



*South Gippsland
Shire Council*

Instrument of Delegation

S6 Instrument Of Delegation - Members of Staff

19 April 2023

South Gippsland Shire Council

S6 Instrument of Delegation - Members of Staff

Instrument of Delegation

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

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

2. record that references in the Schedule are as outlined below in Positions

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 19 April 2023 and

3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

3.3 the delegate must not determine the issue, take the action or do the act or thing:

3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy

adopted by Council;

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

The Common Seal of the South Gippsland Shire Council was affixed in the presence of:

Chief Executive Officer:

Date:

South Gippsland Shire Council

Delegation Sources

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

Positions

Abbreviation	Position	Name
ASSETSO	Asset Systems Officer	
B&PCC	Building and Planning Compliance Coordinator	
B&PEO	Building and Planning Enforcement Officer	
CCAS	Coordinator Civil Assets Strategy	
CEO	Chief Executive Officer	
CP	Coordinator Property	
CPC	Caravan Park Caretaker	
CR	Coordinator Risk & Procurement	
DEC	Director Economic & Community	
DPI	Director Performance and Innovation	

South Gippsland Shire Council

Abbreviation	Position	Name
DSI	Director Sustainable Infrastructure	
EHC	Environmental Health Coordinator	
EHO	Environmental Health Officer	
LLC	Local Laws and Compliance Coordinator	
MCSafety	Manager Community Safety	
MFS	Manager Financial Strategy	
MID	Manager Infrastructure Delivery	
MIM	Manager Infrastructure Maintenance	
MIP	Manager Infrastructure Planning	
MOS&E	Manager Open Space and Environment	
MPBS	Manager Planning and Building Services	
No delegate	No delegate	
Not applicable	Not applicable	
P&C Admin Officer	People and Culture Administration Officer	
PBAO	Planning & Building Administration Officer	
PCA	People and Culture Advisor	
Plan Off	Planning Officer	

South Gippsland Shire Council

Abbreviation	Position	Name
Sen Stat Plan Off	Senior Statutory Planning Officer	
Sen Strat Plan Off	Senior Strategic Planning Officer	
SLL&PO	Senior Local Laws & Prosecutions Officer	
SPL&A	Supervisor Planning Liaison and Administration	
Stat Plan Coord	Statutory Planning Coordinator	
Stat Plan Off	Statutory Planning Officer	
Strat Plan Coord	Strategic Planning Coordinator	
Strat Plan Off	Strategic Planning Officer	
WWO	Wastewater Officer	

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Domestic Animals Act 1994			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	SLL&PO, LLC, MCSafety	Council may delegate this power to a Council authorised officer

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	EHO, EHC, MCSafety	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	EHO, EHC, MCSafety	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	EHO, EHC, MCSafety	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	EHO, EHC, MCSafety	If s 19(1) applies

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	by notice in a published newspaper or otherwise		
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	EHO, EHC, MCSafety	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, EHC, MCSafety	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHO, EHC, MCSafety	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	EHO, EHC, MCSafety	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	EHO, EHC, MCSafety	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHO, EHC, MCSafety	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19E(1)(d)	Power to request a copy of the food safety program	EHO, EHC, MCSafety	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	EHO, EHC, MCSafety	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO, EHC, MCSafety	Where Council is the registration authority
s 19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	EHO, EHC, MCSafety	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	EHO, EHC, MCSafety	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHO, EHC, MCSafety	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	EHO, EHC, MCSafety	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 19NA(1)	Power to request food safety audit reports	EHO, EHC, MCSafety	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	EHC, MCSafety	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHC, MCSafety	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, EHC, MCSafety	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHO, EHC, MCSafety	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	EHO, EHC, MCSafety	Where Council is the registration authority
	Power to register or renew the registration of a food premises	EHO, EHC, MCSafety	Where Council is the registration authority Refusal to grant or renew the registration of a food premises

