

*Planning and Environment Act 1987*

## **MURRINDINDI PLANNING SCHEME**

### **AMENDMENT C59**

#### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

This amendment has been prepared by the Shire of Murrindindi which is the planning authority for this amendment.

The amendment has been made at the request of the Kinglake Ranges Cemetery Trust.

#### **Land affected by the amendment**

The amendment applies to the following land parcel;

- Crown Allotment 2023, Parish of Kinglake, 265 Whittlesea-Kinglake Road, Kinglake.

#### **What the amendment does**

The amendment proposes to rezone the above parcel of land from Public Use Zone 7 – Other to Public Use Zone 5 - Cemetery and Crematorium.

The amendment is required to ensure that the future use and development is aptly reflected in the zoning of the land. The most appropriate zone in this instance is Public Use 5 – (Cemetery/Crematorium) in accordance with the Victoria Planning Provisions.

The amendment also proposes to remove the Environmental Overlay 1 - High Quality Agricultural Land from the subject site.

#### **Strategic assessment of the amendment**

#### **Why is the amendment required?**

The amendment is required to;

- Ensure the zoning of the land reflects the reservation of the land as a cemetery and crematorium.

#### **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the following objectives a, c, and f of planning in Victoria, as follows:

- *Providing for the fair, orderly, economic and sustainable use and development of land through the provision of a cemetery and crematorium.*
- *Appropriately using public land and enabling the orderly provision and coordination of facilities for the benefit of the community.*
- *Facilitating development in accordance with the above objectives.*
- *Balancing the present and future interests of all Victorians.*

## How does the amendment address any environmental, social and economic effects?

### Environmental effects

As land within the amendment site is already cleared of vegetation, the amendment is not considered to have an adverse impact on the environment.

### Social effects

The amendment will facilitate the use and development of cleared land for a cemetery and crematorium, which will have positive social impacts by meeting the current and future needs of the wider community. The provision of the facility will result in a net community benefit.

### Economic effects

The amendment is expected to have positive economic effects by facilitating the development of this parcel of cleared land for public use purposes. It will also reduce inappropriate and unnecessary zoning controls applying to the land.

## Does the amendment address relevant bushfire risk?

The amendment is not expected to increase existing bushfire risk as the land is not encumbered by a Bushfire Management Overlay.

## Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment (including the amendment documentation and the proposed planning controls) is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

Under section 12(2) of the Act, Ministerial Direction No 11 – Strategic Assessment of Amendments is applicable to the consideration of this amendment.

The purpose of this direction is to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. It requires an explanatory report to discuss how the amendment addresses certain strategic considerations. The preparation of this explanatory report relating to this amendment complies with this direction.

## How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment is consistent with the State Planning Policy Framework (SPPF) of the Murrindindi Planning Scheme including the general principles of land use and development planning set out at **Clause 11** Settlement, **Clause 12** Environmental and Landscape Values and **Clause 19** Infrastructure.

The SPPF encourages the development of integrated urban areas by providing suitably zoned land for housing, employment, recreation, open space, commercial and community facilities and infrastructure. Clause 19 specifically requires the provision of important community and social infrastructure to meet the needs of current and future communities.

## **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

### 21.01 Municipal Strategic Statement

#### 21.01-3 Key Issues and Influences

The proposed amendment will facilitate the development and use of land for a public cemetery which will service community needs for the dispersed townships of the Shire, while minimising environmental disruptions by locating the proposed use on already cleared land.

### 21.02 The Planning Vision

#### 21.02-1 Vision

The proposed amendment will facilitate the provision of a community facility that should be considered as part of a full range of physical and community services needed to assist the residential growth opportunities in established townships and settlements.

### Clause 21.06 Transport and Infrastructure

#### 21.06-4 Community Development:

The amendment positively responds to the development of the community by delivering a public resource that is well located, accessible and minimises potential impact on the natural environment.

## **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions. The amendment proposes to change zoning mapping of the Shire of Murrindindi Planning Scheme. There is no alternative way or tools to achieve these changes to the Planning Scheme other than through a formal planning scheme amendment.

## **How does the amendment address the views of any relevant agency?**

The amendment has been prepared following discussions with representatives of the Department of Water, Environment, Land and Planning (DWELP). No objections to the proposal have been raised.

## **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment is not considered to trigger any of the requirements of this Act.

## **Resource and administrative costs**

### **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will not have an unreasonable burden on the resources of the Responsible Authority.

## **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

Murrindindi Shire Council, Perkins Street, Alexandra, VIC, 3714

Murrindindi Shire Council website: [www.murrindindi.vic.gov.au](http://www.murrindindi.vic.gov.au)

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

### **Submissions**

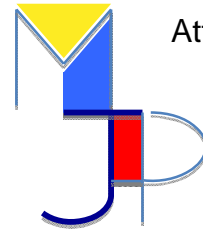
Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **[insert submissions due date]**.

A submission must be sent to: Murrindindi Shire Council, PO Box 138 Alexandra VIC 3714

### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]**



Maureen Jackson Planning

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Murrindindi Planning Scheme Amendment C59

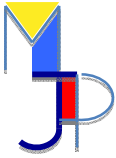
Kinglake Ranges Cemetery Trust

Crown Allotment 2023, Parish of Kinglake -265 Whittlesea-Kinglake Rd, Kinglake

**Prepared by:**

**Maureen Jackson Planning Pty Ltd**

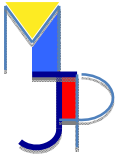
**March 2016**



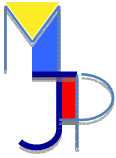
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<b>Project Overview</b>	
<b>Subject Site</b>	<p>The subject land consists of Crown Allotment 2023, Parish of Kinglake, 265 Whittlesea-Kinglake Rd, Kinglake.</p> <p>The land is bound by the Whittlesea-Kinglake Rd to the north-east corner, Blackwood Lane at the north-west corner, and adjoining land to the east, south and west is designated as Farming Zone. To the south-west, a large parcel of land denoted as Public Conservation Resource Zone is in close proximity.</p>
<b>Proposed Amendment</b>	<p>The Murrindindi Planning Scheme Amendment C59 seeks to:</p> <p>Rezone subject site from PUZ7 - Other to PUZ5 – Cemetery and Crematorium</p> <p>Remove overlay, ESO1 – High Quality Agricultural Land.</p>
<b>Proposed Changes</b>	Amend Map No 26ZN zones and 26ESO
<b>Existing Zoning</b>	Public Use 7 - Other
<b>Existing Overlays</b>	Environmental Significance Overlay 1 - High Quality Agricultural Land
<b>State Planning Policy Framework</b>	<p>The relevant state planning policy framework policies are:</p> <p><u>Clause 11 – Settlement</u></p> <p>11.02-1 Supply of urban land</p> <p>11.02-3 Structure planning</p> <p><u>Clause 12 Environmental and Landscape Values</u></p> <p>12.01-2 Native vegetation management</p> <p><u>Clause 19 Infrastructure</u></p>
<b>Local Planning Policy Framework and Municipal Strategic Statement</b>	<p>The relevant local planning policy framework objectives are:</p> <p><u>21.01 Municipal Strategic Statement</u></p> <p>21.01-3 Key Issues and Influences</p> <p><u>21.02 The Planning Vision</u></p> <p>21.02-1 Vision</p> <p><u>Clause 21.06 Transport and Infrastructure</u></p> <p>21.06-4 Community Development</p>

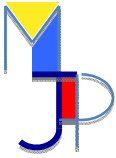


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## Project Overview

<b>Required Amendment Documentation</b>	Explanatory report Application Form
<b>Consultation key stakeholders</b>	City of Murrindindi Dept of Environment, Land, Water and Planning [DELWP]





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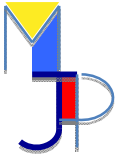
## 1 Executive Summary

The purpose of this report is to outline the planning framework and justification for an amendment to the Murrindindi Planning Scheme. The amendment seeks to:

- Rezone the land known as Crown Allotment 2023, Parish of Kinglake located at 265 Whittlesea-Kinglake Rd, Kinglake from PUZ7- Other to PUZ5 - Cemetery/Crematorium.
- Remove the overlay, ESO1 – High Quality Agricultural Land.

The justification for the amendment is broadly as follows:

- The parcel of Crown land is appropriate for the proposed use and development as a cemetery and crematorium being predominantly cleared of trees, close to townships, and able to service Kinglake and surrounding neighbourhoods within the municipality.
- The land has been reserved in accordance with the *Crown Land (Reserves) Act 1978* for cemetery purposes and declared a public cemetery by the Governor in Council under the *Cemeteries and Crematoria Act 2003*, to be managed by the Kinglake Ranges Cemetery Trust by Order in Council 10<sup>th</sup> March 2016.
- Crown Allotment 2022, Parish of Kinglake is retained as Public Use 7- Other and can be used for community purposes as required.
- A 4.0 hectare parcel of Crown land located at 825 Whittlesea-Kinglake Road had been set aside for the purpose of a cemetery in 1889, however is considered unsuitable for development of a cemetery. This land is zoned Farming, is heavily vegetated and requires several approvals for removal of vegetation and other earth works.
- The amendment will meet the needs of the community in the most cost effective and least intrusive environmental manner.
- The proposal is supported by the State and Local Planning Frameworks of the Murrindindi Planning Scheme and is consistent with the recommendations for planning in the area.



## 2 Background Information

On 4<sup>th</sup> November 2010, Amendment C33 to the Murrindindi planning scheme was gazetted to rezone land at known as Lot 2 PS 445388M, 265 Whittlesea –Kinglake Road from Farming to Public Use 7- Other. The land was purchased by the State Government in 2010 for the purpose of providing a site to enable the replacement of the Kinglake National Park Office and Depot, and the development of the Kinglake Ranges Cultural and Community Facility.

No development of the land has occurred since the approval of the amendment.

The Kinglake Ranges Foundation has been appointed by the State Government as the public land manager for the eastern portion of this land known as Crown Allotment 2022, Parish of Kinglake to establish a Bushfire Memorial and Multi Purpose Facility.

There is no longer a requirement for the Kinglake National Park Office and Depot and the State Government has allocated the land identified as Crown Allotment 2023, Parish of Kinglake, to the Kinglake Ranges Cemetery for establishment of a cemetery as noted in the Order in Council 10<sup>th</sup> March 2016.

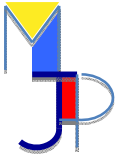
No planning application was lodged with Council relating to an alternative option for use of this land parcel.

The rezoning of the subject site is considered appropriate for a number of reasons including -

- the lack of vegetation on site which would facilitate the buildings and works associated with a cemetery and crematorium.
- proximity to the townships that would make use of the land.
- high degree of difficulty of developing the land previously designated for cemetery purposes at 825 Whittlesea-Kinglake Road. This site is still zoned Farming and would require a planning permit to establish a cemetery and also the removal of vegetation. The land is heavily vegetated and would require extensive clearing and the purchase of vegetation offsets for loss of vegetation on site. The development of the cemetery would be potentially prohibitive in terms of cost to develop.
- the ability to use and develop the remaining lot for the purposes of the Kinglake Ranges Cultural and Community Facility or other purpose.

