

S6. Instrument of Delegation – Members of Staff



MANSFIELD SHIRE

Instrument of Delegation

Council

to

Members of Staff

For endorsement by Council on 21 September 2021



S6 Instrument of Delegation - Members of Staff

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:

AI	Asset Inspector
AMO	Asset Maintenance Officer
CAM	Co-ordinator Asset Management
CCWD	Co-ordinator Capital Works Delivery
CEO	Chief Executive Officer
CES	Co-ordinator Engineering Services
CGR	Co-ordinator Governance and Risk
CO	Compliance Officer
CP	Co-ordinator Planning
CR	Co-ordinator Revenue
CSASCS	Customer Service & Admin Support Community Safety
CSASOCW	Customer Service & Admin Support Operations and Capital Works
EHO	Environmental Health Officer
EMO	Emergency Management Officer
GMCC	General Manager Corporate and Community
GMIP	General Manager Infrastructure and Planning
IPDS	Infrastructure & Planning Directorate Support
LLO	Local Laws Officer
MBP	Manager Business and Performance
MERO	Municipal Emergency Resource Officer
MOCW	Manager Operations & Capital Works
MPE	Manager Planning and Environment
PAA	Planning Administration Assistant
PCA	People and Culture Advisor
PMO	Property Management Officer
PO	Project Officer
SCCS	Senior Co-ordinator Community Safety
SCFS	Senior Co-ordinator Field Services
SP	Statutory Planner

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 16 March 2021; and

3.2 the delegation:

3.2.1 comes into force immediately upon a resolution of Council;

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.

This Instrument of Delegation is dated 21 September 2021 and is made under resolution of Mansfield Shire Council.

_____ Councillor

_____ Witness



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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	GMIP, IPDS	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	GMIP, IPDS	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	GMIP, IPDS	Where Council is a Class B cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	GMIP, IPDS	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	GMIP, IPDS	
s 15(4)	Duty to keep records of delegations	GMIP, IPDS	
s 17(1)	Power to employ any persons necessary	GMIP, PCA	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	IPDS, MOCW	
s 17(3)	Power to determine the terms and conditions of employment or engagement	GMIP, PCA	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	GMIP	
s 19	Power to carry out or permit the carrying out of works	GMIP, SCFS	
s 20(1)	Duty to set aside areas for the interment of human remains	SCFS	



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	-	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	-	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	GMIP	
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	GMIP	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	GMIP	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	MBP	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	MBP	Provided the street was constructed pursuant to the <i>Local Government Act 2020</i>
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	MBP, MOCW	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	IPDS, MOCW	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	IPDS, MOCW	
s 60(2)	Power to charge fees for providing information	MBP, MOCW	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	GMIP	
s 64B(d)	Power to permit interments at a reopened cemetery	GMIP	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	-	The application must include the requirements listed in s 66(2)(a)-(d)



Cemeteries and Crematoria Act 2003

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	-	
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	IPDS, MOCW, SCFS	
s 70(2)	Duty to make plans of existing place of interment available to the public	IPDS, MOCW, SCFS	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	MOCW, SCFS	
s 71(2)	Power to dispose of any memorial or other structure removed	MOCW, SCFS	
s 72(2)	Duty to comply with request received under s 72	MOCW, SCFS	
s 73(1)	Power to grant a right of interment	MOCW, SCFS	
s 73(2)	Power to impose conditions on the right of interment	MOCW, SCFS	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	MOCW, SCFS	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	IPDS, MOCW, SCFS	
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	GMIP	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	IPDS, MBP, MOCW, SCFS	
s 80(2)	Function of recording transfer of right of interment	IPDS, MOCW, SCFS	



Cemeteries and Crematoria Act 2003

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	MBP	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment (sole holder)	MBP	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	GMIP, MOCW, SCFS	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	IPDS, MOCW, SCFS	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	IPDS, MOCW	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	IPDS, MOCW	Does not apply where right of interment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and reestablish at new or equivalent location.	GMIP	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	SCFS	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	GMIP, SCFS	
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	GMIP, SCFS	



Cemeteries and Crematoria Act 2003

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	GMIP, SCFS	
s.86(4)	power to take action under s.86(4) relating to removing and reintering cremated human remains	GMIP, SCFS	
s.86(5)	duty to provide notification before taking action under s.86(4)	GMIP, SCFS	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	GMIP, SCFS	
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	GMIP	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	GMIP, SCFS	
s 91(1)	Power to cancel a right of interment in accordance with s 91	GMIP	
s 91(3)	Duty to publish notice of intention to cancel right of interment	GMIP, IPDS	
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	GMIP, MBP, MOCW, SCFS	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	IPDS, MOCW, SCFS	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	MOCW, SCFS	
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	MOCW, SCFS	



