

S6 Instrument of Delegation – Members of Staff



Borough of Queenscliffe Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

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

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

CEO	Chief Executive Officer
MPCS	Manager Planning and Community Safety
SP	Strategic Planner
SP(1)	Senior Planner
SLEO	Senior Law Enforcement Officer
EHC	Environmental Health Coordinator
MBS	Municipal Building Surveyor
RIE	Roads & Infrastructure Engineer
MIE	Manager Infrastructure and Environment

3. declares that:
 - 3.1 this Instrument of Delegation is authorised by "**a resolution**" of Council passed on **##Insert date**; 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) strategyadopted 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.

Mayor

Insert Seal

Chief Executive Officer

##OR, where a Council resolution authorises the CEO to sign the instrument, insert:

Signed by the Chief Executive Officer of)
Council in the presence of:)

..... Witness Date:

SCHEDULE

INDEX

DOMESTIC ANIMALS ACT 1994	1
FOOD ACT 1984	2
HERITAGE ACT 2017	8
LOCAL GOVERNMENT ACT 1989	9
PLANNING AND ENVIRONMENT ACT 1987	10
RESIDENTIAL TENANCIES ACT 1997	47
ROAD MANAGEMENT ACT 2004	48
PLANNING AND ENVIRONMENT REGULATIONS 2015	59
PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016	60
RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020	61
ROAD MANAGEMENT (GENERAL) REGULATIONS 2016	64
ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015	66

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog	CEO, MPCS, SLEO	Council may delegate this power to a Council authorised officer

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	MPCS, EHC	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	MPCS, EHC	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	MPCS, EHC	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under 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	MPCS, EHC	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with	MPCS, EHC	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with	MPCS, EHC	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).	MPCS	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MPCS	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 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	MPCS	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	MPCS, EHC	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	MPCS, EHC	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	MPCS, EHC	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	MPCS, EHC	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	MPCS, EHC	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	MPCS, EHC	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	MPCS, EHC	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	MPCS, EHC	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19NA(1)	Power to request food safety audit reports	MPCS, EHC	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	MPCS, EHC	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	MPCS, EHC	Except for an assessment required by a declaration under s 19C or an 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	MPCS, EHC	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	MPCS, EHC	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	MPCS, EHC	Where Council is the registration authority
---	Power to register or renew the registration of a food premises	MPCS, EHC	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	MPCS, EHC	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	MPCS	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MPCS, EHC	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)	MPCS, EHC	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	MPCS, EHC	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	MPCS, EHC	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	MPCS, EHC	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	MPCS, EHC	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	MPCS, EHC	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	MPCS, EHC	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	MPCS, EHC	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	MPCS, EHC	Where Council is the registration authority; not exceeding the prescribed time limit defined under s 38E(5)

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38E(4)	Duty to register the food premises when conditions are satisfied	MPCS, EHC	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	MPCS, EHC	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	MPCS, EHC	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	MPCS, EHC	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	MPCS, EHC	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	EHC	Where Council is the registration authority
s 39A	Power to register, or renew the registration of a food premises despite minor defects	MPCS, EHC	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	MPCS, EHC	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	MPCS, EHC	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	MPCS, EHC	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	MPCS, EHC	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	MPCS, EHC	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	MPCS, EHC	
s 40F	Power to cancel registration of food premises	MPCS, EHC	Where Council is the registration authority
s 43	Duty to maintain records of registration	MPCS, EHC	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	MPCS, EHC	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	MPCS, EHC	Where Council is the registration authority
s 45AC	Power to bring proceedings	MPCS, EHC	
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	MPCS, EHC	Where Council is the registration authority

HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate Executive Director's functions, duties or powers	MPCS	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO ¹	

¹ The only member of staff who can be a delegate in Column 3 is the CEO.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	MPCS	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	MPCS	
s 4H	Duty to make amendment to Victorian Planning Provisions available in accordance with public availability requirements	MPCS	
s 4I(2)	Duty to make a copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	MPCS	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	MPCS	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	MPCS	
s 8A(5)	Function of receiving notice of the Minister's decision	MPCS	
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	MPCS	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	MPCS	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MPCS	
s 12B(1)	Duty to review planning scheme	MPCS	
s 12B(2)	Duty to review planning scheme at direction of Minister	MPCS	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	MPCS	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	MPCS	
s 17(1)	Duty of giving copy amendment to the planning scheme	MPCS	
s 17(2)	Duty of giving copy s 173 agreement	MPCS	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	MPCS	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	MPCS	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	MPCS	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	MPCS	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	MPCS	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	MPCS, SP, SP(1)	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice	MPCS, SP, SP(1)	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	MPCS, SP, SP(1)	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	MPCS, SP, SP(1)	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	MPCS, SP, SP(1)	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	MPCS, SP, SP(1)	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	MPCS, SP, SP(1)	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	MPCS, SP, SP(1)	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	MPCS, SP, SP(1)	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	MPCS	
s 28(1)	Duty to notify the Minister if abandoning an amendment	MPCS	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	MPCS, SP, SP(1)	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	MPCS, SP, SP(1)	
s 30(4)(a)	Duty to say if amendment has lapsed	MPCS, SP, SP(1)	
s 30(4)(b)	Duty to provide information in writing upon request	MPCS, SP, SP(1)	
s 32(2)	Duty to give more notice if required	MPCS, SP, SP(1)	
s 33(1)	Duty to give more notice of changes to an amendment	MPCS, SP, SP(1)	
s 36(2)	Duty to give notice of approval of amendment	MPCS, SP, SP(1)	
s 38(5)	Duty to give notice of revocation of an amendment	MPCS, SP, SP(1)	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	MPCS, SP, SP(1)	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(1)	Function of lodging copy of approved amendment	MPCS, SP, SP(1)	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	MPCS, SP, SP(1)	
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	MPCS, SP, SP(1)	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	MPCS, SP, SP(1)	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	--	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	MPCS	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	MPCS	Where Council is a responsible public entity