### 2.1 Consultation

Early consultation with representatives of the Department of Environment, Land, Water and Planning (DELWP) and Murrindini Shire Council has concluded that the proposed rezoning is appropriate for consideration as part of the planning amendment process. The Environmental Significance Overlay 1 – High Quality Agricultural Land is also considered appropriate for removal from the subject site.



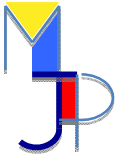
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## **3 Site Analysis**

### **3.1 Subject Site**

The subject land is an irregularly shaped parcel of land with an area of 5.07 hectares. It is bound by the Whittlesea-Kinglake Rd to the north-east corner and Blackwood Lane at the north-west corner. The adjoining land to the east, south and west is designated as Farming Zone. To the south-west, a large parcel of land denoted as Public Conservation Resource Zone is in close proximity.

The land is mostly cleared of vegetation, has the ability to gain access from Whittlesea-Kinglake Rd as a Main Road and from Blackwood Lane, and the slope of the land would not prohibit the use and development of the land for cemetery and crematorium purposes.



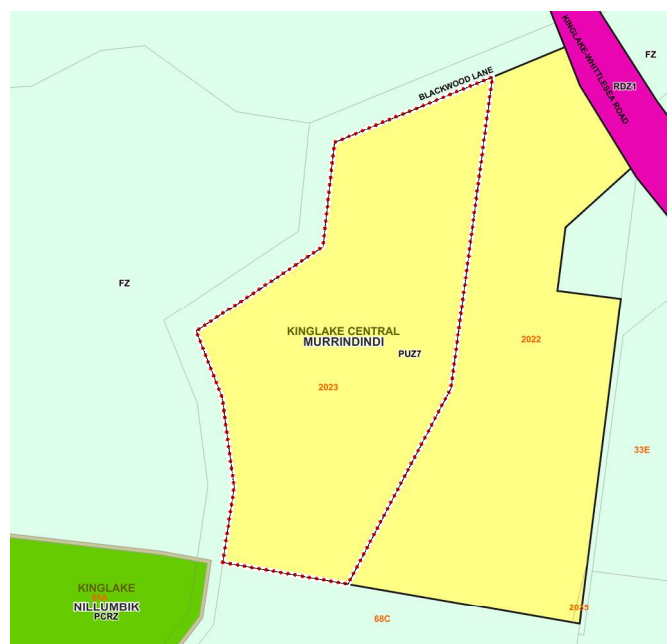
## 4 Current Planning Controls

The following provides a review of the current planning controls impacting the land as identified in the Murrindindi Planning Scheme.

### 4.1 Zoning

The subject land is located within the Public Use Zone 7 – Other.

Figure 1. Zoning Map, Murrindindi Planning Scheme

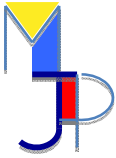


The purpose of the Public Use Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To recognise public land use for public utility and community services and facilities.
- To provide for associated uses that are consistent with the intent of the public land reservation or purpose.

This category relates to all uses that do not directly fall within the more specific categories listed in 1-6 i.e. Service and Utility, Education, Health and Community, Transport, Cemetery/Crematorium, or Local Government.

No planning permit is required for the use of the land, where the use is for the purpose described in the Table to Clause 36.01-6 and the use is carried out by or on behalf of the public land manager. Further, pursuant to Clause 36.01-5 a planning permit is not required to use land, or to construct or carry out works on land.



However, as the land is within PUZ7 – Other, a planning permit would be required for use as a cemetery and associated buildings and works, as the use is not for the purpose prescribed table. It is also acknowledged that the Whittlesea-Kinglake Road is identified as Road Zone Category 1. Accordingly, a planning permit would be required to alter or create access to this road.

## 4.2 Overlays

### *Environmental Significance Overlay, Schedule 1, ESO1*

The land known as 265 Whittlesea-Kinglake Rd, Kinglake is encumbered by an Environmental Significance Overlay, Schedule 1, ESO1 – High Quality Agricultural Land (Clause 42.01).

*Figure 2. Environmental Significance Overlay Map, Murrindindi Planning Scheme*

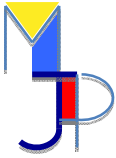


The purpose of this overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values.*

A permit is required to:

- Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.



- Remove, destroy or lop any vegetation, including dead vegetation.

The environmental objectives of the Schedule to this Overlay are to recognise, protect and prevent loss of high quality agricultural land in the Shire.

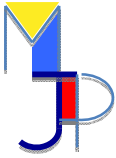
It is noted that in accordance with Clause 42.01-3 Table of exemptions no planning permit is required for

- *Any buildings, works or removal, destruction or lopping of any vegetation by any government department, public authority or Murrindindi Shire Council for the purposes of any public or local government utility, service, works or facility*

### **4.3 Other**

#### *Aboriginal Cultural Heritage Sensitivity*

The land is not within an area of Aboriginal Cultural Heritage Sensitivity. Accordingly, a Cultural Heritage Management Plan will not be required for any works or development on the land.



## 5 Proposed Amendment

### 5.1 Changes to the Planning Controls

The amendment proposes the following changes to the Murrindini Planning Scheme:

- Rezone the land known known as Crown Allotment 2023, Parish of Kinglake located at 265 Whittlesea-Kinglake Rd, Kinglake from PUZ7 - Other to PUZ5 – Cemetery/Crematorium;
- Remove the Environmental Significance Overlay, ESO1 – High Quality Agricultural Land.

The amendment is required to facilitate the establishment of a cemetery/crematorium to service the municipality..

In addition, the land has been reserved in accordance with the *Crown Land (Reserves) Act 1978* for use as a cemetery and declared a public cemetery by the Governor in Council under the *Cemeteris and Crematoria Act 2003*, to be managed by the Kinglake Ranges Cemetery by Order in Council dated 10<sup>th</sup> March 2016.

The existing particular provisions will continue to apply to the subject land: Clause 52.17- Native Vegetation, Clause 52.25 Crematorium and Clause 52.29 Land Adjacent to a Road Zone, Category 1.

### 5.2 Policy context

The proposed amendment is supported by the State and Local Planning Policy Framework, including the Municipal Strategic Statement as outlined below.

#### State Planning Policy Framework

##### Clause 11 – Settlement

It is policy for *planning to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.*

*... Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.*

##### 11.02-1 Supply of urban land

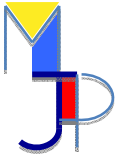
Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- *Service limitations and the costs of providing infrastructure.*

##### 11.02-3 Structure planning

*Objective* To facilitate the orderly development of urban areas.

*Strategies. ...Facilitate* the logical and efficient provision of infrastructure and use of existing infrastructure and services.



*Response* The proposed amendment addresses the need for accessible and necessary community infrastructure that is logical and efficient, while minimising the costs of this provision through the use of land that is appropriate for such use.

#### Clause 12 Environmental and Landscape Values

##### 12.01-2 Native vegetation management

*Objective* To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

*Strategies ...*

- Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.
- Minimise impacts on Victoria's biodiversity.
- Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.

*Response* The proposed amendment redresses the need for clearing and destruction of existing bioculture by locating the public cemetery on cleared land which is more appropriate than the heavily vegetated land set aside in 1889.

#### Clause 19 Infrastructure

*Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely. Planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities.*

*Response* The proposed amendment will allow for the provision of important community and social infrastructure for current and future community needs.

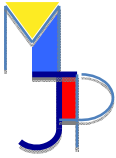
#### Local Planning Policy Framework including the Municipal Strategic Statement

##### 21.01 Municipal Strategic Statement

##### 21.01-3 Key Issues and Influences

*Key issues and influences affecting the use and development of land in Murrindindi Shire are:  
Sustainable development and growth potential*





*Environment and landscape: The pristine environment, rich biodiversity, significant public land areas and high quality landscape, form an essential part of the municipality's character, liveability and economy. Protection of the natural environment is critical for the continued economic and social well-being of the municipality.*

*Townships and built environment: A range of dispersed and diverse townships offer high liveability and high quality built environments.*

*Response The proposed amendment will facilitate the development and use of land for the public cemetery which will service community needs for the dispersed townships of the Shire, while minimising environmental disruptions by locating on cleared land.*

### 21.02 The Planning Vision

#### 21.02-1 Vision

*Our vision for the future: Murrindindi Shire will facilitate sustainable population and economic growth. ... will attract people to the municipality, creating further opportunities for lifestyle choice, business investment and prosperity. ... Residential growth will be provided in established townships and settlements with existing communities and infrastructure, where the natural environment is protected and a high level of community safety is achieved.*

*Key elements to achieving this vision will be:*

*...*

*Facilitation of residential growth opportunities in established townships and settlements, particularly in locations with a full range of physical and community services.*

### Clause 21.06 Transport and Infrastructure

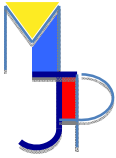
#### 21.06-4 Community Development:

*... Community development planning must strive to enhance the liveability, wellbeing, amenity and quality of life within the municipality. Community infrastructure and services and a strong public health program are required for all age demographics. As the population of Murrindindi Shire is spread thinly over a large, diverse area, the development and delivery of community facilities and services has challenges for access and connectivity.*

*Response The amendment positively responds the development of the community by delivering a service that is well located, accessible and minimises potential impact on the natural environment.*

## **5.3 Process**

The amendment has been prepared in accordance to and complies with Minister's Direction No 11 Strategic Planning Assessment of Amendments and the Practice Note Strategic Assessment Guidelines for Planning Schemes Amendments (revised August 2004). The amendment meets the requirements of the Ministers Direction and guidelines.



## 5.4 Strategic Justification

### *Strategic Assessment of the Amendment*

In accordance with Ministerial Direction 11 – Strategic Assessment of an Amendment, the purpose of undertaking a strategic assessment of the amendment is to provide a consistent framework for the evaluation of a proposed planning scheme amendment and the outcomes it produces. The matters outlined in this Direction form part of the explanatory document.

#### *Why is the amendment required?*

The amendment is required to:

- Ensure the zoning of the land reflects the future use and development of the land for a public cemetery.

#### *How does the amendment implement the objectives of planning in Victoria?*

The amendment will be supportive of and assist in, the implementation of the objectives of planning in Victoria as set out in Section 4 of the Planning and Environment Act 1987, as follows:

- *Providing for the fair, orderly, economic and sustainable use and development of land.*
- *Securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria. Enhancing community opportunities for the land and area.*
- *Enabling the orderly provision and coordination of public utilities for the benefit of the community.*
- *Balancing the present and future interests of all Victorians.*

#### *How does the amendment address any environmental, social and economic effects?*

##### Environmental effects

The subject site is virtually cleared and as such the amendment is not considered to have an adverse impact on the environment. The rezoning is in accordance with Ministerial Direction No 1 as appropriate for use as cemetery and crematorium.

##### Social effects

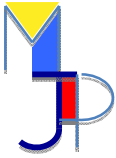
The amendment will facilitate the future use and development of the land for a public cemetery through the rezoning process and better meet the future needs of the community.

##### Economic effects

The amendment is expected to have positive economic effects by facilitating the effective use of land that is currently vacant and unused by the public land owner and will facilitate the appropriate zoning of the land through Amendment C59 to facilitate it's use as a public cemetery.

#### *Does the amendment address relevant bushfire risk?*

The amendment is not expected to increase existing bushfire risk.