Cemeteries and Crematoria Act 2003

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 100(1)	Power to require a person to remove memorials or places of interment	MOCW, SCFS	
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)	MOCW, SCFS	
s 100(3)	Power to recover costs of taking action under s 100(2)	MBP	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	IPDS, MOCW, SCFS	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	GMIP	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	GMIP, MOCW	
s 103(1)	Power to require a person to remove a building for ceremonies	MOCW, SCFS	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	MOCW, SCFS	
s 103(3)	Power to recover costs of taking action under s 103(2)	MBP	
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	MOCW, SCFS	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	MOCW, SCFS	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	MOCW, SCFS	



Cemeteries and Crematoria Act 2003

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	GMIP, MOCW, SCFS	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	MOCW, SCFS	
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	MOCW, SCFS	
s 108	Power to recover costs and expenses	MBP	
s 109(1)(a)	Power to open, examine and repair a place of interment	MOCW, SCFS	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	MOCW, SCFS	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	MOCW, SCFS	Where the holder of right of interment or responsible person cannot be found
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	MOCW, SCFS	
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	MOCW, SCFS	
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	MBP	



Cemeteries and Crematoria Act 2003

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	GMIP, IPDS, MOCW	
s 112	Power to sell and supply memorials	IPDS, MOCW, SCFS	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	IPDS, MOCW, SCFS	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	IPDS, MOCW, SCFS	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	MOCW, SCFS	
s 119	Power to set terms and conditions for interment authorisations	MOCW, SCFS	
s 131	Function of receiving an application for cremation authorisation	IPDS, MOCW, SCFS	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	IPDS, MOCW, SCFS	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	IPDS, MOCW, SCFS	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	MOCW, SCFS	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	GMIP, MOCW, SCFS	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	MOCW, SCFS	



Cemeteries and Crematoria Act 2003

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	MOCW, SCFS	
s 151	Function of receiving applications to inter or cremate body parts	IPDS, MOCW, SCFS	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	IPDS, MOCW, SCFS	
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	IPDS, MOCW, SCFS	
sch 1 cl 8(8)	Power to regulate own proceedings	MOCW, SCFS	Subject to cl 8

Domestic Animals Act 1994

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	GMIP, LLO, SCCS	Council may delegate this power to a Council authorised officer



Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	EHO, GMIP, SCCS	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	EHO, SCCS	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	EHO, SCCS	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	GMIP, SCCS	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	EHO, SCCS	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	EHO, SCCS	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHO, SCCS	Where Council is the registration authority



Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and 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	EHO, SCCS	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	SCCS	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHO, SCCS	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHO, SCCS	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO, SCCS	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHO, SCCS	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	EHO, SCCS	Where Council is the registration authority



Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	MBP, SCCS	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	MBP, SCCS	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	EHO, SCCS	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHO, SCCS	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	EHO, SCCS	Where Council is the registration authority
	Power to register, renew or transfer registration	EHO, SCCS	Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	EHO, SCCS	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	MBP	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHO, SCCS	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)	MBP	Where Council is the registration authority



Food Act 1984

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38A(4)	Power to request a copy of a completed food safety program template	EHO, SCCS	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	EHO, SCCS	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHO, SCCS	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHO, SCCS	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	EHO, SCCS	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHO, SCCS	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHO, SCCS	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	EHO, SCCS	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	EHO, SCCS	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHO, SCCS	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	EHO, SCCS	Where Council is the registration authority



Food Act 1984

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38G(2)	Power to require the proprietor of the food premises to comply with any requirement of the Act	EHO, SCCS	Where Council is the registration authority Note: This provision commences on 1 July 2021, unless proclaimed earlier
s 39A	Power to register, renew or transfer food premises despite minor defects	EHO, SCCS	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	EHO, SCCS	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	EHO, SCCS	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	EHO, SCCS	Where Council is the registration authority
s 40F	Power to cancel registration of food premises	SCCS	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, transferring or renewing registration of a component of a food business	EHO, SCCS	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	EHO, SCCS	Where Council is the registration authority



s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	EHO, SCCS	Where Council is the registration authority
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Heritage Act 2017

