

Instrument of Delegation – Council to Members of Staff – 24 April 2019

Summary Maddocks Recommended Changed Provisions

DELETED Provisions

#	Delegation Source	Section	Item Delegated / Authorisation	Conditions and Limitations	Delegate / Authorised Officer
173091	Planning and Environment Act 1987	s.46AS(ac)	power to request the Victorian Planning Authority (VPA) to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria		GPO, MP, PTO, Sen Strat Plan Off, Strat Plan Coord, Strat Plan Off
173150	Planning and Environment Act 1987	s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit		DDS, GPO, MP, PTO, Sen Stat Plan Off, Sen Strat Plan Off, Stat Plan Coord, Stat Plan Off, Strat Plan Coord

CHANGED Provisions

#	Delegation Source	Section	Item Delegated / Authorisation	Conditions and Limitations	Delegate / Authorised Officer
173147	Planning and Environment Act 1987	s 60(1A)	power Duty to consider certain matters before deciding on application		GPO, MP, PTO, Sen Stat Plan Off, Sen Strat Plan Off, Stat Plan Coord, Stat Plan Off, Strat Plan Coord, Strat Plan Off
173237	Planning and Environment Act 1987	s 156	duty Duty to pay fees and allowances (including a payment to the Crown under subsections 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	Where Council is the relevant planning authority	B&P;PEO, CC&MBS, GPO, MP, MRS, PTO, Sen Stat Plan Off, Sen Strat Plan Off, Stat Plan Coord, Stat Plan Off, Strat Plan Coord, Strat Plan Off

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			subsections156 (2B)power to ask for contribution under subsections156 (3) and power to abandon amendment or part of it under subsections156 (4)		
173288	Planning and Environment Act 1987	s 201UAB(2)	duty Duty to provide the Victoria Planning Authority with information requested under subsections201UAB (1) as soon as possible		B&P;PEO, CC&MBS, GPO, MP, MRS, PTO, Sen Stat Plan Off, Sen Strat Plan Off, SPL&A, Stat Plan Coord, Stat Plan Off, Strat Plan Coord, Strat Plan Off
173290	Rail Safety (Local Operations) Act 2006	s 33A	duty Duty to comply with a direction of the Safety Director to give effect to arrangements under thissection33A	Duty of Council as a road authority under the Road Management Act 2004	DI, MID
173302	Rail Safety (Local Operations) Act 2006	s 34H	power Power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections34H (a)-(c)	Where Council is the relevant road authority	DI, MID
173311	Residential Tenancies Act 1997	s 252	power Power to give tenant a notice to vacate rented premises if subsections252 (1) applies	Where Council is the landlord	CP, MIP
173324	Road Management Act 2004	s 11(10)	duty Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	Subject to s 11(10A)	CP, DI, MID, MIP, MO
173327	Road Management Act 2004	s 12(4)	power Power to publish, and provide copy, notice of proposed discontinuance	Power of coordinating road authority where it is the discontinuing bodyUnless s 12(11) applies	CP, DI, MID, MIP, MO

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173328	Road Management Act 2004	s 12(5)	duty <u>Duty</u> to consider written submissions received within 28 days of notice	Duty of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies	CP, DI, MID, MIP, MO
173329	Road Management Act 2004	s 12(6)	function <u>Function</u> of hearing a person in support of their written submission	Function of coordinating road authority where it is the discontinuing bodyUnless s 12(11) applies	CP, DI, MID, MIP, MO
173330	Road Management Act 2004	s 12(7)	duty <u>Duty</u> to fix day, time and place of meeting under subsections <u>s 12(6)</u> and to give notice	Duty of coordinating road authority where it is the discontinuing bodyUnless s 12(11) applies	CP, DI, MID, MIP, MO
173353	Road Management Act 2004	s 22(5)	duty <u>Duty</u> to give effect to a direction under this <u>section 22</u>		DI, MIP, MO
173485	Planning and Environment Act 1987	s 46GZD(5)	duty <u>Duty</u> to take <u>make</u> action <u>payments described under</u> s.46GZD <u>46GZD(3)</u> in s.46GZD(5)(c) <u>accordance with (e)ss where</u> s.46GZD(5)(a) and <u>46GZD(5)(b) applies.</u>	Where Council is the collecting agency under an approved infrastructure contributions plan	MP, Stat Plan Coord, Strat Plan Coord
180570	Planning and Environment Act 1987	s 173(1A)	power <u>Power</u> to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	Where Council is the relevant responsible authority <u>Chief Executive Officer</u>	No delegate

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202439	Planning and Environment Act 1987	s 46GV(4)(a)	function Function of receiving the inner public purpose land in accordance with s. 46GV 46GV(5) and (6)	Where Council is the development agency	CEO, DDS, MP
202440	Planning and Environment Act 1987	s 46GV(4)(b)	function Function of receiving the inner public purpose land in accordance with s. 46GV 46GV(5) and (6)	Where Council is the collecting agency	CEO
202453	Planning and Environment Act 1987	s 46GZA(1)	duty Duty to keep proper and separate accounts and records	Where Council is the development agency under an approved infrastructure contributions plan	DDS, MFR&P, MP
173012	Food Act 1984	s 19(4)(a)	power Power to direct that an order made under sections 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	If s 19(1) applies	EHC, EHO, MRS
173024	Food Act 1984	s 19UA	power Power to charge fees for conducting a food safety assessment or inspection	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.	EHC, MRS
173028	Food Act 1984		power Power to register, renew or transfer registration	Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the	EHC, EHO, MRS

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				CEO (see s 58A(2))	
173030	Food Act 1984	s 38AB(4)	power Power to fix a fee for the receipt of a notification under sections 38AA in accordance with a declaration under subsections 38AB(1)	Where Council is the registration authority	EHC, EHO, MRS
173032	Food Act 1984	s 38B(1)(a)	duty Duty to assess the application and determine which class of food premises under sections 19C the food premises belongs	Where Council is the registration authority	EHC, EHO, MRS
173038	Food Act 1984	s 38E(2)	power Power to register the food premises on a conditional basis	Where Council is the registration authoritynot exceeding the prescribed time limit defined under s 38E(5)	EHC, EHO, MRS
173041	Food Act 1984	s 39A	power Power to register, renew or transfer food premises despite minor defects	Where Council is the registration authorityOnly if satisfied of matters in s 39A(2)(a)-(c)	EHC, EHO, MRS
173063	Planning and Environment Act 1987	s 14	duties of a Responsible Authority as set out in subsections s14(a) to (d)		B&P;PEO, CC&P;MBS, GPO, MP, MRS, PTO, Sen Stat Plan Off, Sen Strat Plan Off, SPL&P;A, Stat Plan Coord, Stat Plan Off, Strat Plan Coord, Strat Plan Off
173072	Planning and Environment Act 1987	s 21A(4)	duty Duty to publish notice in accordance with section		GPO, MP, PTO, Sen Strat Plan Off, Strat Plan Coord, Strat Plan Off