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	EHO, EHC	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	EHO, EHC	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHO, EHC, MCSafety	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)	EHO, EHC, MCSafety	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	EHO, EHC, MCSafety	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, EHC, MCSafety	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHO, EHC, MCSafety	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHO, EHC, MCSafety	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, EHC, MCSafety	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHO, EHC, MCSafety	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHO, EHC, MCSafety	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	EHO, EHC, MCSafety	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, EHC, MCSafety	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHO, EHC, MCSafety	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	EHO, EHC	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	EHO, EHC, MCSafety	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	EHO, EHC	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	EHO, EHC, MCSafety	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	EHO, EHC, MCSafety	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	EHO, EHC, MCSafety	

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	EHO, EHC, MCSafety	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	EHO, EHC, MCSafety	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	EHO, EHC, MCSafety	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	EHO, EHC, MCSafety	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	EHO, EHC, MCSafety	
s 40F	Power to cancel registration of food premises	EHO, EHC	Where Council is the registration authority
s 43	Duty to maintain records of registration	EHO, EHC, MCSafety	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met	EHO, EHC, MCSafety	Where Council is the registration authority

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Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	prior to registering or renewing registration of a component of a food business		
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	EHO, EHC, MCSafety	Where Council is the registration authority
s 45AC	Power to bring proceedings	EHO, EHC, MCSafety	
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	EHC, MCSafety	Where Council is the registration authority

Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	No delegate	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the

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Heritage Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			Executive Director authorises sub-delegation

Local Government Act 1989			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	No delegate, Not applicable	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	Sen Strat Plan Off, Strat Plan Off, DEC, Plan Off, MPBS, Strat Plan Coord	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	Sen Strat Plan Off, Strat Plan Off, DEC, Plan Off, MPBS, Strat Plan Coord	
s 4H	Duty to make amendment to Victoria Planning Provisions available in	Sen Strat Plan Off, Strat Plan	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	accordance with public availability requirements	Off, DEC, Plan Off, MPBS, Strat Plan Coord	
s 41(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	Sen Strat Plan Off, Strat Plan Off, DEC, Plan Off, MPBS, Strat Plan Coord	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	DEC, MPBS	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	Sen Strat Plan Off, Plan Off, Stat Plan Off, MPBS, Strat Plan Coord	
s 8A(5)	Function of receiving notice of the Minister's decision	DEC, MPBS	
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	DEC, MPBS	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to	DEC, MPBS	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	the planning scheme of an adjoining municipal district		
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	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 12B(1)	Duty to review planning scheme	MPBS	
s 12B(2)	Duty to review planning scheme at direction of Minister	MPBS	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	MPBS	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 17(1)	Duty of giving copy amendment to the planning scheme	Sen Strat Plan Off, Plan Off, Stat Plan Off, MPBS, Strat Plan Coord	
s 17(2)	Duty of giving copy s 173 agreement	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DEC, MPBS	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	Sen Strat Plan Off, Plan Off, Stat Plan Off,	Until the proposed amendment is approved or lapsed

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPBS, Strat Plan Coord	
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	Sen Strat Plan Off, Strat Plan Off, DEC, Plan Off, MPBS, Strat Plan Coord	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	Sen Strat Plan Off, Strat Plan Off, DEC, Plan Off, MPBS, Strat Plan Coord	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	Sen Strat Plan Off, Strat Plan Off, DEC, Plan Off, MPBS, Strat Plan Coord	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice	Sen Strat Plan Off, Strat Plan	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Off, Plan Off, MPBS, Strat Plan Coord	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	Sen Strat Plan Off, Strat Plan Off, Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	
s 28(1)	Duty to notify the Minister if abandoning an amendment	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	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	Strat Plan Off, Stat Plan Coord, PBAO, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	Strat Plan Off, Stat Plan Coord, PBAO, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS	
s 30(4)(a)	Duty to say if amendment has lapsed	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	
s 30(4)(b)	Duty to provide information in writing upon request	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	
s 32(2)	Duty to give more notice if required	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	
s 33(1)	Duty to give more notice of changes to an amendment	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	
s 36(2)	Duty to give notice of approval of amendment	Sen Strat Plan Off, Strat Plan Off, Plan Off,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPBS, Strat Plan Coord	
s 38(5)	Duty to give notice of revocation of an amendment	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	
s 40(1)	Function of lodging copy of approved amendment	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	
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	Strat Plan Off, Stat Plan Coord, PBAO, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	Not applicable	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	CEO, DEC, MPBS	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	CEO, DEC, MPBS	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	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	Where Council is a responsible public entity