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

Local Government Act 1989

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	



Planning and Environment Act 1987

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	GMIP, MPE	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CP, GMIP, MPE	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	CP, MPE	
s 4I	Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements	CP, MPE	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CP, MPE	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	GMIP, MPE	
s 8A(5)	Function of receiving notice of the Minister's decision	CP, GMIP, MPE	
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	CP, MPE	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	GMIP	
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	CP, MPE	



s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	CP, GMIP, MPE	
s 12B(1)	Duty to review planning scheme	CP, MPE	

Planning and Environment Act 1987

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 12B(2)	Duty to review planning scheme at direction of Minister	CP, MPE	General Manager Infrastructure and Planning to be advised.
s.12B(5)	Duty to report findings of review of planning scheme to Minister without delay	CP, MPE	In consultation with General Manager Infrastructure and Planning
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	CO, CP, GMIP, IPDS, MPE, PAA, SP	
s 17(1)	Duty of giving copy amendment to the planning scheme	CP, MPE	
s 17(2)	Duty of giving copy s 173 agreement	CP, MPE	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	GMIP, MPE	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	CP, MPE	
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	CP, MPE	



s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CP, MPE	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	GMIP	

Planning and Environment Act 1987

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 21(2)	Duty to make submissions available in accordance with public availability requirements	CP, MPE	
s 21A(4)	Duty to publish notice	CP, MPE	
s 22	Duty to consider all submissions	CP, GMIP, MPE	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	GMIP, MPE	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	GMIP, MPE	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CP, GMIP, MPE	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	CP, MPE	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	CP, MPE	
s 27(2)	Power to apply for exemption if panel's report not received	CP, MPE	
s 28(1)	Duty to notify the Minister if abandoning an amendment	Not delegated - CEO only	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	CP, MPE	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	CP, MPE	
s 30(4)(a)	Duty to say if amendment has lapsed	CP, MPE	
s 30(4)(b)	Duty to provide information in writing upon request	CP, MPE	
s 32(2)	Duty to give more notice if required	CP, MPE	
s 33(1)	Duty to give more notice of changes to an amendment	CP, MPE	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 36(2)	Duty to give notice of approval of amendment	CP, MPE	
s 38(5)	Duty to give notice of revocation of an amendment	CP, MPE	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CP, MPE, SP	
s 40(1)	Function of lodging copy of approved amendment	CP, MPE	
s 41 (1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	CP, MPE	
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	CP, MPE	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	CP, MPE, PAA, SP	
s 46AW	Function of being consulted by the Minister	GMIP, MPE	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	GMIP, MPE	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	GMIP, MPE	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	GMIP, MPE	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	GMIP, MPE	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	GMIP, MPE	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	GMIP, MPE	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CP, MPE	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CP, MPE	
s 46GP	Function of receiving a notice under s 46GO	CP, MPE	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	CP, MPE	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	GMIP, MPE	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	GMIP, MPE	
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	GMIP, MPE	



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	GMIP, MPE	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	MBP	
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	GMIP, MPE	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	GMIP, MPE	
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	GMIP, MPE	
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	MBP	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	GMIP, MPE	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)	GMIP, MPE	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)	GMIP, MPE	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	MPE	
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	MBP	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	GMIP, MPE	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	GMIP, MPE	Where Council is the collecting agency

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GY(1)	Duty to keep proper and separate accounts and records	CO, CP, GMIP, MPE, PAA, SP	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CO, CP, GMIP, MPE, PAA, SP	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	MBP	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	MBP	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	MBP	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	MBP	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)	MBP	Where Council is the collecting agency under an approved infrastructure contributions plan

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Provision	Powers and Functions Delegated	Delegate	Conditions and 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	MBP	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	MBP	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	MBP	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	MBP	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) 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 46GZ(9)	Function of receiving the fee simple in the land	MBP	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZA(1)	Duty to keep proper and separate accounts and records	MBP	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	MBP	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)	MPE	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	MPE	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
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)	MPE	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)	MPE	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)	MBP	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	MBP	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	MBP	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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)	MPE	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	GMIP, MPE	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)	GMIP, MPE	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	MBP	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)	MBP	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)	MBP	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	MBP	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	GMIP, MPE	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	GMIP, MPE	Where Council is a collecting agency or development agency

