>MDR,<br>POs          |  |
| s 26(1)          | Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act       | CEO,<br>MDR,<br>POs,<br>PDOs |  |
| s 26(2)          | Duty to keep report of panel available in accordance with public availability requirements                           | CEO,<br>MDR,<br>POs,<br>PDOs | During the inspection period   |
| s 27(2)          | Power to apply for exemption if panel's report not received  | CEO,<br>MDR                  |  |
| s 28(1)          | Duty to notify the Minister if abandoning an amendment   | CEO,<br>MDR                  | Note: the power to make a decision to abandon an amendment cannot be delegated |
| s 28(2)          | Duty to publish notice of the decision on Internet site  | CEO,<br>PDO1,<br>MDR         |  |



**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b>              | <b>Conditions and Limitations</b> |
|------------------|---|------------------------------|-----------------------------------|
| s 28(4)          | Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months  | CEO,<br>PDO1,<br>MDR         |                                   |
| s 30(4)(a)       | Duty to say if amendment has lapsed   | CEO,<br>MDR                  |                                   |
| s 30(4)(b)       | Duty to provide information in writing upon request   | CEO,<br>MDR,<br>POs          |                                   |
| s 32(2)          | Duty to give more notice if required  | CEO,<br>MDR,<br>POs          |                                   |
| s 33(1)          | Duty to give more notice of changes to an amendment   | CEO,<br>MDR,<br>POs          |                                   |
| s 36(2)          | Duty to give notice of approval of amendment  | CEO,<br>MDR,<br>POs          |                                   |
| s 38(5)          | Duty to give notice of revocation of an amendment   | CEO,<br>MDR,<br>POs          |                                   |
| s 39             | Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT  | CEO,<br>MDR,<br>POs          |                                   |
| s 40(1)          | Function of lodging copy of approved amendment  | CEO,<br>MDR,<br>POs          |                                   |
| s 41(1)          | Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period   | CEO,<br>MDR,<br>POs,<br>PDOs |                                   |
| s 41(2)          | Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends | CEO,<br>MDR,<br>POs,<br>PDOs |                                   |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b>     | <b>Conditions and Limitations</b>  |
|------------------|--|---------------------|--|
| s 42(2)          | Duty to make copy of planning scheme available in accordance with the public availability requirements   | CEO,<br>MDR,<br>POs |  |
| s 46AAA          | Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity                | N/A                 | Where Council is a responsible public entity and is a planning authority<br><br>Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils |
| s 46AW           | Function of being consulted by the Minister  | CEO,<br>MDR,<br>POs | Where Council is a responsible public entity   |
| s 46AX           | Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy<br>Power to endorse the draft Statement of Planning Policy                 | CEO,<br>MDR,<br>POs | Where Council is a responsible public entity   |
| s 46AZC(2)       | Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity                  | CEO,<br>MDR,<br>POs | Where Council is a responsible public entity   |
| s 46AZK          | Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area | CEO,<br>MDR,<br>POs | Where Council is a responsible public entity   |
| s 46GI(2)(b)(i)  | Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction  | CEO,<br>MDR,<br>POs | Where Council is the planning authority, the municipal Council of the municipal district in which the  |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b>                      | <b>Conditions and Limitations</b>             |
|------------------|--|--------------------------------------|---|
|                  |  |                                      | land is located and/or the development agency |
| s 46GJ(1)        | Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans  | CEO,<br>MDR,<br>POs                  |   |
| s 46GK           | Duty to comply with a Minister's direction that applies to Council as the planning authority   | CEO,<br>MDR,<br>POs                  |   |
| s 46GN(1)        | Duty to arrange for estimates of values of inner public purpose land   | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs |   |
| s 46GO(1)        | Duty to give notice to owners of certain inner public purpose land   | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs |   |
| s 46GP           | Function of receiving a notice under s 46GO  | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the collecting agency        |
| s 46GQ           | Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs |   |
| s 46GR(1)        | Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO   | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs |   |
| s 46GR(2)        | Power to consider a late submission  | CEO,<br>FSC,                         |   |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b>                      | <b>Conditions and Limitations</b> |
|------------------|---|--------------------------------------|-----------------------------------|
|                  | Duty to consider a late submission if directed to do so by the Minister   | CSAM,<br>MDR,<br>POs                 |                                   |
| 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,<br>FSC,<br>CSAM,<br>MDR,<br>POs |                                   |
| s 46GS(2)        | Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general              | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs |                                   |
| s 46GT(2)        | Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference  | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs |                                   |
| s 46GT(4)        | Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land  | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs |                                   |
| s 46GT(6)        | Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)   | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs |                                   |
| s 46GU           | Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs |                                   |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b>                      | <b>Conditions and Limitations</b>       |
|------------------|--|--------------------------------------|---|
| s 46GV(3)        | Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution<br><br>Power to specify the manner in which the payment is to be made | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the collecting agency  |
| s 46GV(3)(b)     | Power to enter into an agreement with the applicant  | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the collecting agency  |
| s 46GV(4)(a)     | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)   | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the development agency |
| s 46GV(4)(b)     | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)   | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the collecting agency  |
| s 46GV(7)        | Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area                         | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs |   |
| 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,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the collecting agency  |
| s 46GX(1)        | Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable   | CEO,<br>MDR,<br>POs                  | Where Council is the collecting agency  |
| s 46GX(2)        | Duty, before accepting the provision of works, services or facilities by an applicant  | CEO,<br>FSC,                         | Where Council is the collecting agency  |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b>                      | <b>Conditions and Limitations</b>   |
|------------------|---|--------------------------------------|---|
|                  | under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan  | CSAM,<br>MDR,<br>POs                 |   |
| s 46GY(1)        | Duty to keep proper and separate accounts and records   | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the collecting agency  |
| s 46GY(2)        | Duty to keep the accounts and records in accordance with the Local Government Act 2020  | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the collecting agency  |
| s 46GZ(2)(a)     | Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs   | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is that planning authority                   |
| s 46GZ(2)(a)     | Function of receiving the monetary component  | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where the Council is the planning authority<br><br>This duty does not apply where Council is also the collecting agency   |
| s 46GZ(2)(b)     | Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities | CEO,<br>MDR,<br>POs                  | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the relevant development agency |
| s 46GZ(2)(b)     | Function of receiving the monetary component  | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the development agency under an approved infrastructure contributions plan   |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b>                      | <b>Conditions and Limitations</b>  |
|------------------|---|--------------------------------------|--|
|                  |   |                                      | This provision does not apply where Council is also the collecting agency  |
| s 46GZ(4)        | Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)   | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the collecting agency under an approved infrastructure contributions plan   |
| s 46GZ(5)        | Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency | CEO,<br>MDR,<br>POs                  | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the relevant development agency  |
| s 46GZ(5)        | Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land  | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the development agency specified in the approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the collecting agency   |
| s 46GZ(7)        | Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW                             | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the collecting agency under an approved infrastructure contributions plan   |
| s 46GZ(9)        | Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land                             | CEO,<br>MDR,<br>POs                  | If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)<br><br>Where Council is the collecting agency under an approved infrastructure contributions plan |