*Does the amendment make proper use of the Victoria Planning Provisions?*

The amendment makes proper use of the Victoria Planning Provisions. The amendment proposes to change a zoning map and overlay map of the Shire of Murrindindi Planning Scheme to facilitate the use and development of the subject site for a public cemetery. There is no alternative way or tools to achieve these changes to the Planning Scheme other than through a formal planning scheme amendment.

*How does the amendment address the views of any relevant agency?*

The amendment has been prepared following discussions with representatives of the Department of Environment, Land, Water and Planning (DELWP). No objections to the amendment have been raised.

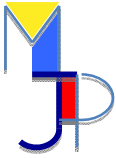
*Does the amendment address relevant requirements of the Transport Integration Act 2010?*

The amendment is not considered to trigger any of the requirements of this Act.

*Resource and administrative costs*

*What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?*

The amendment will not have any significant impact on the administrative costs to the Responsible Authority.



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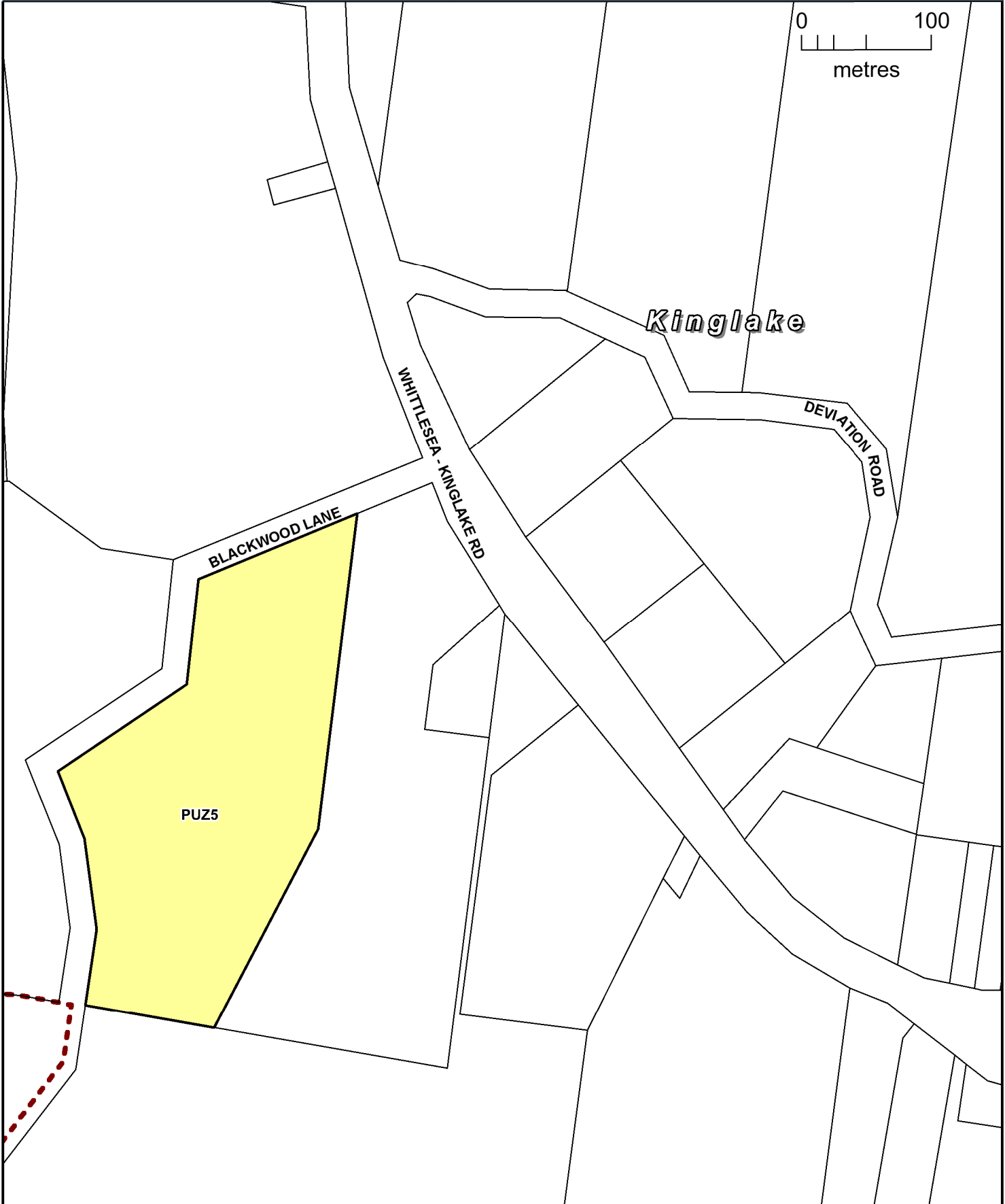
## 6 Impacts of the Amendment

The strategic justification for this amendment is to facilitate the use and development of Crown Allotment 2033, Parish of Kinglake, for a public cemetery and to ensure the use of the land is reflected in a more appropriate zone, being the PUZ-5.

The amendment is considered to have positive impacts as follows:

- Removes unnecessary planning permit triggers, which are of administrative and procedural benefit.
- Ensures the zoning reflects the reservation of the land for cemetery and crematorium purposes.
- Provides community and economic benefits by facilitating the development of land that is cleared and appropriate for the proposed use.
- Facilitates the development of land so that any environmental impacts such as the clearing of vegetation is minimised.

# MURRINDINDI PLANNING SCHEME

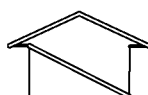


## LEGEND

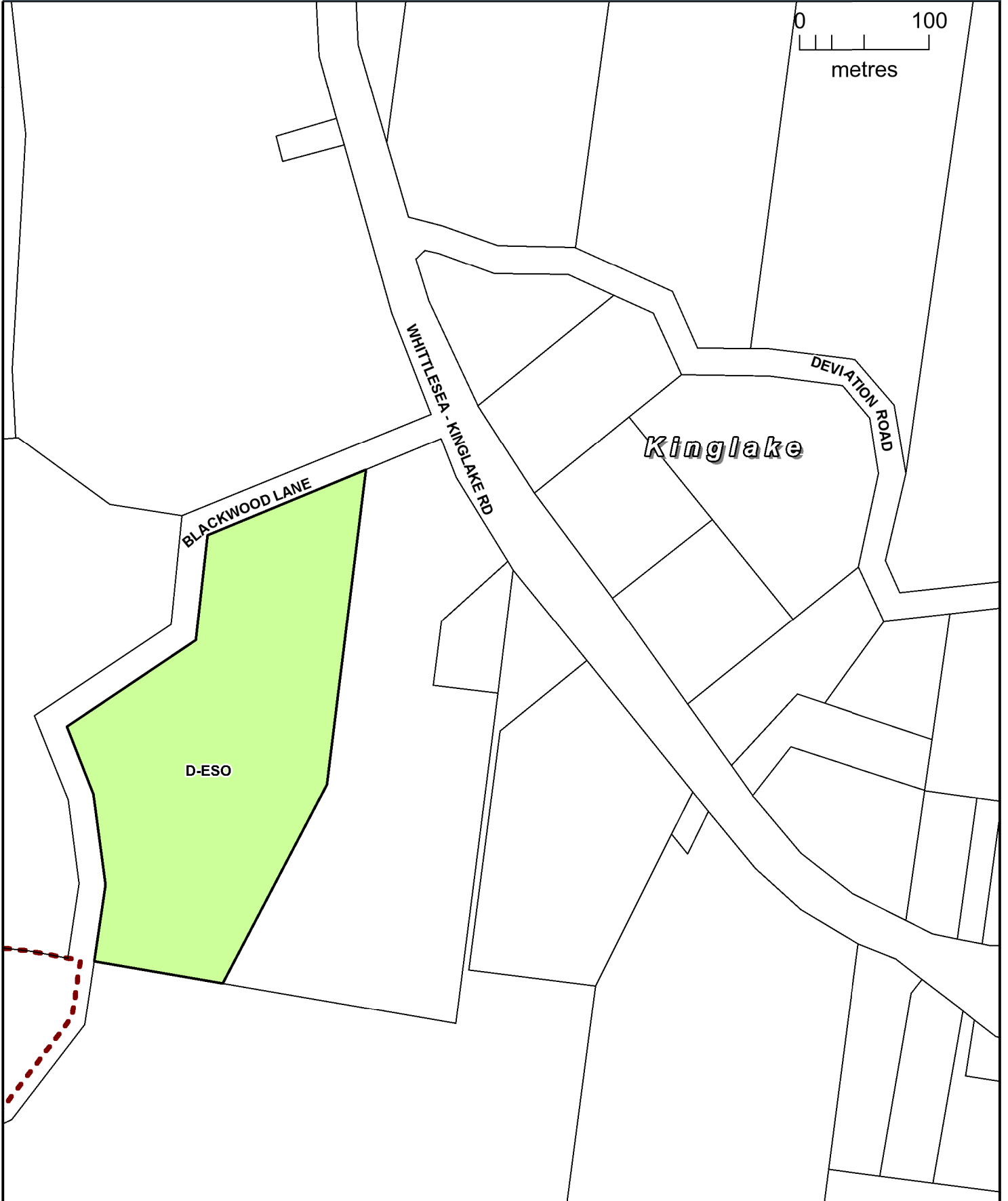
Part of Planning Scheme Map 26

**PUZ5** PUBLIC USE ZONE - CEMETERY/CREMATORIUM

# AMENDMENT C59



# MURRINDINDI PLANNING SCHEME

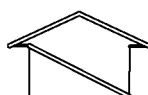


## LEGEND

Part of Planning Scheme Map 26ESO

**D-ESO** AREA TO BE DELETED FROM AN ENVIRONMENTAL SIGNIFICANCE OVERLAY

# AMENDMENT C59





***S6. Instrument of Delegation – Members of Staff***

**Murrindindi Shire Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

## Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* and the other 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. records that a reference in the Schedule to:

**“CAD” means Coordinator Assets and Development**

**“CADIS” means Coordinator Aged and Disability**

**“CADCC” means Coordinators Aged and Disability Community Care**

**“CCW” means Coordinator Capital Works**

**“CES” means Coordinator Environmental Services**

**“CEO” means Chief Executive Officer**

**“CGP” means Coordinator Governance & Performance**

**“CHBC” means Coordinator Home Based Childcare**

**“CHR” means Coordinator Human Resources**

**“CIT” means Coordinator Information Technology**

**“CIO” Coordinator Infrastructure Operations - Depots**

**“CLS” means Coordinator Library Services**

**“CLL” means Coordinator Local Laws**

**“CMCH” means Coordinator Maternal & Child Health**

**“CPR” means Coordinator Procurement & Risk**

**“CRPM” means Coordinator Roads and Park Maintenance**

**“CRR” means Coordinator Rates and Revenue**

**“CSP” means Coordinator Statutory Planning**

**“CYR” means Coordinator Youth & Recreation**

**“CWM” means Coordinator Waste Management**

**“DMERO” means Deputy Municipal Emergency Resource Officer**



**“EHO” means Environmental Health Officer**

**“FA” means Financial Accountant**

**“GMCCS” means General Manager Corporate & Community Services**

**“GMIDS” means General Manager Infrastructure and Development Services**

**“GC” means Grants Coordinator**

**“MA” means Management Accountant**

**“MIA” means Manager Infrastructure Assets**

**“MBS” means Municipal Building Surveyor**

**“MBUS” means Manager Business Services**

**“MCC” means Manager Customer & Communications**

**“MCHN” means Maternal & Child Health Nurse**

**“MCS” means Manager Community Services & Recovery**

**“MDS” means Manager Development Services**

**“MIO” means Manager Infrastructure Operations**

**“MERO” means Municipal Emergency Resource Officer**

**“MRM” means Municipal Recovery Manager**

**“POS” means Senior Planning Officer**

**“RS” means Records Supervisor**

**“SPO” means Strategic Planning Officer**

**“YCTS” means Yea Cemetery Trust Secretary**

3. declares that:

**3.1** this Instrument of Delegation is authorised by **resolution** of Council passed on **27 April 2016**

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



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- 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; or
  - 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; or
  - 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, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; 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.