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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)	CP, MPE, PAA	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CP, MPE	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	MBP	In consultation with GM Infrastructure & Planning and Manager Planning and Environment
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CP, MPE	
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	MBP, MPE	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CP, MPE	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	MBP	



s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	MBP	
s 46Q(1)	Duty to keep proper accounts of levies paid	MBP, MPE	
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 or plan preparation costs incurred by a development agency	MBP, MPE	
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	MBP, MPE	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	MBP	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)	MBP	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 GMIP to be consulted
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	GMIP, MPE	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	MBP, MPE	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	MBP	GMIP and MPE to be consulted
s 46QD	Duty to prepare report and give a report to the Minister	GMIP	Where Council is a collecting agency or development agency
s 47	Power to decide that an application for a planning permit does not comply with that Act	CP, MPE	



s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CP, MPE, PAA	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	CP, MPE, PAA, SP	
s 50(4)	Duty to amend application	CP, MPE	
s 50(5)	Power to refuse to amend application	CP, MPE	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 50(6)	Duty to make note of amendment to application in register	CP, MPE, PAA, SP	
s 50A(1)	Power to make amendment to application	CP, MPE, PAA, SP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CP, MPE, SP	
s 50A(4)	Duty to note amendment to application in register	CP, MPE, PAA, SP	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	CP, MPE, PAA, SP	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CP, MPE, SP	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CP, MPE	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CP, MPE, SP	



s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CP, MPE, SP	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CP, MPE, SP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CP, MPE, SP	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenan	CP, MPE, SP	
s 52(3)	Power to give any further notice of an application where appropriate	CP, MPE, SP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CP, MPE, SP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CP, MPE, SP	
s 54(1)	Power to require the applicant to provide more information	CP, MPE, SP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CP, MPE, SP	
s 54(1B)	Duty to specify the lapse date for an application	CP, MPE, SP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CP, MPE, SP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CP, MPE, SP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CP, MPE, SP	



s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CP, MPE, SP	Council must be notified in writing
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CP, MPE, SP	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	CP, MPE, PAA, SP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CP, MPE, PAA, SP	
s 57A(5)	Power to refuse to amend application	CP, MPE, SP	
s 57A(6)	Duty to note amendments to application in register	CP, MPE, PAA, SP	
s 57B(1)	Duty to determine whether and to whom notice should be given	CP, MPE, SP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CP, MPE, SP	
s 57C(1)	Duty to give copy of amended application to referral authority	CP, MPE, PAA, SP	
s 58	Duty to consider every application for a permit	CP, MPE, SP	
s 58A	Power to request advice from the Planning Application Committee	CP, MPE, SP	
s 60	Duty to consider certain matters	CP, MPE, SP	
s 60(1A)	Duty to consider the relevant planning scheme	CP, MPE, SP	



s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CP, MPE, SP	
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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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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	CP, MPE, SP	<p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p> <p>The power to determine a permit application is not delegated for the following applications:</p> <ul style="list-style-type: none"> • Where more than four (4) objections are received; • Where the dollar value of the application for a development exceeds \$1m; • Where the application is lodged by or on behalf of Council employees; • Where the application is lodged by or on behalf of a sitting Councillor, (except where the application is lodged by a Councillor acting as a consultant on behalf of another person/applicant); • Where officers recommend refusal of an application, except where: <ul style="list-style-type: none"> ○ the use and or development proposed by an application is prohibited by the Mansfield Planning Scheme; ○ the application is for an extension of time to a permit but the tests for assessing such applications (known as the Kantor Principles) have not been, or cannot be, met ○ Council has been directed to refuse an application by a determining authority
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CP, MPE	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CP, MPE	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CP, MPE	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CP, MPE	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CP, MPE, SP	
s 62(2)	Power to include other conditions	CP, MPE, SP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CP, MPE, SP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CP, MPE, SP	
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	CP, MPE, SP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CP, MPE, SP	
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)	CP, MPE	
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)	CP, MPE, SP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CP, MPE, SP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CP, MPE, SP	This provision applies also to a decision to grant an amendment to a permit - see s 75

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 64(3)	Duty not to issue a permit until after the specified period	CP, MPE, SP	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	CP, MPE, PAA, SP	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	CP, MPE, SP	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	CP, MPE, PAA, SP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	MPE, PAA, SP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CP, MPE, PAA, SP	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	CP, MPE, PAA, SP	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	CP, MPE, PAA, SP	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	CP, MPE, PAA, SP	