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CEO, DEC, MPBS	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CEO, DEC, MPBS	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CEO, DEC, MPBS	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CEO, DEC, MPBS	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GP	Function of receiving a notice under s 46GO	CEO, DEC, MPBS	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CEO, DEC, MPBS	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CEO, DEC, MPBS	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CEO, DEC, MPBS	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CEO, DEC, MPBS	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CEO, DEC, MPBS	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, DEC, MPBS	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CEO, DEC, MPBS	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CEO, DEC, MPBS	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	CEO, DEC, MPBS	
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	CEO, DEC, MPBS	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, DEC, MPBS	Where Council is the development agency

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CEO, DEC, MPBS	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CEO, DEC, MPBS	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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, MPBS, Strat Plan Coord	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	CEO, DEC, MPBS	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	DEC, MFS, MPBS	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	DEC, MFS, MPBS	Where Council is the collecting agency

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	DEC, MFS, MPBS	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	DEC, MFS, MPBS	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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, MPBS, Strat Plan Coord	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	DEC, MFS, MPBS	Where Council is the development agency under an approved infrastructure contributions plan

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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)	DEC, MFS, MPBS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, MPBS, Strat Plan Coord	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	DEC, MFS, MPBS	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

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	DEC, MFS, MPBS	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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, MPBS, Strat Plan Coord	<p>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)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p>
s 46GZ(9)	Function of receiving the fee simple in the land	CEO, DEC, MFS, MPBS	<p>Where Council is the development agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the collecting agency</p>

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZA(1)	Duty to keep proper and separate accounts and records	DEC, MFS, MPBS	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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, MPBS, Strat Plan Coord	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)	DEC, MFS, MPBS	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	Stat Plan Coord, MPBS, Strat Plan Coord	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)	DEC, MFS, MPBS	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)	DEC, MFS, MPBS	Where Council is the collecting agency under an approved infrastructure contributions plan

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	Stat Plan Coord, MPBS, Strat Plan Coord	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	Stat Plan Coord, MPBS, Strat Plan Coord	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	DEC, MFS, MPBS	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	DEC, MFS, MPBS	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	CEO, DEC, MFS, MPBS	Where Council is the development agency under an approved infrastructure contributions plan

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	approved by the Minister or sell the public purpose land		
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	CEO, DEC, MFS, MPBS	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Function of receiving proceeds of sale	CEO, DEC, MFS, MPBS	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)	CEO, DEC, MFS, MPBS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	CEO, DEC, MFS, MPBS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CEO, DEC, MFS, MPBS	Where Council is the collecting agency under an approved infrastructure contributions plan

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	Stat Plan Coord, MPBS, Strat Plan Coord	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	CEO, DEC, MFS, MPBS	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	CEO, DEC, MFS, MPBS	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DEC, Plan Off, Stat Plan Off, Sen Stat Plan Off,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPBS, Strat Plan Coord	
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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DEC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DEC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DEC,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 46Q(1)	Duty to keep proper accounts of levies paid	Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS	
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	Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off	
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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, Strat Plan Coord	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	MPBS	Only applies when levy is paid to Council as a 'development agency'