DATED this     day of                     2016

THE COMMON SEAL OF THE MURRINDINDI     )  
 SHIRE COUNCIL was hereunto affixed in the     )  
 presence of:     )

Chief Executive Officer     .....

Councillor     .....



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## **SCHEDULE**



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<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.8(1)(a)(ii)	power to manage one or more public cemeteries	GMCCS	<ul style="list-style-type: none"> <li>where appointed to manage cemetery by Governor in Council</li> </ul> GMIDS is a secondary delegate in the absence of GMCCS
s.12(1)	function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	GMCCS	where council is a Class B cemetery trust GMIDS is a secondary delegate in the absence of GMCCS
s.12(2)	duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions	GMCCS	where council is a Class B cemetery trust GMIDS is a secondary delegate in the absence of GMCCS
s.13	duty to do anything necessary or convenient to enable it to carry out its functions	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.14	power to manage multiple public cemeteries as if they are one cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.15(1) and (2)	power to delegate powers or functions other than those listed	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.15(4)	duty to keep records of delegations	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.17(1)	power to employ any persons necessary	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.17(2)	power to engage any professional, technical or other assistance considered necessary	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s. 17(3)	power to determine the terms and conditions of employment or engagement	GMCCS	subject to the any guidelines or directions of the Secretary GMIDS is a secondary delegate in the absence of GMCCS
s.18(3)	duty to comply with a direction from the Secretary	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.19	power to carry out or permit the carrying out of works	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.20(1)	duty to set aside areas for the interment of human remains	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.20(2)	power to set aside areas for the purposes of managing a public cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.20(3)	power to set aside areas for those things in paragraphs (a) – (e)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.21(1)	power to establish and operate a crematorium in a public cemetery	GMCCS	council must not establish or operate a crematorium set aside for particular religious or community groups. GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.22	power to establish mausolea facilities	GMCCS	subject to the prior written approval of the Secretary GMIDS is a secondary delegate in the absence of GMCCS
s.24(2)	power to apply to the Secretary for approval to alter the existing distribution of land	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.26(1)	power to make rules for or with respect to the general care, protection and management of a public cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.36	power to grant licences to enter and use part of the land or building in a public cemetery in accordance with this section	GMCCS	subject to the approval of the Minister GMIDS is a secondary delegate in the absence of GMCCS
s.37	power to grant leases over land in a public cemetery in accordance with this section	GMCCS	subject to the Minister approving the purpose GMIDS is a secondary delegate in the absence of GMCCS
s.39(1)	power to fix fees and charges or a scale of fees and charges for its services in accordance with this section	GMCCS	subject to the approval of the Secretary under section 40 unless exempt under section 40A GMIDS is a secondary delegate in the absence of GMCCS
s.39(3)	power to fix different fees and charges for different cases or classes of cases	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.40	duty to notify Secretary of fees and charges fixed under section 39	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.45	power to invest money	GMCCS	subject to any direction of the Minister  This provision does not apply if the management of the public cemetery is a municipal council, not a cemetery trust. In this case, the borrowing & investment powers are governed by the Local Government Act 1989.  GMIDS is a secondary delegate in the absence of GMCCS
s.46	power to borrow money to enable it to perform its functions and exercise its powers	GMCCS	subject to the approval and conditions of the Treasurer  This provision does not apply if the management of the public cemetery is a municipal council, not a cemetery trust. In this case, the borrowing & investment powers are governed by the Local Government Act 1989.  GMIDS is a secondary delegate in the absence of GMCCS
s.47	power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	GMCCS	provided the street was constructed pursuant to the Local Government Act 1989  GMIDS is a secondary delegate in the absence of GMCCS



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.57(1)	duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	GMCCS	applies only to municipal councils, not cemetery trusts report must contain the particulars listed in s.57(2) GMIDS is a secondary delegate in the absence of GMCCS
s.59	duty to keep records for each public cemetery	GMCCS, YCTS	
s.60(1)	duty to make information in records available to the public for historical or research purposes	GMCCS, YCTS	
s.60(2)	power to charge fees for providing information	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.64(4)	duty to comply with a direction from the Secretary under section 64(3)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.64B(d)	power to permit interments at a reopened cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.66(1)	power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	GMCCS	the application must include the requirements listed in s.66(2)(a)–(d) GMIDS is a secondary delegate in the absence of GMCCS
s.69	duty to take reasonable steps to notify of conversion to historic cemetery park	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.70(1)	duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.70(2)	duty to make plans of existing place of interment available to the public	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.71(2)	power to dispose of any memorial or other structure removed	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.72(2)	duty to comply with request received under section 72	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.73(1)	power to grant a right of interment	GMCCS, YCTS	
s.73(2)	power to impose conditions on the right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.75	power to grant the rights of interment set out in subsections (a) and (b)	GMCCS, YCTS	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	GMCCS, YCTS	
s.77(4)	power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	GMCCS, YCTS	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.80(1)	function of receiving notification and payment of transfer of right of interment	GMCCS, YCTS	
s.80(2)	function of recording transfer of right of interment	GMCCS, YCTS	
s.82(2)	duty to pay refund on the surrender of an unexercised right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.83(2)	duty to pay refund on the surrender of an unexercised right of interment (sole holder)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.84(1)	function of receiving notice of surrendering an entitlement to a right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	GMCCS	the notice must be in writing and contain the requirements listed in s.85(2) GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.85(2)(b)	duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	GMCCS	<p>applies where Council appointed to manage cemetery as though it were a cemetery trust.</p> <p>does not apply where right of interment relates to remains of a deceased veteran.</p> <p>GMIDS is a secondary delegate in the absence of GMCCS</p>
85(2)(c)	<p>power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or;</p> <p>remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.</p>	GMCCS	<p>may only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment</p> <p>applies where Council appointed to manage cemetery as though it were a cemetery trust.</p> <p>GMIDS is a secondary delegate in the absence of GMCCS</p>
s.86	power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.86(2)	power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.86(3)(a)	power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.86(3)(b)	power to remove interred cremated human remains and take further action in accordance with s.86(3)(b)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.86(5)	duty to provide notification before taking action under s.86(4)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s 86A	duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.87(3)	duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.88	function to receive applications to carry out a lift and re-position procedure at a place of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.91(1)	power to cancel a right of interment in accordance with this section	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.91(3)	duty to publish notice of intention to cancel right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.92	power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.98(1)	function of receiving application to establish or alter a memorial or a place of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.99	power to approve or refuse an application made under section 98, or to cancel an approval	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.99(4)	duty to make a decision on an application under section 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.100(1)	power to require a person to remove memorials or places of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.100(2)	power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with section 100(1)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.100(3)	power to recover costs of taking action under section 100(2)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.101	function of receiving applications to establish or alter a building for ceremonies in the cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.102(1)	power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.102(2) & (3)	power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.103(1)	power to require a person to remove a building for ceremonies	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.103(2)	power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.103(3)	power to recover costs of taking action under section 103(2)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.106(1)	power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.106(2)	power to require the holder of the right of interment to provide for an examination	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.106(3)	power to open and examine the place of interment if section 106(2) not complied with	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.106(4)	power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under section 106(1) is not complied with	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.107(1)	power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.107(2)	power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.108	power to recover costs and expenses	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.109(1)(a)	power to open, examine and repair a place of interment	GMCCS	where the holder of right of interment or responsible person cannot be found GMIDS is a secondary delegate in the absence of GMCCS
s.109(1)(b)	power to repaid a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	GMCCS	where the holder of right of interment or responsible person cannot be found GMIDS is a secondary delegate in the absence of GMCCS
s.109(2)	power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	GMCCS	where the holder of right of interment or responsible person cannot be found GMIDS is a secondary delegate in the absence of GMCCS
s. 110A	power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	GMCCS	This provision is not yet in force and will commence on 1 February 2016, if not proclaimed earlier.



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.110(1)	power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.110(2)	power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.111	power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.112	power to sell and supply memorials	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.116(4)	duty to notify the Secretary of an interment authorisation granted	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.116(5)	power to require an applicant to produce evidence of the right of interment holder's consent to application	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.118	power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.119	power to set terms and conditions for interment authorisations	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.131	function of receiving an application for cremation authorisation	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.133(1)	duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with	GMCCS	Subject to subsection (2) GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.145	duty to comply with an order made by the Magistrates' Court or a coroner	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.146	power to dispose of bodily remains by a method other than interment or cremation	GMCCS	subject to the approval of the Secretary
s.147	power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.149	duty to cease using method of disposal if approval revoked by the Secretary	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.150 & 152(1)	power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.151	function of receiving applications to inter or cremate body parts	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.152(2)	power to impose terms and conditions on authorisation granted under section 150.	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
Schedule 1 clause 8(3)	power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	GMCCS	where council is a Class B cemetery trust GMIDS is a secondary delegate in the absence of GMCCS
Schedule 1 clause 8(8)	power to regulate own proceedings	GMCCS	where council is a Class B cemetery trust subject to clause 8 GMIDS is a secondary delegate in the absence of GMCCS

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.41A(1)	power to declare a dog to be a menacing dog	GMIDS, MIO	Council may delegate this power to an authorised officer

<b>ENVIRONMENT PROTECTION ACT 1970</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.53M(3)	power to require further information	GMIDS, MIO, EHO	
s.53M(4)	duty to advise applicant that application is not to be dealt with	GMIDS, MIO, EHO	
s.53M(5)	duty to approve plans, issue permit or refuse permit	GMIDS, MIO, EHO	refusal must be ratified by council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	GMIDS, MIO	refusal must be ratified by council or it is of no effect
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	GMIDS, MIO	refusal must be ratified by council or it is of no effect

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	EHO	If section 19(1) applies

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	If section 19(1) applies
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	EHO	If section 19(1) applies
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	GMIDS, MIO, EHO	If section 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	GMIDS, MIO, EHO	If section 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	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	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	GMIDS, MIO, EHO	where council is the registration authority
s.19CB(4)(b)	power to request copy of records	EHO	where council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	EHO	where council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO	where council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	EHO	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	EHO	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	EHO	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	EHO	except for an assessment required by a declaration under section 19C or an inspection under sections 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	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	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	where council is the registration authority
---	power to register, renew or transfer registration	EHO	where council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	where council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	EHO	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	EHO	where council is the registration authority
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	EHO	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	EHO	where council is the registration authority
s.38B(1)(c)	duty to inspect premises	EHO	where council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	EHO	where council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	EHO	where council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	EHO	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	EHO	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	EHO	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.38E(4)	duty to register the food premises when conditions are satisfied	EHO	where council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	EHO	where council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	EHO	where council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	EHO	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	EHO	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	EHO	where council is the registration authority
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	EHO	where council is the registration authority
s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	EHO	where council is the registration authority
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	EHO	where council is the registration authority