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	MPCS	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	MPCS	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	MPCS	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	MPCS	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	MPCS	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	MPCS	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	MPCS	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GP	Function of receiving a notice under s 46GO	MPCS	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	MPCS	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	MPCS	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	MPCS	
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	MPCS	
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	MPCS	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	MPCS	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MPCS	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	MPCS	
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	MPCS	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	MPCS	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	MPCS	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)	MPCS	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)	MPCS	Where Council is the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MPCS	
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	MPCS	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	MPCS	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	MPCS	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	MPCS	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	MPCS	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	MPCS	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(2)(a)	Function of receiving the monetary component	MPCS	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the 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	MPCS	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	MPCS	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	MPCS	Where Council is the collecting agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 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	MPCS	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	MPCS	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
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	MPCS	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	MPCS	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(9)	Function of receiving the fee simple in the land	MPCS	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	MPCS	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	MPCS	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)	MPCS	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	MPCS	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	MPCS	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	MPCS	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)	MPCS	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	MPCS	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	MPCS	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 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)	MPCS	Where Council is the collecting agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZF(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	MPCS	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	MPCS	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Function of receiving proceeds of sale	MPCS	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	MPCS	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)	MPCS	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	MPCS	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	MPCS	Where Council is a collecting agency or development agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	MPCS	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	MPCS	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	MPCS	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	MPCS	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	MPCS	
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	MPCS	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	MPCS	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	MPCS	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	MPCS	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46Q(1)	Duty to keep proper accounts of levies paid	MPCS	
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	MPCS	
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	MPCS	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	MPCS	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)	MPCS	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	MPCS	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	MPCS	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	MPCS	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46QD	Duty to prepare report and give a report to the Minister	MPCS	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	--	
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	--	
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	--	
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	--	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	--	
s 47	Power to decide that an application for a planning permit does not comply with that Act	MPCS, SP, SP(1)	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	MPCS, SP, SP(1)	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	MPCS, SP, SP(1)	
s 50(4)	Duty to amend application	MPCS, SP, SP(1)	
s 50(5)	Power to refuse to amend application	MPCS	
s 50(6)	Duty to make note of amendment to application in register	MPCS, SP, SP(1)	
s 50A(1)	Power to make amendment to application	MPCS, SP, SP(1)	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	MPCS, SP, SP(1)	
s 50A(4)	Duty to note amendment to application in register	MPCS, SP, SP(1)	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	MPCS, SP, SP(1)	
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	MPCS, SP, SP(1)	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	MPCS, SP, SP(1)	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	MPCS, SP, SP(1)	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MPCS, SP, SP(1)	
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	MPCS, SP, SP(1)	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	MPCS, SP, SP(1)	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	MPCS, SP, SP(1)	
s 52(3)	Power to give any further notice of an application where appropriate	MPCS, SP, SP(1)	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	MPCS, SP, SP(1)	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	MPCS, SP, SP(1)	
s 54(1)	Power to require the applicant to provide more information	MPCS, SP, SP(1)	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	MPCS, SP, SP(1)	
s 54(1B)	Duty to specify the lapse date for an application	MPCS, SP, SP(1)	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	MPCS, SP, SP(1)	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	MPCS, SP, SP(1)	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	MPCS, SP, SP(1)	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	MPCS	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	MPCS, SP, SP(1)	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	MPCS, SP, SP(1)	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	MPCS, SP, SP(1)	
s 57A(5)	Power to refuse to amend application	MPCS	
s 57A(6)	Duty to note amendments to application in register	MPCS, SP, SP(1)	
s 57B(1)	Duty to determine whether and to whom notice should be given	MPCS, SP, SP(1)	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	MPCS, SP, SP(1)	
s 57C(1)	Duty to give copy of amended application to referral authority	MPCS, SP, SP(1)	
s 58	Duty to consider every application for a permit	MPCS, SP, SP(1)	
s 58A	Power to request advice from the Planning Application Committee	MPCS	
s 60	Duty to consider certain matters	MPCS, SP, SP(1)	
s 60(1A)	Duty to consider certain matters	MPCS, SP, SP(1)	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	MPCS, SP, SP(1)	
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	MPCS, SP, SP(1)	The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	MPCS, SP, SP(1)	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	MPCS	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	MPCS	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	MPCS	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	MPCS, SP, SP(1)	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	MPCS, SP, SP(1)	
s 62(2)	Power to include other conditions	MPCS, SP, SP(1)	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	MPCS, SP, SP(1)	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	MPCS	
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	MPCS	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	MPCS	
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)	MPCS	