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	MPBS	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46QD	Duty to prepare report and give a report to the Minister	Stat Plan Coord, MPBS, Strat Plan Coord	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	Not applicable	
s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period	Stat Plan Coord, MPBS, Strat Plan Coord	
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	Stat Plan Coord, MPBS, Strat Plan Coord	
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements	Stat Plan Coord, MPBS, Strat Plan Coord	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46Y	Duty to carry out works in conformity with the approved strategy plan	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 47	Power to decide that an application for a planning permit does not comply with that Act	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	Stat Plan Coord, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS	
s 50(4)	Duty to amend application	Sen Strat Plan Off, Strat Plan	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Off, Stat Plan Coord, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 50(5)	Power to refuse to amend application	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 50(6)	Duty to make note of amendment to application in register	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 50A(1)	Power to make amendment to application	Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 50A(4)	Duty to note amendment to application in register	Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS	
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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPBS, Strat Plan Coord	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 52(3)	Power to give any further notice of an application where appropriate	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 54(1)	Power to require the applicant to provide more information	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54(1B)	Duty to specify the lapse date for an application	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Off, MPBS, Strat Plan Coord	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS, Strat Plan Coord	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	MPBS	
s 57A(5)	Power to refuse to amend application	MPBS	
s 57A(6)	Duty to note amendments to application in register	MPBS	
s 57B(1)	Duty to determine whether and to whom notice should be given	MPBS	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	MPBS	
s 57C(1)	Duty to give copy of amended application to referral authority	MPBS	
s 58	Duty to consider every application for a permit	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 58A	Power to request advice from the Planning Application Committee	DEC, MPBS	
s 60	Duty to consider certain matters	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 60(1A)	Duty to consider certain matters	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	In accordance with Council Resolution 25 August 2010 Item B2 the delegate must not determine to grant a planning permit and must instead refer the permit application to Council for Council determination where: a) Five or more objection to the grant of the permit are received by Council, or

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			b) In the Chief Executive Officers opinion, the permit application raises significant issues of Council policy or public interest.
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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	<p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p> <p>In accordance with Council Resolution 25 August 2010 Item B2 the delegate must not determine to grant a planning permit and must instead refer the permit application to Council for Council determination where:</p> <p>a) Five or more objections to the grant of the permit are received by Council, or</p> <p>b) In the Chief Executive Officer's opinion, the permit application raises significant issues of Council policy or public interest.</p>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DEC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPBS, Strat Plan Coord	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 62(2)	Power to include other conditions	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
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)	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off,	This provision applies also to a decision to grant an amendment to a permit - see s 75

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPBS, Strat Plan Coord	
s 64(5)	Duty to give each objector a copy of an exempt decision	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DEC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DEC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DEC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DEC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	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

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 69(1)	Function of receiving application for extension of time of permit	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 69(1A)	Function of receiving application for extension of time to complete development	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 69(2)	Power to extend time	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPBS, Strat Plan Coord	
s 71(1)	Power to correct certain mistakes	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 71(2)	Duty to note corrections in register	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 73	Power to decide to grant amendment subject to conditions	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 74	Duty to issue amended permit to applicant if no objectors	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	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

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	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
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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 83	Function of being respondent to an appeal	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPBS, Strat Plan Coord	
s 83B	Duty to give or publish notice of application for review	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 84AB	Power to agree to confining a review by the Tribunal	Stat Plan Coord, DEC, MPBS	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPBS, Strat Plan Coord	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 91(2)	Duty to comply with the directions of VCAT	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 93(2)	Duty to give notice of VCAT order to stop development	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 95(3)	Function of referring certain applications to the Minister	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 95(4)	Duty to comply with an order or direction	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPBS, Strat Plan Coord	
s 96F	Duty to consider the panel's report under s 96E	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 96H(3)	Power to give notice in compliance with Minister's direction	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 96J	Duty to issue permit as directed by the Minister	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, DEC, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
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	MPBS	
s 97C	Power to request Minister to decide the application	DEC, MPBS	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DEC	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPBS, MCSafety, Strat Plan Coord	
s 97Q(4)	Duty to comply with directions of VCAT	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	Sen Strat Plan Off, Strat Plan Off, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 101	Function of receiving claim for expenses in conjunction with claim	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 103	Power to reject a claim for compensation in certain circumstances	B&PCC, Stat Plan Coord, B&PEO, MPBS, MCSafety, Strat Plan Coord	
s.107(1)	function of receiving claim for compensation	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 107(3)	Power to agree to extend time for making claim	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	Sen Strat Plan Off, Strat Plan Off, Plan Off, MPBS, Strat Plan Coord	
s 114(1)	Power to apply to the VCAT for an enforcement order	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPBS, MCSafety, Strat Plan Coord	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 123(1)	Power to carry out work required by enforcement order and recover costs	DSI, DEC	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DSI, DEC	Except Crown Land
s 129	Function of recovering penalties	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 130(5)	Power to allow person served with an infringement notice further time	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 149A(1)	Power to refer a matter to the VCAT for determination	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	Stat Plan Coord, DEC, MPBS, Strat Plan Coord	
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)	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MCSafety, Strat Plan Coord	
s 171(2)(g)	Power to grant and reserve easements	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	CEO	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	CEO	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	No delegate	Chief Executive Officer
s 173(1A)	Power to enter into an agreement with an owner of land for the development or	No delegate	Where Council is the relevant responsible authority