<b>HERITAGE ACT 1995</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.84(2)	power to sub-delegate Executive Director's functions	GMIDS, MDS	must obtain Executive Director's written consent first.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.4B	power to prepare an amendment to the Victoria Planning Provisions	GMIDS, MDS	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	GMIDS, MDS	
s.4H	duty to make amendment to Victoria Planning Provisions available	GMIDS, MDS, CSP, POS	
s.4I	duty to keep Victoria Planning Provisions and other documents available	GMIDS, MDS, CSP, POS	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	GMIDS, MDS	
s. 8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	GMIDS, MDS	
s.8A(5)	function of receiving notice of the Minister's decision	GMIDS, MDS	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	GMIDS, MDS	
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	GMIDS, MDS	
s 12A(1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	GMIDS, MDS	
s.12B(1)	duty to review planning scheme	GMIDS, MDS	
s.12B(2)	duty to review planning scheme at direction of Minister	GMIDS, MDS	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	GMIDS, MDS	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	GMIDS, MDS	
s.17(1)	duty of giving copy amendment to the planning scheme	GMIDS, MDS	
s.17(2)	duty of giving copy s.173 agreement	GMIDS, MDS	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	GMIDS, MDS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.18	duty to make amendment etc. available	GMIDS, MDS	
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 section 19 to a planning scheme	GMIDS, MDS	
s.19	function of receiving notice of preparation of an amendment to a planning scheme	GMIDS, MDS, CSP, POS	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 section 19	GMIDS, MDS	
s.21(2)	duty to make submissions available	GMIDS, MDS, CSP, POS	
s.21A(4)	duty to publish notice in accordance with section	GMIDS, MDS, CSP, POS	
s.22	duty to consider all submissions	GMIDS, MDS, CSP, POS	
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	GMIDS, MDS, CSP, POS	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	GMIDS, MDS, CSP, POS	
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)	GMIDS, MDS, CSP, POS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.26(1)	power to make report available for inspection	GMIDS, MDS, CSP, POS	
s.26(2)	duty to keep report of panel available for inspection	GMIDS, MDS, CSP	
s.27(2)	power to apply for exemption if panel's report not received	GMIDS, MDS	
s.28	duty to notify the Minister if abandoning an amendment	GMIDS, MDS	Note: the power to make a decision to abandon an amendment cannot be delegated
s.30(4)(a)	duty to say if amendment has lapsed	GMIDS, MDS	
s.30(4)(b)	duty to provide information in writing upon request	GMIDS, MDS	
s.32(2)	duty to give more notice if required	GMIDS, MDS	
s.33(1)	duty to give more notice of changes to an amendment	GMIDS, MDS	
s.36(2)	duty to give notice of approval of amendment	GMIDS, MDS	
s.38(5)	duty to give notice of revocation of an amendment	GMIDS, MDS	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	GMIDS, MDS	
s.40(1)	function of lodging copy of approved amendment	GMIDS, MDS	
s.41	duty to make approved amendment available	GMIDS, MDS, CSP, POS, SPO	
s.42	duty to make copy of planning scheme available	GMIDS, MDS, CSP, POS, SPO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46AS(ac)	power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	GMIDS, MDS	
s.46GF	duty to comply with directions issued by the Minister	GMIDS, MDS	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	GMIDS, MDS, CSP, POS	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	GMIDS, MDS, CSP, POS	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	GMIDS	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	GMIDS	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the <i>Planning and Environment Act 1987</i>	GMIDS, MDS, CSP, POS, SPO	must be done in accordance <i>with Local Government Act 1989</i> .  this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	GMIDS, MDS, CSP, POS, SPO	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GI(3)	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	GMIDS, MDS, CSP, POS, SPO	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GI(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the <i>Planning and Environment Act 1987</i> if satisfied that the development is not to proceed	GMIDS, MDS	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	GMIDS, MDS	this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	GMIDS, MDS	where council is a collecting agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46GM	duty to prepare report and give a report to the Minister	GMIDS, MDS	where council is a collecting agency or development agency this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	GMIDS, MDS, CSP, POS	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	GMIDS, MDS, CSP, POS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	GMIDS, MDS, CSP, POS	
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	GMIDS, MDS, CSP, POS	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMIDS, MDS, CSP, POS	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	GMIDS, MDS, CSP, POS	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	GMIDS, MDS,	
s.46Q(1)	duty to keep proper accounts of levies paid	GMIDS, MDS, CSP, POS	
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	GMIDS, MDS, CSP, POS	
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.	GMIDS, MDS, CSP, POS	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	GMIDS, MDS	only applies when levy is paid to Council as a 'development agency'

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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)	GMIDS, MDS, CSP, POS	<p>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</p> <p>this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier</p>
s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	GMIDS, MDS	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	GMIDS, MDS	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	GMIDS, MDS, CSP, POS	
s.46QD	duty to prepare report and give a report to the Minister	GMIDS, MDS	<p>where council is a collecting agency or development agency</p> <p>this provision is not yet in force and will commence on 1 June 2016 unless proclaimed earlier</p>
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	GMIDS, MDS, CSP, POS	
s.46Y	duty to carry out works in conformity with the approved strategy plan	GMIDS, MDS, CSP, POS	

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.47	power to decide that an application for a planning permit does not comply with that Act	GMIDS, MDS, CSP, POS	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	GMIDS, MDS, CSP, POS	
s.49(2)	duty to make register available for inspection	GMIDS, MDS, CSP, POS	
s.50(4)	duty to amend application	GMIDS, MDS, CSP, POS	
s.50(5)	power to refuse to amend application	GMIDS, MDS, CSP, POS	
s.50(6)	duty to make note of amendment to application in register	GMIDS, MDS, CSP, POS	
s.50A(1)	power to make amendment to application	GMIDS, MDS, CSP, POS	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	GMIDS, MDS, CSP, POS	
s.50A(4)	duty to note amendment to application in register	, GMIDS, MDS, CSP, POS	
s.51	duty to make copy of application available for inspection	GMIDS, MDS, CSP, POS	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	GMIDS, MDS, CSP, POS	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	GMIDS, MDS, CSP, POS, SPO	



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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	GMIDS, MDS, CSP, POS, SPO	
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	GMIDS, MDS, CSP, POS, SPO	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	GMIDS, MDS, CSP, POS, SPO	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	GMIDS, MDS, CSP, POS, SPO	
s.52(3)	power to give any further notice of an application where appropriate	GMIDS, MDS, CSP, POS, SPO	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	GMIDS, MDS, CSP, POS, SPO	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	GMIDS, MDS, CSP, POS, SPO	
s.54(1)	power to require the applicant to provide more information	GMIDS, MDS, CSP, POS, SPO	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	, GMIDS, MDS, CSP, POS, SPO	
s.54(1B)	duty to specify the lapse date for an application	GMIDS, MDS, CSP, POS, SPO	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	GMIDS, MDS, CSP, POS, SPO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	GMIDS, MDS, CSP, POS, SPO	
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	GMIDS, MDS, CSP, POS, SPO	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	GMIDS, MDS, CSP, POS	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	GMIDS, MDS, CSP, POS, SPO	
s.57(5)	duty to make available for inspection copy of all objections	GMIDS, MDS, CSP, POS	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	GMIDS, MDS, CSP, POS, SPO	
s.57A(5)	power to refuse to amend application	GMIDS, MDS, CSP, POS	Subject to Council ratification
s.57A(6)	duty to note amendments to application in register	GMIDS, MDS, CSP, POS, SPO	
s.57B(1)	duty to determine whether and to whom notice should be given	GMIDS, MDS, CSP, POS, SPO	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	GMIDS, MDS, CSP, POS, SPO	
s.57C(1)	duty to give copy of amended application to referral authority	GMIDS, MDS, CSP, POS, SPO	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.58	duty to consider every application for a permit	GMIDS, MDS, CSP, POS	
s.58A	power to request advice from the Planning Application Committee	GMIDS, MDS	
s.60	duty to consider certain matters	GMIDS, MDS, CSP, POS, SPO	
s60(1A)	power to consider certain matters before deciding on application	GMIDS, MDS, CSP, POS	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	GMIDS, MDS, CSP, POS	
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	GMIDS, MDS, CSP, POS	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>  The power to refuse a permit application or to determine an application for which objections have been lodged is not delegated.
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	GMIDS, MDS, CSP, POS	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	GMIDS, MDS, CSP, POS	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	GMIDS, MDS, CSP, POS	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	GMIDS, MDS, CSP, POS, SPO	
s.62(1)	duty to include certain conditions in deciding to grant a permit	GMIDS, MDS, CSP, POS, SPO	
s.62(2)	power to include other conditions	GMIDS, MDS, CSP, POS, SPO	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	GMIDS, MDS, CSP, POS, SPO	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	GMIDS, MDS, CSP, POS	
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	GMIDS, MDS, CSP, POS, SPO	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	GMIDS, MDS, CSP, POS, SPO	
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 section 62(5) or section 46N	GMIDS, MDS, CSP, POS	
s.62(6)(b)	duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in section 62(1)(a)	GMIDS, MDS, CSP, POS	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	GMIDS, MDS, CSP, POS, SPO	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	GMIDS, MDS, CSP, POS, SPO	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(3)	duty not to issue a permit until after the specified period	GMIDS, MDS, CSP, POS, SPO	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	GMIDS, MDS, CSP, POS	this provision applies also to a decision to grant an amendment to a permit - see section 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	GMIDS, MDS, CSP, POS, SPO	this provision applies also to a decision to grant an amendment to a permit - see section 75A
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	GMIDS, MDS, CSP, POS, SPO	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	GMIDS, MDS, CSP, POS, SPO	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	GMIDS, MDS, CSP, POS, SPO	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	GMIDS, MDS, CSP, POS, SPO	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

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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 section 64 or 65	GMIDS, MDS, CSP, POS, SPO	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s.69(1)	function of receiving application for extension of time of permit	GMIDS, MDS, CSP, POS, SPO	
s.69(1A)	function of receiving application for extension of time to complete development	GMIDS, MDS, CSP, POS, SPO	
s.69(2)	power to extend time	GMIDS, MDS, CSP, POS	
s.70	duty to make copy permit available for inspection	GMIDS, MDS, CSP, POS, SPO	
s.71(1)	power to correct certain mistakes	GMIDS, MDS, CSP, POS	
s.71(2)	duty to note corrections in register	GMIDS, MDS, CSP, POS	
s.73	power to decide to grant amendment subject to conditions	GMIDS, MDS, CSP, POS	
s.74	duty to issue amended permit to applicant if no objectors	GMIDS, MDS, CSP, POS	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	GMIDS, MDS, CSP, POS	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	GMIDS, MDS, CSP, POS, SPO	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	GMIDS, MDS, CSP, POS, SPO	if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	GMIDS, MDS, CSP, POS, SPO	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 section 64 or 76	GMIDS, MDS, CSP, POS, SPO	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	GMIDS, MDS, CSP, POS	
s.83	function of being respondent to an appeal	GMIDS, MDS, CSP, POS	
s.83B	duty to give or publish notice of application for review	GMIDS, MDS, CSP, POS	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	GMIDS, MDS, CSP, POS	
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	GMIDS, MDS, CSP, POS	