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| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b>                      | <b>Conditions and Limitations</b>  |
|------------------|--|--------------------------------------|--|
|                  |  |                                      | This duty does not apply where Council is also the development agency  |
| s 46GZ(9)        | Function of receiving the fee simple in the land   | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the development agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the collecting agency                  |
| s 46GZA(1)       | Duty to keep proper and separate accounts and records  | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the development agency under an approved infrastructure contributions plan  |
| s 46GZA(2)       | Duty to keep the accounts and records in accordance with the Local Government Act 2020   | CEO,<br>MDR,<br>POs                  | Where Council is a development agency under an approved infrastructure contributions plan  |
| s 46GZB(3)       | Duty to follow the steps set out in s 46GZB(3)(a) – (c)  | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is a development agency under an approved infrastructure contributions plan  |
| s 46GZB(4)       | Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA | CEO,<br>MDR,<br>POs                  | If the VPA is the collecting agency under an approved infrastructure contributions plan<br><br>Where Council is a development agency under an approved infrastructure contributions plan |
| s 46GZD(2)       | Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)   | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the development agency under an approved infrastructure contributions plan  |



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| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b>                      | <b>Conditions and Limitations</b>   |
|------------------|---|--------------------------------------|---|
| s 46GZD(3)       | Duty to follow the steps set out in s 46GZD(3)(a) and (b)   | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the collecting agency under an approved infrastructure contributions plan  |
| s 46GZD(5)       | Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)  | CEO,<br>CSAM,<br>MDR,<br>POs         | Where Council is the collecting agency under an approved infrastructure contributions plan  |
| s 46GZE(2)       | Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires | CEO,<br>MDR,<br>POs                  | Where Council is the development agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the collecting agency |
| s 46GZE(2)       | Function of receiving the unexpended land equalisation amount   | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the development agency |
| s 46GZE(3)       | Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)   | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the collecting agency under an approved infrastructure contributions plan  |
| s 46GZF(2)       | Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land   | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the development agency under an approved infrastructure contributions plan   |

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| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b>                      | <b>Conditions and Limitations</b>  |
|------------------|--|--------------------------------------|--|
| s.46GZF(3)       | Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)  | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the development agency under an approved infrastructure contributions plan  |
| s 46GZF(3)       | Function of receiving proceeds of sale   | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the collection agency under an approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the development agency |
| s 46GZF(4)       | Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5) | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the collecting agency under an approved infrastructure contributions plan   |
| s 46GZF(6)       | Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)  | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the collecting agency under an approved infrastructure contributions plan   |
| s 46GZH          | Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction  | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is the collecting agency under an approved infrastructure contributions plan   |
| s 46GZI          | Duty to prepare and give a report to the Minister at the times required by the Minister  | CEO,<br>MDR,<br>POs                  | Where Council is a collecting agency or development agency   |
| s 46GZK          | Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council   | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs | Where Council is a collecting agency or development agency   |
| s 46LB(3)        | Duty to publish, on Council's Internet site, the payable dwelling amount for a financial   | CEO,<br>FSC,                         |  |

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|----------------------|---|----------------------|-----------------------------------|
|                      | year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)   | CSAM,<br>MDR,<br>POs |                                   |
| s 46N(1)             | Duty to include condition in permit regarding payment of development infrastructure levy  | CEO,<br>MDR,<br>POs  |                                   |
| s 46N(2)(c)          | Function of determining time and manner for receipt of development contributions levy   | CEO,<br>MDR          |                                   |
| s 46N(2)(d)          | Power to enter into an agreement with the applicant regarding payment of development infrastructure levy  | CEO,<br>MDR          |                                   |
| 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,<br>MDR          |                                   |
| s 46O(1)(d) & (2)(d) | Power to enter into agreement with the applicant regarding payment of community infrastructure levy   | CEO,<br>MDR          |                                   |
| s 46P(1)             | Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured  | CEO,<br>MDR          |                                   |
| s 46P(2)             | Power to accept provision of land, works, services or facilities in part or full payment of levy payable  | CEO,<br>MDR          |                                   |
| s 46Q(1)             | Duty to keep proper accounts of levies paid   | CEO,<br>MDR          |                                   |
| s 46Q(1A)            | Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency | CEO,<br>MDR          |                                   |
| s 46Q(2)             | Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc                             | CEO,<br>MDR          |                                   |

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| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b>     | <b>Conditions and Limitations</b>   |
|------------------|---|---------------------|---|
| s 46Q(3)         | Power to refund any amount of levy paid if it is satisfied the development is not to proceed  | CEO,<br>MDR         | Only applies when levy is paid to Council as a 'development agency'   |
| s 46Q(4)(c)      | Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a) | CEO,<br>MDR         | 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  | CEO,<br>MDR         | Must be done in accordance with Part 3  |
| s46Q(4)(e)       | Duty to expend that amount on other works etc.  | CEO,<br>MDR         | 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   | CEO,<br>MDR         |   |
| s 46QD           | Duty to prepare report and give a report to the Minister  | CEO,<br>MDR,<br>POs | Where Council is a collecting agency or development agency  |
| s 46V(3)         | Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period   | N/A                 |   |
| s 46V(4)         | Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period   | N/A                 |   |
| s 46V(5)         | Duty to keep a copy of the approved strategy plan incorporating all amendments to it  | N/A                 |   |

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| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b>              | <b>Conditions and Limitations</b> |
|------------------|---|------------------------------|-----------------------------------|
| s 46V(6)         | Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements | N/A                          |                                   |
| s 46Y            | Duty to carry out works in conformity with the approved strategy plan   | CEO,<br>MDR                  |                                   |
| s 47             | Power to decide that an application for a planning permit does not comply with that Act   | CEO,<br>MDR                  |                                   |
| s 49(1)          | Duty to keep a register of all applications for permits and determinations relating to permits  | CEO,<br>MDR,<br>POs,<br>PDOs |                                   |
| s 49(2)          | Duty to make register available for inspection in accordance with the public availability requirements  | CEO,<br>MDR,<br>POs,<br>PDOs |                                   |
| s 50(4)          | Duty to amend application   | CEO,<br>MDR,<br>POs,<br>PDOs |                                   |
| s 50(5)          | Power to refuse to amend application  | CEO,<br>MDR                  |                                   |
| s 50(6)          | Duty to make note of amendment to application in register   | CEO,<br>MDR,<br>POs          |                                   |
| s 50A(1)         | Power to make amendment to application  | CEO,<br>MDR                  |                                   |
| s 50A(3)         | Power to require applicant to notify owner and make a declaration that notice has been given  | CEO,<br>MDR,<br>POs          |                                   |
| s 50A(4)         | Duty to note amendment to application in register   | CEO,<br>MDR,                 |                                   |

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|------------------|---|------------------------------|-----------------------------------|
|                  |   | POs,<br>PDOs                 |                                   |
| s 51             | Duty to make copy of application available for inspection in accordance with the public availability requirements   | CEO,<br>MDR,<br>POs,<br>PDOs |                                   |
| 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 | CEO,<br>MDR,<br>POs          |                                   |
| s 52(1)(b)       | Duty to give notice of the application to other municipal council where appropriate   | CEO,<br>MDR,<br>POs          |                                   |
| s 52(1)(c)       | Duty to give notice of the application to all persons required by the planning scheme   | CEO,<br>MDR,<br>POs          |                                   |
| 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                     | CEO,<br>MDR,<br>POs          |                                   |
| s 52(1)(cb)      | Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant        | CEO,<br>MDR,<br>POs          |                                   |
| s 52(1)(d)       | Duty to give notice of the application to other persons who may be detrimentally effected   | CEO,<br>MDR,<br>POs          |                                   |
| s.52(1AA)        | Duty to give notice of an application to remove or vary a registered restrictive covenant   | CEO,<br>MDR,<br>POs          |                                   |
| s 52(3)          | Power to give any further notice of an application where appropriate  | CEO,<br>MDR,<br>POs          |                                   |