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	provision of land in relation to affordable housing		Chief Executive Officer
	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	B&PCC, CP, B&PEO, MPBS, MCSafety	
	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	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
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, DEC, MPBS	
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, DEC, MPBS	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178A(1)	Function of receiving application to amend or end an agreement	CP, DEC, MPBS	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CP, DEC, MPBS	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CP, DEC, MPBS	
s 178A(5)	Power to propose to amend or end an agreement	CP, DEC, MPBS	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CP, DEC, MPBS	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CP, DEC, MPBS	
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	CP, DEC, MPBS	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178C(4)	Function of determining how to give notice under s 178C(2)	CP, DEC, MPBS	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CP, DEC, MPBS	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CP, DEC, MPBS	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	CP, DEC, MPBS	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, DEC, MPBS	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	CP, DEC, MPBS	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	CP, DEC, MPBS	After considering objections, submissions and matters in s 178B

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	MIP, CP, DSI, DEC, MPBS	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	MIP, CP, DSI, DEC, MPBS	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)	MIP, CP, DSI, DEC, MPBS	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	MIP, CP, DSI, DEC, MPBS	
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	MIP, CP, DEC, MPBS	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	No delegate	Chief Executive Officer
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	MIP, CP, DEC, MPBS	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 178l(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	MIP, CP, DEC, MPBS	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, PBAO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, PBAO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, PBAO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 182	Power to enforce an agreement	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
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	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	application is made to VCAT for review of a failure to amend or end an agreement	Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
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	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
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	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 184G(2)	Duty to comply with a direction of the Tribunal	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 184G(3)	Duty to give notice as directed by the Tribunal	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	Stat Plan Coord, MPBS, Strat Plan Coord	
s 198(1)	Function to receive application for planning certificate	B&PCC, Sen Strat Plan Off, Strat Plan Off,	

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Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 199(1)	Duty to give planning certificate to applicant	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 201(1)	Function of receiving application for declaration of underlying zoning	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 201(3)	Duty to make declaration	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
	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	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
	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	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS,	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MCSafety, Strat Plan Coord	
	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	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
	Power to give written authorisation in accordance with a provision of a planning scheme	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan	

South Gippsland Shire Council

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	B&PCC, Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, B&PEO, Plan Off, Stat Plan Off, SPL&A, Sen Stat Plan Off, MPBS, MCSafety, Strat Plan Coord	

Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	EHO, EHC, MCSafety	

South Gippsland Shire Council

Residential Tenancies Act 1997			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 522(1)	Power to give a compliance notice to a person	EHO, DEC, EHC, MCSafety	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	No delegate	Chief Executive Officer
s 525(4)	Duty to issue identity card to authorised officers	PCA, DPI, P&C Admin Officer, CR, MFS, MPBS	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	EHO, EHC, MCSafety	
s 526A(3)	Function of receiving report of inspection	EHO, EHC, MCSafety, CPC	Caravan Parks Coordinator to only receive reports relating to Council managed Caravan Parks
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	DEC, MCSafety	

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	MIP, CP, MID, DSI, MIM	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	MIP, CP, MID, DSI, MIM	
s 11(9)(b)	Duty to advise Registrar	MIP, CP, MID, DSI, MIM	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	MIP, CP, MID, DSI, MIM	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	MIP, CP, MID, DSI, MIM	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	MIP, CP, MID, DSI, MIM	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	MIP, CP, MID, DSI, MIM	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 12(5)	Duty to consider written submissions received within 28 days of notice	MIP, CP, MID, DSI, MIM	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	MIP, CP, MID, DSI, MIM	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	MIP, CP, MID, DSI, MIM	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	MIP, CP, MID, DSI, MIM	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	MIP, CP, MID, DSI, MIM	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	MIP, DSI, MIM	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	MIP, DSI, MIM	
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	MIP, DSI, MIM	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	MIP, DSI, MIM	
s 15(2)	Duty to include details of arrangement in public roads register	MIP, CCAS, DSI, MIM, ASSETSO	
s 16(7)	Power to enter into an arrangement under s 15	MIP, DSI, MIM	
s 16(8)	Duty to enter details of determination in public roads register	MIP, CCAS, DSI, MIM, ASSETSO	