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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	GMIDS, MDS, CSP, POS	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	GMIDS, MDS, CSP, POS	
s.86	duty to issue a permit at order of Tribunal within 3 working days	GMIDS, MDS, CSP, POS	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	GMIDS, MDS, CSP, POS	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	GMIDS, MDS, CSP, POS	
s.91(2)	duty to comply with the directions of VCAT	GMIDS, MDS, CSP, POS	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	GMIDS, MDS, CSP, POS	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	GMIDS, MDS, CSP, POS	
s.93(2)	duty to give notice of VCAT order to stop development	GMIDS, MDS, CSP, POS	
s.95(3)	function of referring certain applications to the Minister	GMIDS, MDS, CSP, POS	
s.95(4)	duty to comply with an order or direction	GMIDS, MDS, CSP, POS	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	GMIDS, MDS, CSP, POS	



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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	GMIDS, MDS, CSP, POS	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	GMIDS, MDS, CSP, POS	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	GMIDS, MDS, CSP, POS	
s.96F	duty to consider the panel's report under section 96E	GMIDS, MDS, CSP, POS	
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 section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	GMIDS, MDS, CSP, POS	
s.96H(3)	power to give notice in compliance with Minister's direction	GMIDS, MDS, CSP, POS	
s.96J	power to issue permit as directed by the Minister	GMIDS, MDS, CSP, POS	
s.96K	duty to comply with direction of the Minister to give notice of refusal	GMIDS, MDS, CSP, POS	
s. 96Z	duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate	GMIDS, MDS, CSP, POS	
s.97C	power to request Minister to decide the application	GMIDS, MDS, CSP, POS	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	GMIDS, MDS, CSP, POS	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	GMIDS, MDS, CSP, POS	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	GMIDS, MDS, CSP, POS	
s.97L	duty to include Ministerial decisions in a register kept under section 49	GMIDS, MDS, CSP, POS	
s.97MH	duty to provide information or assistance to the Planning Application Committee	GMIDS, MDS, CSP, POS	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	GMIDS, MDS	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	GMIDS, MDS, CSP, POS	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	GMIDS, MDS, CSP, POS	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	GMIDS, MDS, CSP, POS	
s.97Q(4)	duty to comply with directions of VCAT	GMIDS, MDS, CSP, POS	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	GMIDS, MDS, CSP, POS	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	GMIDS, MDS	

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s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	GMIDS, MDS	
s.101	function of receiving claim for expenses in conjunction with claim	GMIDS, MDS	
s.103	power to reject a claim for compensation in certain circumstances	GMIDS, MDS	
s.107(1)	function of receiving claim for compensation	GMIDS, MDS	
s.107(3)	power to agree to extend time for making claim	GMIDS, MDS	
s.114(1)	power to apply to the VCAT for an enforcement order	GMIDS, MDS	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	GMIDS, MDS	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	GMIDS, MDS	
s.123(1)	power to carry out work required by enforcement order and recover costs	GMIDS, MDS	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	GMIDS, MDS	except Crown Land
s.129	function of recovering penalties	GMIDS, MDS	
s.130(5)	power to allow person served with an infringement notice further time	GMIDS, MDS	
s.149A(1)	power to refer a matter to the VCAT for determination	GMIDS, MDS	

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s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	GMIDS, MDS	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (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 subsection (2B)power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	GMIDS, MDS	where council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	GMIDS, MDS	
s.171(2)(g)	power to grant and reserve easements	GMIDS, MDS	
s.173	power to enter into agreement covering matters set out in section 174	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	GMIDS, MDS	
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	GMIDS, MDS	
s.177(2)	power to end a section 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	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS

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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	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.178A(1)	function of receiving application to amend or end an agreement	GMIDS, MDS	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	GMIDS, MDS	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	GMIDS, MDS	
s.178A(5)	power to propose to amend or end an agreement	GMIDS, MDS	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	GMIDS, MDS	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	GMIDS, MDS	
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	GMIDS, MDS	
s.178C(4)	function of determining how to give notice under s.178C(2)	GMIDS, MDS	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	GMIDS, MDS	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	GMIDS, MDS	If no objections are made under s.178D Must consider matters in s.178B

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s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	GMIDS, MDS	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	GMIDS, MDS	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	GMIDS, MDS	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	GMIDS, MDS	After considering objections, submissions and matters in s.178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	GMIDS, MDS	After considering objections, submissions and matters in s.178B
s.178E(3)(d)	power to refuse to amend or end the agreement	GMIDS, MDS	After considering objections, submissions and matters in s.148B
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	GMIDS, MDS, CSP, POS	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	GMIDS, MDS, CSP, POS	
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	GMIDS, MDS, CSP, POS	

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s.178G	duty to sign amended agreement and give copy to each other party to the agreement	GMIDS, MDS	
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	GMIDS, MDS	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	GMIDS, MDS	
s.179(2)	duty to make available for inspection copy agreement	GMIDS, MDS	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	GMIDS, MDS	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	GMIDS, MDS, CSP, POS	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	GMIDS, MDS, CSP, POS	
s.182	power to enforce an agreement	GMIDS, MDS	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	GMIDS, MDS, CSP, POS	
s.184F(1)	power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	GMIDS, MDS	
s.184F(2)	duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	GMIDS, MDS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	GMIDS, MDS	
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	GMIDS, MDS	
s.184G(2)	duty to comply with a direction of the Tribunal	GMIDS, MDS	
s.184G(3)	duty to give notice as directed by the Tribunal	GMIDS, MDS	
s.198(1)	function to receive application for planning certificate	GMIDS, MDS, CSP, POS, SPO	
s.199(1)	duty to give planning certificate to applicant	GMIDS, MDS, CSP, POS, SPO	
s.201(1)	function of receiving application for declaration of underlying zoning	GMIDS, MDS, CSP, POS, SPO	
s.201(3)	duty to make declaration	GMIDS, MDS, CSP	
-	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	GMIDS, MDS, CSP	
	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	GMIDS, MDS, CSP	
	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	GMIDS, MDS, CSP	
		GMIDS, MIA, CAD	As it relates to Engineering Plans relating to developments.



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
-	power to give written authorisation in accordance with a provision of a planning scheme	GMIDS, MDS, CSP, POS	
s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	GMIDS, MDS, CSP	
s.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	GMIDS, MDS, CSP, POS	

<b>RAIL SAFETY (LOCAL OPERATIONS) ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.33	duty to comply with a direction of the Safety Director under this section	GMIDS, MIA	where council is a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	GMIDS, MIA	duty of council as a road authority under the <i>Road Management Act 2004</i>
s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)	GMIDS, MIA	where council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	GMIDS, MIA	where council is the relevant road authority

<b>RAIL SAFETY (LOCAL OPERATIONS) ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	GMIDS, MIA	where council is the relevant road authority
s.34D(2)	function of receiving written notice of opinion	GMIDS, MIA	where council is the relevant road authority
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	GMIDS, MIA	where council is the relevant road authority
s.34E(1)(a)	duty to identify and assess risks to safety	GMIDS, MIA	where council is the relevant road authority
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	GMIDS, MIA	where council is the relevant road authority
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	GMIDS, MIA	where council is the relevant road authority
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	GMIDS, MIA	where council is the relevant road authority
s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	GMIDS, MIA	where council is the relevant road authority
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	GMIDS, MIA	where council is the relevant road authority
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	GMIDS, MIA	where council is the relevant road authority
s.34I	function of entering into safety interface agreements	GMIDS, MIA	where council is the relevant road authority

<b>RAIL SAFETY (LOCAL OPERATIONS) ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.34J(2)	function of receiving notice from Safety Director	GMIDS, MIA	where council is the relevant road authority
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	GMIDS, MIA	where council is the relevant road authority
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	GMIDS, MIA	where council is the relevant road authority

<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.142D	function of receiving notice regarding an unregistered rooming house	GMIDS, MIO, EHO	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	GMIDS, MIO, EHO	
s. 142G(2)	power to enter certain information in the Rooming House Register	GMIDS, MIO, EHO	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	GMIDS, MIO, EHO	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	GMIDS, MIO, EHO	where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	GMIDS, MIO, EHO	where council is the landlord

<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	GMIDS, MIO, EHO	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	GMIDS, MIO, EHO	
s.522(1)	power to give a compliance notice to a person	GMIDS, MIO, EHO	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	GMIDS, MIO, EHO	
s.525(4)	duty to issue identity card to authorised officers	GMIDS, MIO, EHO	
s.526(5)	duty to keep record of entry by authorised officer under section 526	GMIDS, MIO, EHO	
s.526A(3)	function of receiving report of inspection	GMIDS, MIO, EHO	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	GMIDS, MIO, EHO	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	GMIDS, MIA	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	GMCCS, GMIDS, MIA, CSP	
s.11(9)(b)	duty to advise Registrar	GMIDS, MIA, CSP, CAD	
s.11(10)	duty to inform Secretary to Department Environment, Land, Water and Planning of declaration etc.	GMIDS, MIA, CAD	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department Environment, Land, Water and Planning or nominated person	GMIDS, MIA, CAD	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	GMIDS, MIA, MDS	were council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	GMIDS, MIA, MDS	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	GMIDS, MIA, MDS	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(6)	function of hearing a person in support of their written submission	GMIDS, MIA, MDS	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	GMIDS, GMCCS, MIA, MDS, CAD,	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	GMIDS, MDS, MIA, CAD	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	GMIDS, MDS, MIA	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	GMIDS, MIA	
s.14(7)	power to appeal against decision of VicRoads	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
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	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.15(2)	duty to include details of arrangement in public roads register	GMIDS, MIA	
s.16(7)	power to enter into an arrangement under section 15	GMIDS, MIA	
s.16(8)	duty to enter details of determination in public roads register	GMIDS, MIA	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.17(2)	duty to register public road in public roads register	GMIDS, MIA	where council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	GMIDS, MIA	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	GMIDS, MIA	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	GMIDS, MIA	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	GMIDS, MIA	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	GMIDS, MIA	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	GMIDS, MIA, CAD	where council is the coordinating road authority
s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	GMIDS, MIA, CAD	
s.19(4)	duty to specify details of discontinuance in public roads register	GMIDS, MIA, CAD	
s.19(5)	duty to ensure public roads register is available for public inspection	GMIDS, MIA, CAD	
s.21	function of replying to request for information or advice	GMIDS, GMCCS, MIA	obtain consent in circumstances specified in section 11(2)

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.22(2)	function of commenting on proposed direction	GMIDS, GMCCS, MIA	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	GMIDS, GMCCS, MIA	
s.22(5)	duty to give effect to a direction under this section.	GMIDS, GMCCS, MIA	
s.40(1)	duty to inspect, maintain and repair a public road.	GMIDS, MIA, MIO, CRPM	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	GMIDS, MIA, MIO	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	GMIDS, MIA, MIO	
s.42(1)	power to declare a public road as a controlled access road	GMIDS	power of coordinating road authority and Schedule 2 also applies GMCCS is a secondary delegate in the absence of GMIDS
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	GMIDS	power of coordinating road authority and Schedule 2 also applies GMCCS is a secondary delegate in the absence of GMIDS
s.42A(3)	duty to consult with VicRoads before road is specified	GMIDS, MIA	where council is the coordinating road authority if road is a municipal road or part thereof