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 69(1A)	Function of receiving application for extension of time to complete development	CP, MPE, PAA, SP	



s 69(2)	Power to extend time	CP, MPE	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	CP, MPE, PAA, SP	
s 71(1)	Power to correct certain mistakes	CP, MPE, SP	
s 71(2)	Duty to note corrections in register	CP, MPE, PAA, SP	
s 73	Power to decide to grant amendment subject to conditions	CP, MPE, SP	
s 74	Duty to issue amended permit to applicant if no objectors	CP, MPE, SP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CP, MPE, PAA, SP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CP, MPE, PAA, SP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CP, MPE, PAA, SP	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	CP, MPE, PAA, SP	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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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CP, MPE, PAA, SP	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	CP, MPE	
s 83	Function of being respondent to an appeal	GMIP, MPE, CP, SP	
s 83B	Duty to give or publish notice of application for review	CP, MPE, SP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	-	Council decision required.
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	CP, MPE, PAA, SP	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	GMIP, MPE	Council decision required
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	CP, MPE, PAA, SP	
s 84AB	Power to agree to confining a review by the Tribunal	MPE, CP	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	CP, MPE, PAA, SP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CP, GMIP, MPE	Council decision required
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CP, GMIP, MPE, SP	

Planning and Environment Act 1987

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 91(2)	Duty to comply with the directions of VCAT	CP, MPE, SP	



s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CP, MPE, PAA, SP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CP, SP	
s 93(2)	Duty to give notice of VCAT order to stop development	CP, MPE	Upon recommendation from GMIP and MPE
s 95(3)	Function of referring certain applications to the Minister	CP, MPE	Report to Council required
s 95(4)	Duty to comply with an order or direction	CP, MPE, SP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CP, MPE	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	GMIP, MPE	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CP, MPE, SP	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CP, MPE	
s 96F	Duty to consider the panel's report under s 96E	CP, MPE	Report to Council required
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)	CP, MPE	Report to Council required
s 96H(3)	Power to give notice in compliance with Minister's direction	CP, MPE	

Planning and Environment Act 1987

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 96J	Power to issue permit as directed by the Minister	CP, MPE	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CP, MPE	



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	CP, MPE	
s 97C	Power to request Minister to decide the application	GMIP, MPE	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CP, MPE	
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	CP, MPE	Report to Council required advising of decision.
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	CP, MPE, PAA	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CP, MPE, PAA	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CP, MPE	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	MBP, MPE	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CP, MPE	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CP, MPE	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CO, CP, MPE	

Planning and Environment Act 1987

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 97Q(4)	Duty to comply with directions of VCAT	CO, CP, MPE	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CP, MPE, PAA, SP	



s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	MPE	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	MPE	
s 101	Function of receiving claim for expenses in conjunction with claim	CP, MPE	
s 103	Power to reject a claim for compensation in certain circumstances	GMIP, MPE	Memorandum to be provided to the CEO.
s.107(1)	function of receiving claim for compensation	CP, MPE	
s 107(3)	Power to agree to extend time for making claim	GMIP, MPE	
s 114(1)	Power to apply to the VCAT for an enforcement order	CO, CP, MPE	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CO, CP, MPE	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CO, CP, MPE	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CO, CP, MPE	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CO, MPE	Except Crown Land Action to be reported to Council
s 129	Function of recovering penalties	MBP	

Planning and Environment Act 1987

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 130(5)	Power to allow person served with an infringement notice further time	CP, GMIP, MPE	
s 149A(1)	Power to refer a matter to the VCAT for determination	CO, CP, MPE	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CO, CP, MPE	



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)	MBP	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CP, GMIP, MPE	
s 171(2)(g)	Power to grant and reserve easements	GMIP, MOCW, MPE	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	GMIP	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)	GMIP	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	GMIP	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	CP, MPE	
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	MPE	Where Council is the relevant responsible authority

Planning and Environment Act 1987

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	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	CO, CP, GMIP, MPE	
	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	CO, CP, GMIP, MPE	



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	CP, MPE	
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	CP, MPE	
s 178A(1)	Function of receiving application to amend or end an agreement	CO, CP, MPE, PAA, SP	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CO, CP, MPE	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CO, CP, MPE	
s 178A(5)	Power to propose to amend or end an agreement	CO, CP, MPE	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CO, CP, MPE	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CO, CP, MPE	
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	CO, CP, MPE	

Planning and Environment Act 1987

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178C(4)	Function of determining how to give notice under s 178C(2)	CO, CP, MPE	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CO, CP, MPE	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CO, CP, MPE	If no objections are made under s 178D Must consider matters in s 178B



s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CO, CP, MPE	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CP, MPE	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CO, CP, MPE	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	CO, CP, MPE	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	CP, MPE	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	CP, MPE	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)	CO, CP, MPE	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CO, CP, MPE	

Planning and Environment Act 1987

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	CO, CP, MPE	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CO, CP, MPE	