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 17(2)	Duty to register public road in public roads register	MIP, CCAS, DSI, MIM, ASSETSO	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	MIP, DSI, MIM	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	MIP, CCAS, DSI, MIM, ASSETSO	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	MIP, DSI, MIM	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	MIP, CCAS, DSI, MIM, ASSETSO	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	MIP, DSI, MIM	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	MIP, CCAS, DSI, MIM, ASSETSO	Where Council is the coordinating road authority

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power 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	MIP, CCAS, DSI, MIM, ASSETSO	
s 19(4)	Duty to specify details of discontinuance in public roads register	MIP, CCAS, DSI, MIM, ASSETSO	
s 19(5)	Duty to ensure public roads register is available for public inspection	MIP, CCAS, DSI, MIM, ASSETSO	
s 21	Function of replying to request for information or advice	MIP, DSI, MIM	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	MIP, DSI, MIM	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	MIP, DSI, MIM	
s 22(5)	Duty to give effect to a direction under s 22	MIP, DSI, MIM	
s 40(1)	Duty to inspect, maintain and repair a public road.	MIP, DSI, MIM	

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	MIP, DSI, MIM	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	MIP, DSI, MIM	
s 42(1)	Power to declare a public road as a controlled access road	MIP, DSI, MIM	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	MIP, DSI, MIM	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	DSI, MIM	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	MIP, DSI, MIM	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

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	MIP, DSI, MIM	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	MIP, DSI, MIM	
s 49	Power to develop and publish a road management plan	MIP, DSI, MIM	
s 51	Power to determine standards by incorporating the standards in a road management plan	MIP, DSI, MIM	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	MIP, DSI, MIM	
s 54(2)	Duty to give notice of proposal to make a road management plan	MIP, DSI, MIM	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	MIP, DSI, MIM	

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54(6)	Power to amend road management plan	MIP, DSI, MIM	
s 54(7)	Duty to incorporate the amendments into the road management plan	MIP, DSI, MIM	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	MIP, DSI, MIM	
s 63(1)	Power to consent to conduct of works on road	MIP, DSI, MIM	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	MIP, DSI, MIM	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	MIP, DSI	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	MIP, DSI, SLL&PO, LLC	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	MIP, DSI, SLL&PO, LLC	Where Council is the coordinating road authority

South Gippsland Shire Council

Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 67(3)	Power to request information	MIP, DSI, SLL&PO, LLC	Where Council is the coordinating road authority
s 68(2)	Power to request information	MIP, DSI, SLL&PO, LLC	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	No delegate	Chief Executive Officer
s 72	Duty to issue an identity card to each authorised officer	MIP, MID, PCA, DSI, P&C Admin Officer, SLL&PO, MIM, CR, MFS, LLC, MOS&E	
s 85	Function of receiving report from authorised officer	MIP, DSI, SLL&PO, LLC	
s 86	Duty to keep register re s 85 matters	MIP, DSI	
s 87(1)	Function of receiving complaints	MIP, DSI, SLL&PO, LLC	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 87(2)	Duty to investigate complaint and provide report	MIP, DSI, SLL&PO, LLC	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	CEO	
s 112(2)	Power to recover damages in court	MIP, DSI, SLL&PO, LLC	
s 116	Power to cause or carry out inspection	MIP, DSI	
s 119(2)	Function of consulting with the Head, Transport for Victoria	MIP, DSI	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	MIP, DSI, SLL&PO, LLC	
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)	MIP, DSI, SLL&PO, LLC	
s 121(1)	Power to enter into an agreement in respect of works	MIP, DSI, SLL&PO, LLC	