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	GMIDS, MIA	where council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	GMIDS, MIA	where council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the Secretary for purposes of developing guidelines under section 48M	GMIDS, MIA	
s.48N	duty to notify the Secretary of the location of the bus stopping point and the action taken by council	GMIDS, MIA	
s.49	power to develop and publish a road management plan	GMIDS, MIA	
s.51	power to determine standards by incorporating the standards in a road management plan	GMIDS, MIA	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMIDS, MIA	
s.54(2)	duty to give notice of proposal to make a road management plan	GMIDS, MIA	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	GMIDS, MIA	
s.54(6)	power to amend road management plan	GMIDS, MIA	
s.54(7)	duty to incorporate the amendments into the road management plan	GMIDS, MIA, CAD	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMIDS, MIA, CAD	
s.63(1)	power to consent to conduct of works on road	GMIDS, MIA, CAD	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	,GMIDS, MIA, CAD	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	,GMIDS, MIA	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	GMIDS, MIA, CAD	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	GMIDS, MIA, CAD	where council is the coordinating road authority
s.67(3)	power to request information	,GMIDS, MIA, CAD	where council is the coordinating road authority
s.68(2)	power to request information	,GMIDS, MIA, CAD	where council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	,GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.72	duty to issue an identity card to each authorised officer	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.85	function of receiving report from authorised officer	GMIDS, MIA	
s.86	duty to keep register re section 85 matters	GMIDS, MIA	
s.87(1)	function of receiving complaints	GMIDS, MIA	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.87(2)	duty to investigate complaint and provide report	GMIDS, MIA	
s.112(2)	power to recover damages in court	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.116	power to cause or carry out inspection	GMIDS, MIO, MIA, CAD, CRPM	
s.119(2)	function of consulting with VicRoads	GMIDS, MIA, MIO	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	GMIDS, MIA, MIO	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	GMIDS, MIA, MIO	
s.121(1)	power to enter into an agreement in respect of works	GMIDS, MIA	
s.122(1)	power to charge and recover fees	GMIDS, MIA	
s.123(1)	power to charge for any service	GMIDS, MIA	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	GMIDS, MIA	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	GMIDS, MIA	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	GMIDS, MIA	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	GMIDS, MIA	
Schedule 2 Clause 5	duty to publish notice of declaration	GMIDS, MIA	
Schedule 7, Clause 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	GMIDS, MIA, MIO	where council is the infrastructure manager or works manager
Schedule 7, Clause 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	GMIDS, MIA, MIO	where council is the infrastructure manager or works manager
Schedule 7, Clause 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	GMIDS, MIA, MIO	where council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 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	GMIDS, MIA, MIO	where council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	GMIDS, MIA, MIO	where council is the infrastructure manager or works manager

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	GMIDS, MIA, CAD	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	GMIDS, MIA, CAD	where council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	GMIDS, MIA	where council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	GMIDS, MIA, CAD	where council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	GMIDS, MIA	where council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	GMIDS, MIA	where council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	GMIDS, MIA,	where council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	GMIDS, MIA, CAD	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	GMIDS, MIA	where council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 16(8)	power to include consents and conditions	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	GMIDS, MIA, CAD	where council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	GMIDS, MIA	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	GMIDS, MIA	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	GMIDS, MIA	where council is the responsible road authority
Schedule 7A Clause 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	GMIDS, MIA	where council is the responsible road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	GMIDS, MIA	duty of council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.24	duty to ensure that cemetery complies with depth of burial requirements	GMCCS	
r.25	duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	GMCCS	
r.27	power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	GMCCS	
r.28(1)	power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	GMCCS	
r.28(2)	duty to ensure any fittings removed of are disposed in an appropriate manner	GMCCS	

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
r.29	power to dispose of any metal substance or non-human substance recovered from a cremator	GMCCS	
r.30(2)	power to release cremated human remains to certain persons	GMCCS	subject to any order of a court
r.31(1)	duty to make cremated human remains available for collection within 2 working days after the cremation	GMCCS	
r.31(2)	duty to hold cremated human remains for at least 12 months from the date of cremation	GMCCS	
r.31(3)	power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	GMCCS	
r.31(4)	duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	GMCCS	
r.32	duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	GMCCS	
r.33(1)	duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	GMCCS	
r.33(2)	duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	GMCCS	
r.34	duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	GMCCS	



<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
r.36	duty to provide statement that alternative vendors or supplier of monuments exist	GMCCS	
r. 40	power to approve a person to play sport within a public cemetery	GMCCS	
r. 41(1)	power to approve fishing and bathing within a public cemetery	GMCCS	
r. 42(1)	power to approve hunting within a public cemetery	GMCCS	
r. 43	power to approve camping within a public cemetery	GMCCS	
r. 45(1)	power to approve the removal of plants within a public cemetery	GMCCS	
r.46	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	GMCCS	
r. 47(3)	power to approve the use of fire in a public cemetery	GMCCS	
r.48(2)	power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	GMCCS	
<b>Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules</b>			
Schedule 2, clause 4	power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 2	GMCCS	see note above regarding model rules

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Schedule 2, clause 5(1)	duty to display the hours during which pedestrian access is available to the cemetery	GMCCS	see note above regarding model rules
Schedule 2, clause 5(2)	duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	GMCCS	see note above regarding model rules
Schedule 2, clause 6(1)	power to give directions regarding the manner in which a funeral is to be conducted	GMCCS	see note above regarding model rules
Schedule 2, clause 7(1)	power to give directions regarding the dressing of places of interment and memorials	GMCCS	see note above regarding model rules
Schedule 2, clause 8	power to approve certain mementos on a memorial	GMCCS	see note above regarding model rules
Schedule 2, clause 11(1)	power to remove objects from a memorial or place of interment	GMCCS	see note above regarding model rules
Schedule 2, clause 11(2)	duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	GMCCS	see note above regarding model rules
Schedule 2, clause 12	power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	GMCCS	see note above regarding model rules

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Schedule 2, clause 14	power to approve an animal to enter into or remain in a cemetery	GMCCS	see note above regarding model rules
Schedule 2, clause 16(1)	power to approve construction and building within a cemetery	GMCCS	see note above regarding model rules
Schedule 2, clause 17(1)	power to approve action to disturb or demolish property of the cemetery trust	GMCCS	see note above regarding model rules
Schedule 2, clause 18(1)	power to approve digging or planting within a cemetery	GMCCS	see note above regarding model rules

<b>PLANNING AND ENVIRONMENT REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
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	GMIDS, MDS	where Council is not the planning authority and the amendment affects land within its municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	GMIDS, MDS	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	GMIDS, MDS, CSP, POS	where Council is the responsible authority
r.25(b))	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	GMIDS, MDS, CSP, POS	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	GMIDS, MDS	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.

<b>PLANNING AND ENVIRONMENT (FEES) INTERIM REGULATIONS 2015</b>			
<b>Note: these Regulations expire on 14 October 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r.16	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	GMIDS, MDS	
r.17	power to waive or rebate a fee relating to an amendment of a planning scheme	GMIDS, MDS	
r.18	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.16 or 17	GMIDS, MDS	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.7	function of entering into a written agreement with a caravan park owner	GMIDS, MIO, EHO	
r.11	function of receiving application for registration	GMIDS, MIO,, EHO	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	GMIDS, MIO,	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	GMIDS, MIO,	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	GMIDS, MIO,	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.13(4) & (5)	duty to issue certificate of registration	GMIDS, MIO,	
r.15(1)	function of receiving notice of transfer of ownership	GMIDS, MIO,, EHO	
r.15(3)	power to determine where notice of transfer is displayed	GMIDS, MIO,, EHO	
r.16(1)	duty to transfer registration to new caravan park owner	GMIDS, MIO,	
r.16(2)	duty to issue a certificate of transfer of registration	GMIDS, MIO,	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	GMIDS, MIO,	
r.18	duty to keep register of caravan parks	GMIDS, MIO, EHO	
r.19(4)	power to determine where the emergency contact person's details are displayed	GMIDS, MIO,, EHO	
r.19(6)	power to determine where certain information is displayed	GMIDS, MIO,, EHO	
r.22A(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	GMIDS, MIO,, EHO	
r.22A(2)	duty to consult with relevant emergency services agencies	GMIDS, MIO,, EHO	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	GMIDS, MIO,, EHO	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	GMIDS, MIO,, EHO	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.25(3)	duty to consult with relevant floodplain management authority	GMIDS, MIO	
r.26	duty to have regard to any report of the relevant fire authority	GMIDS, MIO	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	GMIDS, MIO	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	GMIDS, MIO, EHO	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	GMIDS, MIO	
r.40(4)	function of receiving installation certificate	GMIDS, MIO, EHO	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	GMIDS, MIO	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	GMIDS, MIO, EHO	

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2005</b>			
<b>Note: these regulations are due to expire on 21 March 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.301(1)	duty to conduct reviews of road management plan	GMIDS, MIA, MIO	
r.302(2)	duty to give notice of review of road management plan	GMIDS, MIA, MIO	

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2005</b>			
<b>Note: these regulations are due to expire on 21 March 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.302(5)	duty to produce written report of review of road management plan and make report available	GMIDS, MIA, MIO	
r.303	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	GMIDS, MIA, MIO	
r.306(2)	duty to record on road management plan the substance and date of effect of amendment	GMIDS, MIA, MIO	
r.501(1)	power to issue permit	GMIDS, MIA,	where council is the coordinating road authority
r.501(4)	power to charge fee for issuing permit under regulation 501(1)	GMIDS, MIA, CAD	where council is the coordinating road authority
r.503(1)	power to give written consent to person to drive on road a vehicle which is likely to cause damage to road	GMIDS, MIA	where council is the coordinating road authority
r.508(3)	power to make submission to Tribunal	GMIDS, MIA	where council is the coordinating road authority
r.509(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	GMIDS, MIA, MIO, CRPM	where council is the responsible road authority
r.509(2)	power to sell or destroy things removed from road or part of road (after first complying with regulation 509(3))	GMIDS	where council is the responsible road authority GMCCS is a secondary delegate in the absence of GMIDS
r.509(4)	power to recover in the Magistrates' Court, expenses from person responsible	GMIDS, GMCCS, MIA, MIO,	



<b>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015</b>			
<b>Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works &amp; infrastructure) Regulations 2005, which expired on 21 June 2015.</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.15	power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works		where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.22(2)	power to waive whole or part of fee in certain circumstances		where council is the coordinating road authority

***S11. Instrument of Appointment and Authorisation***

**Murrindindi Shire Council**

**Instrument of Appointment and Authorisation**

## Instrument of Appointment and Authorisation

In this instrument "officer" means -

- “CLL” means Coordinator Local Laws – Andrew Daly
- “CSP” means Coordinator Statutory Planning – Karen Girvan
- “DMERO” means Deputy Municipal Emergency Resource Officers – John Canny
- “EHO” means Environmental Health Officer – Natalie Stewart
- “GMCCS” means General Manager Corporate & Community Services – Michael Chesworth
- “GMIDS” means General Manager Infrastructure and Development Services – Elaine Wyatt
- “LLO” means Local Laws Officer – Casey Southurst
- “MBS” means Municipal Building Surveyor – Robert Skinner
- “MDS” means Manager Development Services – Shivaun Brown
- “MERO” means Municipal Emergency Resource Officer – Mark Leitinger
- “MIA” means Manager Infrastructure Assets – John Canny
- “MIO” means Manager Infrastructure Operations – Mark Leitinger
- “VAL” means Valuation Contractor – Marcus Hann, Oliver Boyd