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|------------------|---|------------------------------|-----------------------------------|
| s 53(1)          | Power to require the applicant to give notice under s 52(1) to persons specified by it  | CEO,<br>MDR,<br>POs          |                                   |
| s 53(1A)         | Power to require the applicant to give the notice under s 52(1AA)   | CEO,<br>MDR,<br>POs          |                                   |
| s 54(1)          | Power to require the applicant to provide more information  | CEO,<br>MDR,<br>POs          |                                   |
| s 54(1A)         | Duty to give notice in writing of information required under s 54(1)  | CEO,<br>MDR,<br>POs          |                                   |
| s 54(1B)         | Duty to specify the lapse date for an application   | CEO,<br>MDR,<br>POs          |                                   |
| s 54A(3)         | Power to decide to extend time or refuse to extend time to give required information  | CEO,<br>MDR,<br>POs          |                                   |
| s 54A(4)         | Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)   | CEO,<br>MDR,<br>POs          |                                   |
| s 55(1)          | Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme | CEO,<br>MDR,<br>POs          |                                   |
| s 57(2A)         | Power to reject objections considered made primarily for commercial advantage for the objector  | CEO,<br>MDR,<br>POs          |                                   |
| s 57(3)          | Function of receiving name and address of persons to whom notice of decision is to go   | CEO,<br>MDR,<br>POs,<br>PDOs |                                   |
| s 57(5)          | Duty to make a copy of all objections available in accordance with the public availability requirements                               | CEO,<br>MDR,<br>POs,<br>PDOs |                                   |

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| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b>     | <b>Conditions and Limitations</b> |
|------------------|---|---------------------|-----------------------------------|
| s 57A(4)         | Duty to amend application in accordance with applicant's request, subject to s 57A(5)                             | CEO,<br>MDR,<br>POs |                                   |
| s 57A(5)         | Power to refuse to amend application  | CEO,<br>MDR         |                                   |
| s 57A(6)         | Duty to note amendments to application in register  | CEO,<br>MDR,<br>POs |                                   |
| s 57B(1)         | Duty to determine whether and to whom notice should be given  | CEO,<br>MDR,<br>POs |                                   |
| s 57B(2)         | Duty to consider certain matters in determining whether notice should be given                                    | CEO,<br>MDR,<br>POs |                                   |
| s 57C(1)         | Duty to give copy of amended application to referral authority  | CEO,<br>MDR,<br>POs |                                   |
| s 58             | Duty to consider every application for a permit   | CEO,<br>MDR,<br>POs |                                   |
| s 58A            | Power to request advice from the Planning Application Committee   | N/A                 |                                   |
| s 60             | Duty to consider certain matters  | CEO,<br>MDR,<br>POs |                                   |
| s 60(1A)         | Duty to consider certain matters  | CEO,<br>MDR,<br>POs |                                   |
| s 60(1B)         | Duty to consider number of objectors in considering whether use or development may have significant social effect | CEO,<br>MDR,<br>POs |                                   |



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|------------------|--|---------------------|---|
| 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,<br>MDR,<br>POs | The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006 |
| s 61(2)          | Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit                                       | CEO,<br>MDR,<br>POs |   |
| 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,<br>MDR         |   |
| s 61(3)(a)       | Duty not to decide to grant a permit to use coastal Crown land without Minister's consent  | N/A                 |   |
| s 61(3)(b)       | Duty to refuse to grant the permit without the Minister's consent  | N/A                 |   |
| s 61(4)          | Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant  | N/A                 |   |
| s 62(1)          | Duty to include certain conditions in deciding to grant a permit   | CEO,<br>MDR,<br>POs |   |
| s 62(2)          | Power to include other conditions  | CEO,<br>MDR,<br>POs |   |
| s 62(4)          | Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)   | CEO,<br>MDR,<br>POs |   |
| s 62(5)(a)       | Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan             | CEO,<br>MDR,<br>POs |   |
| 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,<br>MDR,<br>POs |   |

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|------------------|---|---------------------|---|
| s 62(5)(c)       | Power to include a permit condition that specified works be provided or paid for by the applicant   | CEO,<br>MDR,<br>POs |   |
| s 62(6)(a)       | Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)   | CEO,<br>MDR,<br>POs |   |
| s 62(6)(b)       | Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)  | CEO,<br>MDR,<br>POs |   |
| s 63             | Duty to issue the permit where made a decision in favour of the application (if no one has objected)  | CEO,<br>MDR,<br>POs |   |
| s 64(1)          | Duty to give notice of decision to grant a permit to applicant and objectors  | CEO,<br>MDR,<br>POs | This provision applies also to a decision to grant an amendment to a permit - see s 75  |
| s 64(3)          | Duty not to issue a permit until after the specified period   | CEO,<br>MDR,<br>POs | This provision applies also to a decision to grant an amendment to a permit - see s 75  |
| s 64(5)          | Duty to give each objector a copy of an exempt decision   | CEO,<br>MDR,<br>POs | This provision applies also to a decision to grant an amendment to a permit - see s 75  |
| s 64A            | Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit | CEO,<br>MDR,<br>POs | This provision applies also to a decision to grant an amendment to a permit - see s 75A |
| s 65(1)          | Duty to give notice of refusal to grant permit to applicant and person who objected under s 57  | CEO,<br>MDR,<br>POs |   |
| s 66(1)          | Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities   | CEO,<br>MDR,        |   |

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|------------------|--|------------------------------|---|
|                  |  | POs,<br>PDOs                 |   |
| s 66(2)          | Duty to give a recommending referral authority notice of its decision to grant a permit  | CEO,<br>MDR,<br>POs          | If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority |
| s 66(4)          | Duty to give a recommending referral authority notice of its decision to refuse a permit   | CEO,<br>MDR,<br>POs          | If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit                             |
| s 66(6)          | Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65 | CEO,<br>MDR,<br>POs          | If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit                             |
| s 69(1)          | Function of receiving application for extension of time of permit  | CEO,<br>MDR,<br>POs          |   |
| s 69(1A)         | Function of receiving application for extension of time to complete development  | CEO,<br>MDR,<br>POs          |   |
| s 69(2)          | Power to extend time   | CEO,<br>MDR,<br>POs          |   |
| s 70             | Duty to make copy permit available for inspection in accordance with the public availability requirements  | CEO,<br>MDR,<br>POs,<br>PDOs |   |