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	CO, CP, MPE	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CP, MPE, PAA, SP	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	CP, MPE, PAA, SP	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	CP, MPE	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CP, MPE	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CP, MPE	
s 182	Power to enforce an agreement	CO, CP, GMIP, MPE	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CP, MPE	
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	CP, MPE	
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	CP, MPE	

Planning and Environment Act 1987

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	CP, MPE	
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	CP, MPE	



s 184G(2)	Duty to comply with a direction of the Tribunal	CP, MPE	
s 184G(3)	Duty to give notice as directed by the Tribunal	CP, MPE	
s 198(1)	Function to receive application for planning certificate	CP, MPE	
s 199(1)	Duty to give planning certificate to applicant	CP, MPE, PAA, SP	
s 201(1)	Function of receiving application for declaration of underlying zoning	CP, MPE	
s 201(3)	Duty to make declaration	CP, MPE	
	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	CO, CP, MPE	
	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	CO, CP, MPE, SP	
	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	CP, MPE, SP	
	Power to give written authorisation in accordance with a provision of a planning scheme	CP, MPE	
Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CP, MPE	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CP, MPE	



Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	-	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	-	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	-	Where Council is a public statutory authority engaged in the provision of housing

Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	-	Where Council is a public statutory authority engaged in the provision of housing
s 142D	Function of receiving notice regarding an unregistered rooming house	CSASCS, EHO, SCCS	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	CSASCS, EHO, SCCS	
s 142G(2)	Power to enter certain information in the Rooming House Register	CSASCS, EHO, SCCS	



s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CSASCS, EHO, SCCS	
s 206AZA(2)	Function of receiving written notification	CSASCS, GMIP, SCCS	
s 207ZE(2)	Function of receiving written notification	CSASCS, GMIP, SCCS	
s 311A(2)	Function of receiving written notification	CSASCS, SCCS	
s 317ZDA(2)	Function of receiving written notification	CSASCS, SCCS	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	EHO, SCCS	
s 522(1)	Power to give a compliance notice to a person	CO, EHO, SCCS	
Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	SCCS	
s 525(4)	Duty to issue identity card to authorised officers	CGR	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CSASCS, EHO, SCCS	



s 526A(3)	Function of receiving report of inspection	EHO, SCCS	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	SCCS	

Road Management Act 2004

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	MOCW	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	CR, MBP, MOCW	
s 11(9)(b)	Duty to advise Registrar	CES, MOCW	



s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	GMIP, MOCW	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	GMIP, MOCW	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	GMIP, MOCW	Where Council is the coordinating road authority

Road Management Act 2004

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	CES, MOCW, PMO, PO	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	GMIP, MOCW, PMO	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	GMIP, MOCW	Function of coordinating road authority where it is the discontinuing body



			Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	GMIP, MOCW, PMO	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	CES, GMIP, MOCW, PMO	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	GMIP, MOCW	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	CES, GMIP, MOCW, PO	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	GMIP, MOCW	

Road Management Act 2004

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	GMIP, MOCW	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMIP, MOCW	
s 15(2)	Duty to include details of arrangement in public roads register	AI, AMO, CAM, MOCW	
s 16(7)	Power to enter into an arrangement under s 15	MOCW	
s 16(8)	Duty to enter details of determination in public roads register	AI, AMO, CAM, MOCW	



s 17(2)	Duty to register public road in public roads register	AI, AMO, CAM, MOCW, PO	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	GMIP, MOCW	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	MOCW	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	GMIP, MOCW	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	AMO, CAM, MOCW	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	GMIP, MOCW	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	AI, AMO, CAM, MOCW	Where Council is the coordinating road authority

Road Management Act 2004

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	CAM, MOCW	
s 19(4)	Duty to specify details of discontinuance in public roads register	MOCW	
s 19(5)	Duty to ensure public roads register is available for public inspection	CAM, MOCW	
s 21	Function of replying to request for information or advice	AMO, CAM, MOCW	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	MOCW	



s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	CAM, MOCW	
s 22(5)	Duty to give effect to a direction under s 22	CAM, MOCW	
s 40(1)	Duty to inspect, maintain and repair a public road.	AI, AMO, CAM, MOCW, SCFS	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CAM, MOCW, SCFS	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	MOCW, PO, PO, SCFS	
s 42(1)	Power to declare a public road as a controlled access road	MOCW, PO	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	GMIP, MOCW	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	GMIP, MOCW	Where Council is the coordinating road authority If road is a municipal road or part thereof