By this instrument of appointment and authorisation Murrindindi Shire Council -

### PART A

1. under section 224 of *the Local Government Act 1989* - appoints the officers to be authorised officers for the administration and enforcement of -
- |  |                             |
|--|-----------------------------|
| the <i>Building Act 1993</i>                                 | [MDS, MBS, EHO]             |
| the <i>Country Fire Authority Act 1958</i>                   | [MIO, EHO, CLL, LLO]        |
| the <i>Domestic Animals Act 1994</i>                         | [MIO, EHO, CLL, LLO]        |
| the <i>Emergency Management Act 1986</i>                     | [MERO, DMERO]               |
| the <i>Environment Protection Act 1970</i>                   | [MIO, EHO, CLL, LLO]        |
| the <i>Fire Services Property Levy Act 2012</i>              | [GMCCS]                     |
| the <i>Food Act 1984</i>                                     | [EHO]                       |
| the <i>Graffiti Prevention Act 2007</i>                      | [MIA, MIO, MDS]             |
| the <i>Housing Act 1983</i>                                  | [MBS, MDS, MIO, EHO]        |
| the <i>Impounding of Livestock Act 1994</i>                  | [MIO, EHO, CLL, LLO]        |
| the <i>Local Government Act 1989</i>                         | [MIO, EHO, CLL, LLO]        |
| the <i>Public Health and Wellbeing Act 2008</i> <sup>1</sup> | [EHO]                       |
| Part 14 of the <i>Residential Tenancies Act 1997</i>         | [MIO, EHO]                  |
| the <i>Road Management Act 2004</i>                          | [GMIDS]                     |
| the <i>Road Safety Act 1986</i>                              | [GMIDS, MIO, EHO, CLL, LLO] |
| the <i>Sex Work Act 1994</i>                                 | [MDS, CSP]                  |
| the <i>Shop Trading Reform Act 1996</i>                      | [MIO, EHO, CLL, LLO]        |

<sup>1</sup> Council only to appoint a person suitably qualified or trained under section 31(2).



## Maddocks

the *Summary Offences Act 1966* [MIO, EHO, CLL, LLO]  
 the *Tobacco Act 1987*<sup>2</sup> [MIO, EHO]  
 the *Valuation of Land Act 1960* [VAL]

the regulations made under each of those Acts  
 the local laws made under the *Local Government Act 1989*  
 and any other Act, regulation or local law which relates to the functions and powers of the Council;

**PART B**

2. under section 3 of the *Building Act 1993* (**Building Act**), appoints the officer to be Municipal Building Surveyor for the purposes of the *Building Act 1993*. [MBS]

AND/OR

3. under section 228(2) of the *Building Act 1993* authorises the officer##s to exercise the powers of ##[#an#] authorised person##s under Division 2 of Part 13 of the *Building Act 1993*. [MBS, MDS, MIA, EHO]

4. under section 96A(1)(a) of the *Country Fire Authority Act 1958* – appoints the officer to be the fire prevention officer. [MIO, EHO, CLL, LLO]

AND

5. under section 96A(1)(b) of the *Country Fire Authority Act 1958* – appoints the officers to be assistant fire prevention officers. [MIO, EHO, CLL, LLO]

6. under section 72 of the *Domestic Animals Act 1994* - appoints the officers to be authorised officers for the purposes of the *Domestic Animals Act 1994*. [MIO, EHO, CLL, LLO]

7. under section 21 of the *Emergency Management Act 1986* – appoints the officer to be Municipal Emergency Resource Officer [MERO, DMERO]

8. under section 4(1) of the *Environment Protection Act 1970* - appoints the officers to be litter enforcement officers for the purposes of the *Environment Protection Act 1970*. [MIO, EHO, CLL, LLO]

AND

<sup>2</sup> This Act provides for the CEO of a council to nominate a person to be an inspector for the purposes of the Act and the Secretary may then appoint them to be an inspector (see section 36). An environmental health officer appointed under the *Public Health and Wellbeing Act 2008* is also regarded as an inspector under this Act.



## Maddocks

9. under section 48A of the *Environment Protection Act 1970* – appoints the officers to be authorised officers for the purposes of section 48A.  
[MIO, EHO, CLL, LLO]
- 
10. under section 23 of the *Fire Services Property Levy Act 2012* – appoints the officers to be authorised officers for the purposes of the *Fire Services Property Levy Act 2012*<sup>3</sup> .  
[VAL]
- 
11. for the purposes of 20 of the *Food Act 1984* = appoints the officers to be authorised officers for the purposes of the *Food Act 1984*<sup>45</sup>  
[EHO]
- 
12. under section 19(1) of the *Graffiti Prevention Act 2007* – appoints the officers to be authorised persons for the purposes of carrying out Council's functions under section 18<sup>6</sup>  
[MIA, MIO, MDS, EHO, CLL, LLO]
- 
13. under section 71(1) of the *Housing Act 1983* – appoints the officer to be an authorised person for the purposes of entering a house or building and conducting an inspection under section 71.  
[MBS, MDS, MIO, EHO]
- 
14. under section 190 of the *Land Act 1958* – authorises the officers for the purposes of section 190 of that Act.<sup>7</sup>  
[MIA, MIO, MDS, EHO, CLL, LLO]
- 
15. under section 29 of the *Public Health and Wellbeing Act 2008*, - appoints the officer to be the Environmental Health Officer<sup>8</sup> for the purposes of enforcing the *Public Health and Wellbeing Act 2008* and the *Food Act 1984*.  
[EHO]
- AND/OR
16. under section 147(1)(b)(i) of the *Public Health and Wellbeing Act 2008*, - authorises the officer to issue immunisation status certificates under section 148 of the *Public Health and Wellbeing Act 2008*.  
[, EHO]

<sup>3</sup> Persons appointed or authorised officers under the *Local Government Act 1989* are taken to be authorised officers for the purposes of the *Fire Services Property Levy Act 2012* (except in Part 4 of that Act)

<sup>4</sup> Council must be satisfied that the person appointed is suitably qualified or trained to be an authorised officer.

<sup>5</sup> Environmental Health Officers appointed under section 29 of the *Public Health and Wellbeing Act 2008* are regarded as an authorised officer for the purposes of the *Food Act 1984*.

<sup>6</sup> Authorised person must agree in writing to exercise functions and powers of an authorised person under Part 4 of the *Graffiti Prevention Act 2007* and in accordance with any performance criteria determined by Council (see s.19(2)).

<sup>7</sup> Authorisation requires the consent of the Minister (see section 190 of the *Land Act 1958*).

<sup>8</sup> Council must be sure that the EHO is suitably trained or qualified under section 31(2) of the *Public Health and Wellbeing Act 2008*.



## Maddocks

17. under section 525(2) of the *Residential Tenancies Act 1997* - appoints the officer to exercise the powers set out in section 526 of that Act.

[MIO, EHO]

18. under section 71(3) of the *Road Management Act 2004* – appoints the officers to be authorised officers for the purposes of the *Road Management Act 2004*.

[GMIDS, MIA]

19. under section 59(1)(a)(ii) of the *Road Safety Act 1986* – authorises the officers to exercise the powers under section 59(1)(a) of that Act.

[GMIDS, MIO, EHO, CLL, LLO]

AND/OR

20. under section 59(1)(d) of the *Road Safety Act 1986* – authorises the officers to exercise the powers under section 59(1)(d) of that Act.

[GMIDS, MIO, EHO, CLL, LLO]

AND/OR

21. under section 87(1A) of the *Road Safety Act 1986* – authorises the officers to exercise the power in section 87(1A) of that Act.<sup>9</sup>

[GMIDS, MIO, EHO,, CLL, LLO]

AND/OR

22. under section 87(1B)(c) of the *Road Safety Act 1986* – authorises the officers to exercise the power in section 87(1B)(c).

[GMIDS, MIO, EHO,, CLL, LLO]

AND/OR

23. under regulation 84(c)(ii) of the *Road Safety (General) Regulations 2009* – authorises the officers for the purposes of filing a charge or an offence under section 90E of the *Road Safety Act 1986* or under a regulation under that Act.

[GMIDS, MIO, EHO, CLL, LLO]

24. under section 3(1) of the *Sex Work Act 1994* - appoints the officer to be an authorised officer of the responsible authority for the purposes of enforcing Parts 4 and 5 of that Act.

[MDS, CSP]

25. under section 13DA(1) of the *Valuation of Land Act 1960* – appoints the persons who are not members of Council's staff for the purposes of section 13DA of that Act.<sup>10</sup>

[VAL]

AND

<sup>9</sup> Council must ensure that a person appointed under section 87 is competent, of good repute and character and has agreed in writing to exercise the functions conferred on an authorised person (see section 87(1C))

<sup>10</sup> Council must ensure that the person appointed holds the qualifications or experience specified from time to time by the Minister by notice published in the Government Gazette.



26. under section 13J of the *Valuation of Land Act* 1960 – appoints the persons for the purposes of section 13J of that Act.<sup>11</sup>

[VAL]

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**PART C**

27. under -

section 232 of the *Local Government Act* 1989<sup>12</sup>  
 section 527 of the *Residential Tenancies Act* 1997  
 section 77(2)(b) of the *Road Safety Act* 1986<sup>13</sup>  
 section 77(4) of the *Road Safety Act* 1986 [only where Council is a Committee of Management under the *Crown Land (Reserves) Act* 1978]  
 sections 48A(9)(c) and 59(3) of the *Environment Protection Act* 1970  
 section 241 of the *Building Act* 1993  
 section 92 of the *Domestic Animals Act* 1994<sup>14</sup>  
 section 96 of the *Road Management Act* 2004  
 section 33A of the *Impounding of Livestock Act* 1994  
 section 10(4) of the *Graffiti Prevention Act* 2007  
 section 219 of the *Public Health and Wellbeing Act* 2008  
 section 45AC of the *Food Act* 1984

authorises the officers generally to institute proceedings and represent Council in proceedings for offences against the Acts, regulations and local laws described in this instrument.

**It is declared that this Instrument -**

- (a) comes into force immediately upon its execution;  
 (b) remains in force until varied or revoked.

---

<sup>11</sup> Council must ensure that the person appointed holds the qualifications or experience specified from time to time by the Minister by notice published in the Government Gazette.

<sup>12</sup> A person authorised under section 232 of the *Local Government Act* 1989 is also authorised to bring proceedings under the *Fire Services Property Levy Act* 2012 (see section 22 *Fire Services Property Levy Act* 2012).

<sup>13</sup> A person authorised under sections 77(2)(b) and/or 77(4) of the *Road Safety Act* 1986 is also an authorised officer for the purposes of rules 203 and 307 of the *Road Safety Road Rules* 2009.

<sup>14</sup> Council may only appoint an authorised officer who is also appointed under section 72 of the Act.



This Instrument is authorised by a resolution of the Murrindindi Shire Council

DATED this     day of                     2016

THE COMMON SEAL OF THE MURRINDINDI    )  
SHIRE COUNCIL was hereunto affixed in the    )  
presence of:    )

Chief Executive Officer    .....

Councillor    .....