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|------------------|---|------------------------------|---|
| s 71(1)          | Power to correct certain mistakes   | CEO,<br>MDR,<br>POs          |   |
| s 71(2)          | Duty to note corrections in register  | CEO,<br>MDR,<br>POs,<br>PDOs |   |
| s 73             | Power to decide to grant amendment subject to conditions  | CEO,<br>MDR,<br>POs          |   |
| s 74             | Duty to issue amended permit to applicant if no objectors   | CEO,<br>MDR,<br>POs          |   |
| s 76             | Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit          | CEO,<br>MDR,<br>POs,<br>PDOs |   |
| s 76A(1)         | Duty to give relevant determining referral authorities copy of amended permit and copy of notice        | CEO,<br>MDR,<br>POs,<br>PDOs |   |
| s 76A(2)         | Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit | CEO,<br>MDR,<br>POs          | If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority |
| s 76A(4)         | Duty to give a recommending referral authority notice of its decision to refuse a permit                | CEO,<br>MDR,<br>POs          | If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit                             |

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|------------------|--|--------------------------------------|---|
| s 76A(6)         | Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76 | CEO,<br>MDR,<br>POs                  | If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit |
| s 76D            | Duty to comply with direction of Minister to issue amended permit  | CEO,<br>MDR,<br>POs                  |   |
| s 83             | Function of being respondent to an appeal  | CEO,<br>MDR,<br>POs                  |   |
| s 83B            | Duty to give or publish notice of application for review   | CEO,<br>MDR,<br>POs                  |   |
| s 84(1)          | Power to decide on an application at any time after an appeal is lodged against failure to grant a permit  | CEO,<br>MDR                          |   |
| 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                         | CEO,<br>MDR,<br>POs                  |   |
| s 84(3)          | Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit                      | CEO,<br>MDR,<br>POs                  |   |
| s 84(6)          | Duty to issue permit on receipt of advice within 3 business days   | CEO,<br>MDR,<br>POs,<br>PDOs         |   |
| s 84AB           | Power to agree to confining a review by the Tribunal   | CEO,<br>FSC,<br>CSAM,<br>MDR,<br>POs |   |
| s 86             | Duty to issue a permit at order of Tribunal within 3 business days   | CEO,<br>MDR,                         |   |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b>              | <b>Conditions and Limitations</b> |
|------------------|---|------------------------------|-----------------------------------|
|                  |   | POs,<br>PDOs                 |                                   |
| s 87(3)          | Power to apply to VCAT for the cancellation or amendment of a permit  | CEO,<br>MDR                  |                                   |
| s 90(1)          | Function of being heard at hearing of request for cancellation or amendment of a permit                           | CEO,<br>MDR,<br>POs          |                                   |
| s 91(2)          | Duty to comply with the directions of VCAT  | CEO,<br>MDR,<br>POs,<br>PDOs |                                   |
| s 91(2A)         | Duty to issue amended permit to owner if Tribunal so directs  | CEO,<br>MDR,<br>POs,<br>PDOs |                                   |
| s 92             | Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90        | CEO,<br>MDR,<br>POs          |                                   |
| s 93(2)          | Duty to give notice of VCAT order to stop development   | CEO,<br>MDR,<br>POs          |                                   |
| s 95(3)          | Function of referring certain applications to the Minister  | CEO,<br>MDR,<br>POs          |                                   |
| s 95(4)          | Duty to comply with an order or direction   | CEO,<br>MDR,<br>POs          |                                   |
| s 96(1)          | Duty to obtain a permit from the Minister to use and develop its land   | CEO,<br>MDR,<br>POs          |                                   |
| 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,<br>MDR                  |                                   |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b>     | <b>Conditions and Limitations</b> |
|------------------|---|---------------------|-----------------------------------|
| s 96A(2)         | Power to agree to consider an application for permit concurrently with preparation of proposed amendment  | CEO,<br>MDR         |                                   |
| 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,<br>MDR         |                                   |
| s 96F            | Duty to consider the panel's report under s 96E   | CEO,<br>MDR         |                                   |
| 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,<br>MDR,<br>POs |                                   |
| s 96H(3)         | Power to give notice in compliance with Minister's direction  | CEO,<br>MDR         |                                   |
| s 96J            | Duty to issue permit as directed by the Minister  | CEO,<br>MDR,<br>POs |                                   |
| s 96K            | Duty to comply with direction of the Minister to give notice of refusal   | CEO,<br>MDR,<br>POs |                                   |
| s 96Z            | Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate  | CEO,<br>MDR         |                                   |
| s 97C            | Power to request Minister to decide the application   | CEO,<br>MDR         |                                   |
| s 97D(1)         | Duty to comply with directions of Minister to supply any document or assistance relating to application   | CEO,<br>MDR         |                                   |
| 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   | CEO,<br>MDR,<br>POs |                                   |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b>              | <b>Conditions and Limitations</b> |
|------------------|---|------------------------------|-----------------------------------|
| s 97G(6)         | Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements       | CEO,<br>MDR,<br>POs,<br>PDOs |                                   |
| s 97L            | Duty to include Ministerial decisions in a register kept under s 49   | CEO,<br>MDR,<br>POs,<br>PDOs |                                   |
| s 97MH           | Duty to provide information or assistance to the Planning Application Committee   | N/A                          |                                   |
| s 97MI           | Duty to contribute to the costs of the Planning Application Committee or subcommittee                                     | N/A                          |                                   |
| s 97O            | Duty to consider application and issue or refuse to issue certificate of compliance                                       | CEO,<br>MDR,<br>POs          |                                   |
| s 97P(3)         | Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate | CEO,<br>MDR,<br>POs          |                                   |
| s 97Q(2)         | Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate                        | CEO,<br>MDR,<br>POs          |                                   |
| s 97Q(4)         | Duty to comply with directions of VCAT  | CEO,<br>MDR,<br>POs          |                                   |
| s 97R            | Duty to keep register of all applications for certificate of compliance and related decisions                             | CEO,<br>MDR,<br>POs,<br>PDOs |                                   |
| s 98(1)&(2)      | Function of receiving claim for compensation in certain circumstances   | CEO,<br>MDR                  |                                   |
| s 98(4)          | Duty to inform any person of the name of the person from whom compensation can be claimed                                 | CEO,<br>MDR                  |                                   |