Road Management Act 2004

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	MOCW	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	MOCW	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	MOCW	
s 49	Power to develop and publish a road management plan	MOCW	



s 51	Power to determine standards by incorporating the standards in a road management plan	MOCW	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	MOCW	
s 54(2)	Duty to give notice of proposal to make a road management plan	MOCW	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	MOCW	
s 54(6)	Power to amend road management plan	MOCW	
s 54(7)	Duty to incorporate the amendments into the road management plan	MOCW	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	MOCW	
s 63(1)	Power to consent to conduct of works on road	CAM, MOCW, SCFS	Where Council is the coordinating road authority

Road Management Act 2004

Provision	Powers 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	CAM, MOCW, SCFS	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CAM, MOCW, SCFS	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	MOCW	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	CAM, CCWD, CES, MOCW	Where Council is the coordinating road authority
s 67(3)	Power to request information	CAM, CCWD, CES, MOCW	Where Council is the coordinating road authority
s 68(2)	Power to request information	CAM, CCWD, CES, MOCW	Where Council is the coordinating road authority



s 71(3)	Power to appoint an authorised officer	GMIP	
s 72	Duty to issue an identity card to each authorised officer	CGR	
s 85	Function of receiving report from authorised officer	AI, AMO, CCWD, CES, GMIP, MOCW, PMO, PO	
s 86	Duty to keep register re s 85 matters	CAM, CCWD, CES, CSASOCW, MOCW, PO	
s 87(1)	Function of receiving complaints	AMO, MOCW, PO, PO, SCFS	

Road Management Act 2004

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 87(2)	Duty to investigate complaint and provide report	AMO, CAM, CCWD, CES, GMIP, MOCW, SCFS	
s 112(2)	Power to recover damages in court	GMIP, MBP	
s 116	Power to cause or carry out inspection	AI, AMO, CAM, CCWD, CES, GMIP, MOCW, PO, SCFS	
s 119(2)	Function of consulting with the Head, Transport for Victoria	GMIP, MOCW, SCFS	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	GMIP, MOCW, SCFS	
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)	GMIP, MOCW, SCFS	



s 121(1)	Power to enter into an agreement in respect of works	GMCC, MOCW, SCFS	
s 122(1)	Power to charge and recover fees	MBP	
s 123(1)	Power to charge for any service	MBP	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	GMIP, MOCW	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	GMIP, MOCW	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	GMIP, MOCW	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	MOCW, SCFS	

Road Management Act 2004

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 5	Duty to publish notice of declaration	CSASOCW, MOCW, SCFS	
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	CAM, CCWD, CES, GMIP, MOCW, SCFS	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	CAM, CCWD, CES, GMIP, MOCW, SCFS	Where Council is the infrastructure manager or works manager
sch 7 cla 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	CAM, CCWD, CES, GMIP, MOCW, SCFS	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	CAM, CCWD, CES, GMIP, MOCW, SCFS	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	CAM, CCWD, CES, GMIP, MOCW, SCFS	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	GMCC	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	GMIP, MOCW, SCFS	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	GMIP, MOCW, SCFS	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	MBP	Where Council is the coordinating road authority

Road Management Act 2004

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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)	MOCW	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	GMIP, MOCW	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)	GMIP	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	MOCW, PO	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	AI, AMO, CAM, CCWD, CES, GMIP, MOCW, PMO, PO, SCFS	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	MOCW	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	MOCW	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	GMIP, MOCW	Where Council is the coordinating road authority



sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	GMIP, MOCW	Where Council is the coordinating road authority
sch 7 cl18(1)	Power to enter into an agreement	GMIP, MOCW	Where Council is the coordinating road authority
sch7 cl 19(1)	Power to give notice requiring rectification of works	GMIP, MOCW, SCFS	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	GMIP, MOCW, SCFS	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing nonroad infrastructure	GMIP, MOCW, SCFS	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	MOCW	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road

Road Management Act 2004

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	MBP	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	MBP	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	MBP	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



Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 24	Duty to ensure that cemetery complies with depth of burial requirements	MOCW, SCFS	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	MOCW, SCFS	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	IPDS, MOCW, SCFS	
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	MOCW, SCFS	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	MOCW, SCFS	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	MOCW, SCFS	
r 30(2)	Power to release cremated human remains to certain persons	IPDS, MOCW, SCFS	Subject to any order of a court