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 122(1)	Power to charge and recover fees	MIP, DSI, SLL&PO, LLC	
s 123(1)	Power to charge for any service	MIP, DSI, SLL&PO, LLC	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	MIP, DSI, SLL&PO, LLC	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	MIP, DSI, SLL&PO, LLC	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	MIP, DSI, SLL&PO, LLC	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	MIP, DSI, SLL&PO, LLC	
sch 2 cl 5	Duty to publish notice of declaration	MIP, DSI, SLL&PO, LLC	
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	MIP, DSI, SLL&PO, LLC	Where Council is the infrastructure manager or works manager

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MIP, DSI, SLL&PO, LLC	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	MIP, DSI, SLL&PO, LLC	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	MIP, DSI, SLL&PO, LLC	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	MIP, DSI, SLL&PO, LLC	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	MIP, DSI	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	MIP, DSI, MIM	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	MIP, DSI	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	MIP, DSI	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	MIP, DSI	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	MIP, DSI	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)	MIP, DSI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	MIP, DSI	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	MIP, DSI	Where Council is the coordinating road authority, responsible authority or infrastructure manager

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 16(5)	Power to consent to proposed works	MIP, DSI	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	MIP, DSI	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	MIP, DSI	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	MIP, DSI	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	MIP, DSI	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	MIP, DSI	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	MIP, DSI	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	MIP, DSI	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	MIP, DSI	Power of responsible road authority where it is the

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Road Management Act 2004			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	MIP, DSI	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	MIP, DSI	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	MIP, DSI	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	Sen Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off,	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

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Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		MPBS, Strat Plan Coord	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	Sen Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	Sen Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	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	Sen Strat Plan Off, Strat Plan Off, Stat Plan Coord, Plan Off, Stat Plan	where Council is not the planning authority and the amendment affects land within Council's municipal district; or

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Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
		Off, Sen Stat Plan Off, MPBS, Strat Plan Coord	where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	DEC, MPBS	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DEC, MPBS	
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	DEC, MPBS	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	EHC, MCSafety	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 10	Function of receiving application for registration	EHC, MCSafety	
r 11	Function of receiving application for renewal of registration	EHO, EHC, MCSafety	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHC, MCSafety	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHC, MCSafety	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHC, MCSafety	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHO, EHC, MCSafety	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHO, EHC, MCSafety	
r 12(4) & (5)	Duty to issue certificate of registration	EHC, MCSafety	
r 14(1)	Function of receiving notice of transfer of ownership	EHC, MCSafety	
r 14(3)	Power to determine where notice of transfer is displayed	EHC, MCSafety	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15(1)	Duty to transfer registration to new caravan park owner	EHC, MCSafety	
r 15(2)	Duty to issue a certificate of transfer of registration	EHC, MCSafety	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	EHC, MCSafety	
r 17	Duty to keep register of caravan parks	EHC, MCSafety	
r 18(4)	Power to determine where the emergency contact person's details are displayed	EHC, MCSafety	
r 18(6)	Power to determine where certain information is displayed	EHC, MCSafety	
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	EHC, MCSafety	
r 22(2)	Duty to consult with relevant emergency services agencies	EHC, MCSafety	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHC, MCSafety	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHC, MCSafety	
r 25(3)	Duty to consult with relevant floodplain management authority	EHC, MCSafety	
r 26	Duty to have regard to any report of the relevant fire authority	EHC, MCSafety	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHC, MCSafety	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHC, MCSafety	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHC, MCSafety	
r 41(4)	Function of receiving installation certificate	EHC, MCSafety	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	EHC, MCSafety	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	EHC, MCSafety	

Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	MIP, MIM	
r 9(2)	Duty to produce written report of review of road management plan and make report available	MIP, MIM	
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)	MIP, MIM	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	MIP, MIM	
r 13(1)	Duty to publish notice of amendments to road management plan	MIP, MIM	where Council is the coordinating road authority

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Road Management (General) Regulations 2016			
Provision	Power and Functions Delegated	Delegation	Conditions and Limitations
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	MIP, MIM	
r 16(3)	Power to issue permit	MIP, MIM	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	MIP, MIM	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	MIP, MIM	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	MIP, MIM	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	MIP, MIM	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))	MIP, MIM	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	MIP, MIM	

South Gippsland Shire Council

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Power and Functions Delegated	Delegat e	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	MIP, MIM	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	MIP, MIM	Where Council is the coordinating road authority