**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b>     | <b>Conditions and Limitations</b>  |
|------------------|---|---------------------|--|
| s 101            | Function of receiving claim for expenses in conjunction with claim  | CEO,<br>MDR         |  |
| s 103            | Power to reject a claim for compensation in certain circumstances   | CEO,<br>MDR         |  |
| s.107(1)         | function of receiving claim for compensation  | CEO,<br>MDR         |  |
| s 107(3)         | Power to agree to extend time for making claim  | CEO,<br>MDR         |  |
| s 113(2)         | Power to request a declaration for land to be proposed to be reserved for public purposes   | CEO,<br>MDR         |  |
| s 114(1)         | Power to apply to the VCAT for an enforcement order   | CEO,<br>MDR,<br>POs |  |
| s 117(1)(a)      | Function of making a submission to the VCAT where objections are received   | CEO,<br>MDR,<br>POs |  |
| s 120(1)         | Power to apply for an interim enforcement order where s 114 application has been made   | CEO,<br>MDR         |  |
| s 123(1)         | Power to carry out work required by enforcement order and recover costs   | CEO,<br>MDR         |  |
| s 123(2)         | Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)  | CEO,<br>MDR         | Except Crown Land  |
| s 125(1)         | Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order. | NOT                 | Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal. |
| s 129            | Function of recovering penalties  | CEO,<br>MDR         |  |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b>              | <b>Conditions and Limitations</b>  |
|------------------|--|------------------------------|--|
| s 130(5)         | Power to allow person served with an infringement notice further time  | CEO,<br>MDR,<br>POs          |  |
| s 149A(1)        | Power to refer a matter to the VCAT for determination  | CEO,<br>MDR,<br>POs          |  |
| s 149A(1A)       | Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement   | CEO,<br>MDR,<br>POs          |  |
| s 149B           | Power to apply to the Tribunal for a declaration.  | NOT                          |  |
| s 156            | Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4) | CEO,<br>MDR                  | Where Council is the relevant planning authority   |
| s 171(2)(f)      | Power to carry out studies and commission reports  | CEO,<br>MDR                  |  |
| s 171(2)(g)      | Power to grant and reserve easements   | CEO,<br>MDR                  |  |
| s 172C           | Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan  | CEO,<br>FSC,<br>CSAM,<br>MDR | Where Council is a development agency specified in an approved infrastructure contributions plan   |
| s 172D(1)        | Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)  | CEO,<br>FSC,<br>CSAM,<br>MDR | 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,   | CEO,<br>FSC,<br>CSAM,<br>MDR | Where Council is the development agency specified in an approved infrastructure contributions plan |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b>     | <b>Conditions and Limitations</b>                   |
|------------------|--|---------------------|---|
|                  | before the time that the land is required to be provided under s 46GV(4)   |                     |   |
| s 173(1)         | Power to enter into agreement covering matters set out in s 174  | CEO,<br>MDR         |   |
| 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,<br>MDR         | 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,<br>MDR,<br>POs |   |
|                  | 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,<br>MDR,<br>POs |   |
| s 177(2)         | Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9   | CEO,<br>MDR         |   |
| 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,<br>MDR         |   |
| s 178A(1)        | Function of receiving application to amend or end an agreement   | CEO,<br>MDR,<br>POs |   |
| s 178A(3)        | Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)   | CEO,<br>MDR         |   |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b>     | <b>Conditions and Limitations</b>   |
|------------------|---|---------------------|---|
| s 178A(4)        | Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal  | CEO,<br>MDR         |   |
| s 178A(5)        | Power to propose to amend or end an agreement   | CEO,<br>MDR,<br>POs |   |
| s 178B(1)        | Duty to consider certain matters when considering proposal to amend an agreement  | CEO,<br>MDR,<br>POs |   |
| s 178B(2)        | Duty to consider certain matters when considering proposal to end an agreement  | CEO,<br>MDR,<br>POs |   |
| s 178C(2)        | Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end | CEO,<br>MDR,<br>POs |   |
| s 178C(4)        | Function of determining how to give notice under s 178C(2)  | CEO,<br>MDR,<br>POs |   |
| s 178E(1)        | Duty not to make decision until after 14 days after notice has been given   | CEO,<br>MDR,<br>POs |   |
| s.178E(2)(a)     | Power to amend or end the agreement in accordance with the proposal   | CEO,<br>MDR         | If no objections are made under s 178D<br><br>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,<br>MDR         | If no objections are made under s 178D<br><br>Must consider matters in s 178B |
| s 178E(2)(c)     | Power to refuse to amend or end the agreement   | CEO,<br>MDR         | If no objections are made under s 178D<br><br>Must consider matters in s 178B |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b>              | <b>Conditions and Limitations</b>                               |
|------------------|--|------------------------------|---|
| s 178E(3)(a)     | Power to amend or end the agreement in accordance with the proposal  | CEO,<br>MDR                  | 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,<br>MDR                  | 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,<br>MDR                  | After considering objections, submissions and matters in s.178B |
| s 178E(3)(d)     | Power to refuse to amend or end the agreement  | CEO,<br>MDR                  | After considering objections, submissions and matters in s 178B |
| s 178F(1)        | Duty to give notice of its decision under s 178E(3)(a) or (b)  | CEO,<br>MDR                  |   |
| s 178F(2)        | Duty to give notice of its decision under s 178E(2)(c) or (3)(d)   | CEO,<br>MDR                  |   |
| s 178F(4)        | Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn | CEO,<br>MDR                  |   |
| s 178G           | Duty to sign amended agreement and give copy to each other party to the agreement  | CEO,<br>MDR                  |   |
| 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,<br>MDR                  |   |
| s 178I(3)        | Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land  | CEO,<br>MDR                  |   |
| s 179(2)         | Duty to make copy of each agreement available in accordance with the public availability requirements  | CEO,<br>MDR,<br>POs,<br>PDOs |   |
| s 181            | Duty to apply to the Registrar of Titles to record the agreement   | CEO,<br>MDR                  |   |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b>     | <b>Conditions and Limitations</b> |
|------------------|---|---------------------|-----------------------------------|
| s 181(1A)(a)     | Power to apply to the Registrar of Titles to record the agreement   | CEO,<br>MDR         |                                   |
| s 181(1A)(b)     | Duty to apply to the Registrar of Titles, without delay, to record the agreement  | CEO,<br>MDR         |                                   |
| s 182            | Power to enforce an agreement   | CEO,<br>MDR,<br>POs |                                   |
| s 183            | Duty to tell Registrar of Titles of ending/amendment of agreement   | CEO,<br>MDR,<br>POs |                                   |
| s 184F(1)        | Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision   | CEO,<br>MDR         |                                   |
| s 184F(2)        | Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement                                   | CEO,<br>MDR         |                                   |
| s 184F(3)        | Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement | CEO,<br>MDR         |                                   |
| s 184F(5)        | Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision  | CEO,<br>MDR         |                                   |
| s 184G(2)        | Duty to comply with a direction of the Tribunal   | CEO,<br>MDR         |                                   |
| s 184G(3)        | Duty to give notice as directed by the Tribunal   | CEO,<br>MDR         |                                   |
| s 185B(1)        | Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any  | CEO,<br>MDR         |                                   |

**Planning and Environment Act 1987**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b>              | <b>Conditions and Limitations</b> |
|------------------|--|------------------------------|-----------------------------------|
|                  | person to whom the Minister is required to give notice   |                              |                                   |
| s 198(1)         | Function to receive application for planning certificate   | CEO,<br>MDR,<br>POs,<br>PDOs |                                   |
| s 199(1)         | Duty to give planning certificate to applicant   | CEO,<br>MDR,<br>POs,<br>PDOs |                                   |
| s 201(1)         | Function of receiving application for declaration of underlying zoning   | CEO,<br>MDR,<br>POs          |                                   |
| s 201(3)         | Duty to make declaration   | CEO,<br>MDR                  |                                   |
|                  | 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        | CEO,<br>MDR,<br>POs          |                                   |
|                  | 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 | CEO,<br>MDR,<br>POs          |                                   |
|                  | Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit  | CEO,<br>MDR,<br>POs          |                                   |
|                  | Power to give written authorisation in accordance with a provision of a planning scheme  | CEO,<br>MDR,<br>POs          |                                   |
| s 201UAB(1)      | Function of providing the Victoria Planning Authority with information relating to any land within municipal district                                | CEO,<br>MDR                  |                                   |

### Planning and Environment Act 1987

| Provision   | Power and Functions Delegated  | Delegate    | Conditions and Limitations |
|-------------|--|-------------|----------------------------|
| s 201UAB(2) | Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible | CEO,<br>MDR |                            |