Cemeteries and Crematoria Regulations 2015

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	IPDS, MOCW, SCFS	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	IPDS, MOCW, SCFS	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	MOCW, SCFS	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	IPDS, MOCW, SCFS	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	MOCW, SCFS	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	IPDS, MOCW, SCFS	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	IPDS, MOCW, SCFS	



r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	MOCW, SCFS	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	IPDS, MOCW, SCFS	
r 40	Power to approve a person to play sport within a public cemetery	MOCW, SCFS	
r 41(1)	Power to approve fishing and bathing within a public cemetery	MOCW, SCFS	
r 42(1)	Power to approve hunting within a public cemetery	MOCW, SCFS	
r 43	Power to approve camping within a public cemetery	MOCW, SCFS	
r 45(1)	Power to approve the removal of plants within a public cemetery	MOCW, SCFS	

Cemeteries and Crematoria Regulations 2015

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	MOCW, SCFS	
r 47(3)	Power to approve the use of fire in a public cemetery	MOCW, SCFS	
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	MOCW, SCFS	
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	MOCW, SCFS	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	IPDS, MOCW, SCFS	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	MOCW, SCFS	See note above regarding model rules



sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	IPDS, MOCW, SCFS	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	IPDS, MOCW, SCFS	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	IPDS, MOCW	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	IPDS, MOCW, SCFS	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	IPDS, MOCW, SCFS	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	IPDS, MOCW, SCFS	See note above regarding model rules
Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	IPDS, MOCW, SCFS	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	MOCW	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	MOCW	See note above regarding model rules



sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	MOCW, SCFS	See note above regarding model rules
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Planning and Environment Regulations 2015

Provision	Powers 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	CP, MPE, SP	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.
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	CP, MPE, SP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	CP, MPE, SP	where Council is the responsible authority

Planning and Environment Regulations 2015

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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 for inspection free of charge	CP, MPE, SP	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	CP, MPE	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.
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Planning and Environment (Fees) Regulations 2016

Provision	Powers and Functions Delegated		
		Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	GMIP, MBP, MPE	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	GMIP, MBP, MPE	
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	GMIP, MBP, MPE	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020

Provision	Powers and Functions Delegated		
		Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	EHO, SCCS	
r 10	Function of receiving application for registration	EHO, SCCS	
r 11	Function of receiving application for renewal of registration	EHO, SCCS	



r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHO, SCCS	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHO, SCCS	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHO, SCCS	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	GMIP, SCCS	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHO, SCCS	
r 12(4) & (5)	Duty to issue certificate of registration	EHO, SCCS	
r 14(1)	Function of receiving notice of transfer of ownership	EHO, SCCS	
r 14(3)	Power to determine where notice of transfer is displayed	EHO, SCCS	
r 15(1)	Duty to transfer registration to new caravan park owner	EHO, SCCS	
r 15(2)	Duty to issue a certificate of transfer of registration	EHO, SCCS	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	EHO, SCCS	
r 17	Duty to keep register of caravan parks	EHO, SCCS	



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 18(4)	Power to determine where the emergency contact person's details are displayed	EHO, EMO, SCCS	
r 18(6)	Power to determine where certain information is displayed	EHO, EMO, SCCS	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	EHO, EMO, SCCS	
r 22(2)	Duty to consult with relevant emergency services agencies	EHO, EMO, SCCS	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHO, EMO, SCCS	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHO, EMO, SCCS	
r 25(3)	Duty to consult with relevant floodplain management authority	EHO, SCCS	In consultation with GMIP
r 26	Duty to have regard to any report of the relevant fire authority	EHO, SCCS	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHO, SCCS	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHO, SCCS	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHO, SCCS	
r 41(4)	Function of receiving installation certificate	CSASCS, EHO, SCCS	



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	EHO, SCCS	
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	EHO, SCCS	

Residential Tenancies Regulations 2021			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 4 cl 3(a)(iii)	Power to approve any other toilet system	EHO, SCCS	



Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	GMIP, MOCW	
r 9(2)	Duty to produce written report of review of road management plan and make report available	GMIP, MOCW	
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)	GMIP, MOCW	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	GMIP, MOCW	
r 13(1)	Duty to publish notice of amendments to road management plan	CAM, CCWD, CES, IPDS, MOCW, SCFS	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	GMIP, MOCW	
r 16(3)	Power to issue permit	GMIP, MOCW, SCFS	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	GMIP, MOCW	Where Council is the coordinating road authority



Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 23(2)	Power to make submission to Tribunal	GMIP, MOCW	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	MBP	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	AI, AMO, CAM, CCWD, CES, GMIP, LLO, MOCW, PO, SCFS	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))	GMIP, MBP, MOCW, SCFS	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	MOCW	

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	GMIP, MOCW	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	GMIP, MBP	Where Council is the coordinating road authority