### Residential Tenancies Act 1997

| 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 | CEO,<br>EHOs |                            |
| s 522(1)  | Power to give a compliance notice to a person   | CEO,<br>EHOs |                            |
| s 525(2)  | Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)  | CEO,<br>EHOs |                            |
| s 525(4)  | Duty to issue identity card to authorised officers  | CEO,<br>EHOs |                            |
| s 526(5)  | Duty to keep record of entry by authorised officer under s 526  | CEO,<br>EHOs |                            |
| s 526A(3) | Function of receiving report of inspection  | CEO,<br>EHOs |                            |
| s 527     | Power to authorise a person to institute proceedings (either generally or in a particular case)   | CEO,<br>EHOs |                            |

### Road Management Act 2004

| 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                     | CEO,<br>CSAM | Obtain consent in circumstances specified in s 11(2) |
| s 11(8)    | Power to name a road or change the name of a road by publishing notice in Government Gazette | CEO,<br>CSAM |  |
| s 11(9)(b) | Duty to advise Registrar   | CEO,<br>CSAM |  |



### Road Management Act 2004

| Provision | Power and Functions Delegated  | Delegate     | Conditions and Limitations   |
|-----------|--|--------------|--|
| s 11(10)  | Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.  | CEO,<br>CSAM | Subject to s 11(10A)   |
| s 11(10A) | Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person  | CEO,<br>CSAM | Where Council is the coordinating road authority   |
| s 12(10)  | Duty to notify of decision made  | CEO,<br>CSAM | Duty of coordinating road authority where it is the discontinuing body<br><br>Does not apply where an exemption is specified by the regulations or given by the Minister |
| s 13(1)   | Power to fix a boundary of a road by publishing notice in Government Gazette   | CEO,<br>CSAM | Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate   |
| s 14(4)   | Function of receiving notice from the Head, Transport for Victoria   | CEO,<br>CSAM |  |
| s 14(7)   | Power to appeal against decision of the Head, Transport for Victoria   | CEO,<br>CSAM |  |
| 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 | CEO,<br>CSAM |  |
| s 15(1A)  | Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority   | CEO,<br>CSAM |  |
| s 15(2)   | Duty to include details of arrangement in public roads register  | CEO,<br>CSAM |  |
| s 16(7)   | Power to enter into an arrangement under s 15  | CEO,<br>CSAM |  |
| s 16(8)   | Duty to enter details of determination in public roads register  | CEO,<br>CSAM |  |

### Road Management Act 2004

| Provision | Power and Functions Delegated   | Delegate              | Conditions and Limitations   |
|-----------|---|-----------------------|--|
| s 17(2)   | Duty to register public road in public roads register   | CEO,<br>CSAM          | Where Council is the coordinating road authority   |
| s 17(3)   | Power to decide that a road is reasonably required for general public use                           | CEO,<br>CSAM          | 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         | CEO,<br>CSAM          | 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                 | CEO,<br>CSAM          | 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 | CEO,<br>CSAM          | Where Council is the coordinating road authority   |
| s 18(1)   | Power to designate ancillary area   | CEO,<br>CSAM          | Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2) |
| s 18(3)   | Duty to record designation in public roads register   | CEO,<br>CSAM,<br>TOAs | 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     | CEO,<br>CSAM,<br>TOAs |  |
| s 19(4)   | Duty to specify details of discontinuance in public roads register                                  | CEO,<br>CSAM,<br>TOAs |  |
| s 19(5)   | Duty to ensure public roads register is available for public inspection                             | CEO,<br>CSAM,<br>TOAs |  |
| s 21      | Function of replying to request for information or advice   | CEO,<br>CSAM          | Obtain consent in circumstances specified in s 11(2)   |
| s 22(2)   | Function of commenting on proposed direction  | CEO,<br>CSAM          |  |

### Road Management Act 2004

| Provision | Power and Functions Delegated  | Delegate                                      | Conditions and Limitations  |
|-----------|--|---|---|
| s 22(4)   | Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.     | CEO,<br>CSAM                                  |   |
| s 22(5)   | Duty to give effect to a direction under s 22  | CEO,<br>CSAM                                  |   |
| s 40(1)   | Duty to inspect, maintain and repair a public road.  | CE2,<br>CEO,<br>CE1,<br>CSAM,<br>CE3,<br>TOAs |   |
| s 40(5)   | Power to inspect, maintain and repair a road which is not a public road                                      | CE2,<br>CEO,<br>CE1,<br>CSAM,<br>CE3          |   |
| s 41(1)   | Power to determine the standard of construction, inspection, maintenance and repair                          | CE2,<br>CEO,<br>CE1,<br>CSAM,<br>CE3,<br>TOAs |   |
| s 42(1)   | Power to declare a public road as a controlled access road   | CEO,<br>CSAM                                  | 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                               | CEO,<br>CSAM                                  | Power of coordinating road authority and sch 2 also applies   |
| s 42A(3)  | Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified | CEO,<br>CSAM                                  | Where Council is the coordinating road authority<br><br>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                           | CEO,<br>CSAM                                  | Where Council is the coordinating road authority  |

## Road Management Act 2004

| Provision | Power and Functions Delegated  | Delegate              | Conditions and Limitations   |
|-----------|--|-----------------------|--|
|           |  |                       | 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) | CEO,<br>CSAM          | Where Council is the responsible road authority, infrastructure manager or works manager     |
| s 48M(3)  | Function of consulting with the relevant authority for purposes of developing guidelines under s 48M   | CEO,<br>CSAM          |  |
| s 49      | Power to develop and publish a road management plan  | CEO,<br>CSAM          |  |
| s 51      | Power to determine standards by incorporating the standards in a road management plan  | CEO,<br>CSAM          |  |
| s 53(2)   | Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan   | CEO,<br>CSAM          |  |
| s 54(2)   | Duty to give notice of proposal to make a road management plan   | CEO,<br>CSAM          |  |
| s 54(5)   | Duty to conduct a review of road management plan at prescribed intervals   | CEO,<br>CSAM          |  |
| s 54(6)   | Power to amend road management plan  | CEO,<br>CSAM          |  |
| s 54(7)   | Duty to incorporate the amendments into the road management plan   | CEO,<br>CSAM          |  |
| s 55(1)   | Duty to cause notice of road management plan to be published in Government Gazette and newspaper   | CEO,<br>CSAM          |  |
| s 63(1)   | Power to consent to conduct of works on road   | CEO,<br>CSAM,<br>TOAs | Where Council is the coordinating road authority   |

### Road Management Act 2004

| Provision  | Power and Functions Delegated  | Delegate                              | Conditions and Limitations                                   |
|------------|--|---------------------------------------|--|
| s 63(2)(e) | Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency   | CEO,<br>CE1,<br>EMC,<br>CSAM,<br>TOAs | Where Council is the infrastructure manager                  |
| s 64(1)    | Duty to comply with cl 13 of sch 7   | CEO,<br>CSAM                          | Where Council is the infrastructure manager or works manager |
| s 66(1)    | Power to consent to structure etc  | CEO,<br>CSAM,<br>TOAs                 | 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 | CEO,<br>CSAM,<br>TOAs                 | Where Council is the coordinating road authority             |
| s 67(3)    | Power to request information   | CEO,<br>CSAM,<br>TOAs                 | Where Council is the coordinating road authority             |
| s 68(2)    | Power to request information   | CEO,<br>CSAM,<br>TOAs                 | Where Council is the coordinating road authority             |
| s 71(3)    | Power to appoint an authorised officer   | NOT,<br>CEO                           |  |
| s 72       | Duty to issue an identity card to each authorised officer  | HRBP,<br>CEO,<br>PAYO                 |  |
| s 85       | Function of receiving report from authorised officer   | CEO,<br>MDR                           |  |
| s 86       | Duty to keep register re s 85 matters  | CEO,<br>CSAM                          |  |
| s 87(1)    | Function of receiving complaints   | CEO,<br>RGL,<br>CSAM                  |  |
| s 87(2)    | Duty to investigate complaint and provide report   | CEO, CE1                              |  |

## Road Management Act 2004

| Provision     | Power and Functions Delegated  | Delegate                      | Conditions and Limitations |
|---------------|--|-------------------------------|----------------------------|
| s 96          | Power to authorise a person for the purpose of instituting legal proceedings   | CEO,<br>CSAM                  |                            |
| s 112(2)      | Power to recover damages in court  | CEO,<br>CSAM                  |                            |
| s 116         | Power to cause or carry out inspection   | CEO,<br>CE1,<br>CSAM,<br>TOAs |                            |
| s 119(2)      | Function of consulting with the Head, Transport for Victoria   | CEO,<br>CSAM                  |                            |
| s 120(1)      | Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)             | CE2,<br>CEO,<br>CE1, CE3      |                            |
| 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) | CE2,<br>CEO,<br>CE1, CE3      |                            |
| s 121(1)      | Power to enter into an agreement in respect of works   | CEO,<br>CSAM                  |                            |
| s 122(1)      | Power to charge and recover fees   | CEO,<br>CSAM,<br>TOAs         |                            |
| s 123(1)      | Power to charge for any service  | CEO,<br>CSAM                  |                            |
| sch 2 cl 2(1) | Power to make a decision in respect of controlled access roads   | CEO,<br>CSAM                  |                            |
| sch 2 cl 3(1) | Duty to make policy about controlled access roads  | CEO,<br>CSAM                  |                            |
| sch 2 cl 3(2) | Power to amend, revoke or substitute policy about controlled access roads  | CEO,<br>CSAM                  |                            |
| sch 2 cl 4    | Function of receiving details of proposal from the Head, Transport for Victoria  | CEO,<br>CSAM                  |                            |
| sch 2 cl 5    | Duty to publish notice of declaration  | CEO,<br>CSAM                  |                            |

## Road Management Act 2004

| Provision      | Power and Functions Delegated  | Delegate                                      | Conditions and Limitations   |
|----------------|--|---|--|
| sch 7 cl 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   | CEO,<br>CSAM,<br>TOAs                         | Where Council is the infrastructure manager or works manager   |
| sch 7 cl 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                                     | CE2,<br>CEO,<br>CE1,<br>CSAM,<br>CE3,<br>TOAs | Where Council is the infrastructure manager or works manager   |
| sch 7 cl 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 | CE2,<br>CEO,<br>CE1,<br>CSAM,<br>CE3,<br>TOAs | Where Council is the infrastructure manager or works manager responsible for non-road infrastructure |
| sch 7 cl 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  | CE2,<br>CEO,<br>CE1,<br>CSAM,<br>CE3,<br>TOAs | Where Council is the infrastructure manager or works manager   |
| sch 7 cl 10(2) | Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected   | CE2,<br>CEO,<br>CE1, CE3                      | Where Council is the infrastructure manager or works manager   |
| sch 7 cl 12(2) | Power to direct infrastructure manager or works manager to conduct reinstatement works   | CE2,<br>CEO,<br>CE1,<br>CSAM,<br>CE3,<br>TOAs | Where Council is the coordinating road authority   |
| sch 7 cl 12(3) | Power to take measures to ensure reinstatement works are completed   | CE2,<br>CEO,<br>CE1,<br>CSAM,<br>CE3,<br>TOAs | Where Council is the coordinating road authority   |

## Road Management Act 2004

| Provision      | Power and Functions Delegated   | Delegate                                      | Conditions and Limitations  |
|----------------|---|---|---|
| sch 7 cl 12(4) | Duty to ensure that works are conducted by an appropriately qualified person  | CE2,<br>CEO,<br>CE1,<br>CSAM,<br>CE3,<br>TOAs | Where Council is the coordinating road authority  |
| sch 7 cl 12(5) | Power to recover costs  | CE2,<br>CEO,<br>CE1,<br>CSAM,<br>CE3,<br>TOAs | Where Council is the coordinating road authority  |
| sch 7 cl 13(1) | Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2) | CEO,<br>CSAM,<br>TOAs                         | Where Council is the works manager  |
| sch 7 cl 13(2) | Power to vary notice period   | CEO,<br>CSAM,<br>TOAs                         | Where Council is the coordinating road authority  |
| sch 7 cl 13(3) | Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)                               | CEO,<br>CSAM,<br>TOAs                         | Where Council is the infrastructure manager   |
| sch 7 cl 16(1) | Power to consent to proposed works  | CEO,<br>CSAM,<br>TOAs                         | Where Council is the coordinating road authority  |
| sch 7 cl 16(4) | Duty to consult   | CEO,<br>CSAM                                  | Where Council is the coordinating road authority, responsible authority or infrastructure manager |
| sch 7 cl 16(5) | Power to consent to proposed works  | CEO,<br>CSAM,<br>TOAs                         | Where Council is the coordinating road authority  |
| sch 7 cl 16(6) | Power to set reasonable conditions on consent   | CEO,<br>CSAM,<br>TOAs                         | Where Council is the coordinating road authority  |
| sch 7 cl 16(8) | Power to include consents and conditions  | CEO,<br>CSAM,<br>TOAs                         | Where Council is the coordinating road authority  |



## Road Management Act 2004

| Provision            | Power and Functions Delegated   | Delegate              | Conditions and Limitations  |
|----------------------|---|-----------------------|---|
| sch 7 cl 17(2)       | Power to refuse to give consent and duty to give reasons for refusal  | CEO,<br>CSAM          | Where Council is the coordinating road authority  |
| sch 7 cl18(1)        | Power to enter into an agreement  | NOT,<br>CEO           | Where Council is the coordinating road authority  |
| sch7 cl 19(1)        | Power to give notice requiring rectification of works   | CEO,<br>CSAM,<br>TOAs | 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    | CEO,<br>CSAM          | 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                                      | CEO,<br>CSAM          | Where Council is the coordinating road authority  |
| sch 7A cl 2          | Power to cause street lights to be installed on roads   | CEO,<br>CSAM,<br>TOAs | Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road                                  |
| sch 7 cl 3(1)(d)     | Duty to pay installation and operation costs of street lighting - where road is not an arterial road                                  | CEO,<br>CSAM          | Where Council is the responsible road authority   |
| sch 7A cl 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 | CEO,<br>CSAM          | Where Council is the responsible road authority   |
| sch 7A cl (3)(1)(f)  | Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4  | CEO,<br>CSAM          | Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs) |

**Cemeteries and Crematoria Regulations 2015**

| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b> | <b>Conditions and Limitations</b> |
|------------------|---|-----------------|-----------------------------------|
| r 24             | Duty to ensure that cemetery complies with depth of burial requirements   | N/A             |                                   |
| r 25             | Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves  | N/A             |                                   |
| r 27             | Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)                                  | N/A             |                                   |
| r 28(1)          | Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator | N/A             |                                   |
| r 28(2)          | Duty to ensure any fittings removed of are disposed in an appropriate manner  | N/A             |                                   |
| r 29             | Power to dispose of any metal substance or non-human substance recovered from a cremator  | N/A             |                                   |
| r 30(2)          | Power to release cremated human remains to certain persons  | N/A             | Subject to any order of a court   |
| r 31(1)          | Duty to make cremated human remains available for collection within 2 working days after the cremation  | N/A             |                                   |
| r 31(2)          | Duty to hold cremated human remains for at least 12 months from the date of cremation   | N/A             |                                   |
| r 31(3)          | Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation                               | N/A             |                                   |
| r 31(4)          | Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period                              | N/A             |                                   |
| r 32             | Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)   | N/A             |                                   |
| r 33(1)          | Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)                               | N/A             |                                   |

**Cemeteries and Crematoria Regulations 2015**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b> | <b>Conditions and Limitations</b>    |
|------------------|--|-----------------|--------------------------------------|
| r 33(2)          | Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)   | N/A             |                                      |
| r 34             | Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)  | N/A             |                                      |
| r 36             | Duty to provide statement that alternative vendors or supplier of monuments exist  | N/A             |                                      |
| r 40             | Power to approve a person to play sport within a public cemetery   | N/A             |                                      |
| r 41(1)          | Power to approve fishing and bathing within a public cemetery  | N/A             |                                      |
| r 42(1)          | Power to approve hunting within a public cemetery  | N/A             |                                      |
| r 43             | Power to approve camping within a public cemetery  | N/A             |                                      |
| r 45(1)          | Power to approve the removal of plants within a public cemetery  | N/A             |                                      |
| r 46             | Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)  | N/A             |                                      |
| r 47(3)          | Power to approve the use of fire in a public cemetery  | N/A             |                                      |
| r 48(2)          | Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area                              | N/A             |                                      |
|                  | Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules                        | N/A             |                                      |
| sch 2 cl 4       | Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2  | N/A             | See note above regarding model rules |
| sch 2 cl 5(1)    | Duty to display the hours during which pedestrian access is available to the cemetery  | N/A             | See note above regarding model rules |
| sch 2 cl 5(2)    | Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours | N/A             | See note above regarding model rules |

### Cemeteries and Crematoria Regulations 2015

| Provision      | Power and Functions Delegated  | Delegate | Conditions and Limitations           |
|----------------|--|----------|--------------------------------------|
| sch 2 cl 6(1)  | Power to give directions regarding the manner in which a funeral is to be conducted                        | N/A      | See note above regarding model rules |
| sch 2 cl 7(1)  | Power to give directions regarding the dressing of places of interment and memorials                       | N/A      | See note above regarding model rules |
| sch 2 cl 8     | Power to approve certain mementos on a memorial  | N/A      | See note above regarding model rules |
| sch 2 cl 11(1) | Power to remove objects from a memorial or place of interment  | N/A      | See note above regarding model rules |
| sch 2 cl 11(2) | Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner                 | N/A      | See note above regarding model rules |
| sch 2 cl 12    | Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies | N/A      | See note above regarding model rules |
| sch 2 cl 14    | Power to approve an animal to enter into or remain in a cemetery   | N/A      | See note above regarding model rules |
| sch 2 cl 16(1) | Power to approve construction and building within a cemetery   | N/A      | See note above regarding model rules |
| sch 2 cl 17(1) | Power to approve action to disturb or demolish property of the cemetery trust                              | N/A      | See note above regarding model rules |
| sch 2 cl 18(1) | Power to approve digging or planting within a cemetery   | N/A      | See note above regarding model rules |

### Planning and Environment Regulations 2015

| Provision | Power and Functions Delegated  | Delegate            | Conditions and Limitations   |
|-----------|--|---------------------|--|
| r.6       | function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme | CEO,<br>MDR,<br>POs | where Council is not the planning authority and the amendment affects land within Council's municipal district; or<br>where the amendment will amend the planning scheme to designate Council as an acquiring authority. |

### Planning and Environment Regulations 2015

| 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,<br>MDR,<br>POs |  |
| r.25(a)   | duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements  | CEO,<br>MDR,<br>POs | where Council is the responsible authority   |
| r.25(b)   | function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements  | CEO,<br>MDR,<br>POs | where Council is not the responsible authority but the relevant land is within Council's municipal district  |
| r.42      | function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application   | CEO,<br>MDR,<br>POs | where Council is not the planning authority and the amendment affects land within Council's municipal district; or<br>where the amendment will amend the planning scheme to designate Council as an acquiring authority. |

### Planning and Environment (Fees) Regulations 2016

| 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,<br>MDR |                            |
| r 20      | Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme                                | CEO,<br>MDR |                            |
| r 21      | Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20 | CEO,<br>MDR |                            |

**Road Management (General) Regulations 2016**

| <b>Provision</b> | <b>Power and Functions Delegated</b>   | <b>Delegate</b>                | <b>Conditions and Limitations</b>                |
|------------------|--|--------------------------------|--|
| r 8(1)           | Duty to conduct reviews of road management plan  | CEO, CSAM                      |  |
| r 9(2)           | Duty to produce written report of review of road management plan and make report available   | CEO, CSAM                      |  |
| r 9(3)           | Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required) | CEO, CSAM                      | Where Council is the coordinating road authority |
| r.10             | Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act          | CEO, CSAM                      |  |
| r 13(1)          | Duty to publish notice of amendments to road management plan   | CEO, CSAM                      | where Council is the coordinating road authority |
| r 13(3)          | Duty to record on road management plan the substance and date of effect of amendment   | CEO, CSAM                      |  |
| r 16(3)          | Power to issue permit  | CEO, CSAM, TOAs                | Where Council is the coordinating road authority |
| r 18(1)          | Power to give written consent re damage to road  | CEO, CSAM, TOAs                | Where Council is the coordinating road authority |
| r 23(2)          | Power to make submission to Tribunal   | NOT, CEO                       | Where Council is the coordinating road authority |
| r 23(4)          | Power to charge a fee for application under s 66(1) Road Management Act  | CEO, CSAM                      | Where Council is the coordinating road authority |
| r 25(1)          | Power to remove objects, refuse, rubbish or other material deposited or left on road   | CE2, CEO, CE1, CSAM, CE3, TOAs | 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, CSAM, CSOs                | Where Council is the responsible road authority  |
| r 25(5)          | Power to recover in the Magistrates' Court, expenses from person responsible   | CEO, CSOs                      |  |

**Road Management (Works and Infrastructure) Regulations 2015**

| <b>Provision</b> | <b>Power and Functions Delegated</b>  | <b>Delegate</b>       | <b>Conditions and Limitations</b>   |
|------------------|---|-----------------------|---|
| 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,<br>CSAM,<br>TOAs | 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,<br>CSAM,<br>TOAs | Where Council is the coordinating road authority  |