

***S14 Instrument of Delegation by CEO for VicSmart Applications
under the Planning and Environment Act 1987***

Kingston City Council

Instrument of Delegation

by

The Chief Executive Officer

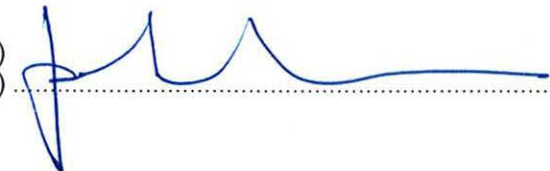
**S14 Instrument of Delegation by CEO for VicSmart Applications
under the Planning and Environment Act 1987**

In exercise of the power conferred by section 98(2) of the Local Government Act 1989 and section 188 of the Planning and Environment Act 1987, I, John Nevins as Chief Executive Officer of Kingston City Council and the responsible authority for the administration and enforcement of the Kingston Planning Scheme as set out in clause 61.01 of that scheme, by this instrument of delegation -

1. delegate each duty and/or function and/or power respectively 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 respectively described in column 3 of the Schedule;
2. record that a reference in the Schedule to
 - CDTSC: City Development Technical and Systems Coordinator
 - GMPD: General Manager Planning and Development
 - MCD: Manager City Development
 - PP: Principal Planner
 - SCLAO: Senior Customer Liaison and Administration Officer
 - SPLEO: Senior Planning Liaison and Enforcement Officer
 - SStatBP: Senior Statutory and Business Planner
 - StatP: Statutory Planner
 - StP: Student Planning Officer
 - TLCDA: Team Leader City Development Administration
 - TLPAC: Team Leader Planning Appeals and Compliance
 - TLStatP: Team Leader Statutory Planning
 - VSFTO: Vic Smart / Fast Track Officer
3. declare that this Instrument of Delegation -
 - 3.1. comes into force immediately upon its execution;
 - 3.2. remains in force until varied or revoked; and
 - 3.3. is subject to any conditions and limitations set out in paragraph 4, and in the Schedule;
4. declare that the delegate must not determine the issue, take the action or do the act or thing 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 188 Planning and Environment Act 1987 or otherwise.

This instrument of delegation is dated 4 December 2017 and is made by the Chief Executive Officer.

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

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Witness

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SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
Provision	Item Delegated	Delegate	Conditions and Limitations
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	GMPD, MCD, TLPAC, TLCDA, SCLAO, CDTSC, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.49(2)	duty to make register available for inspection	GMPD, MCD, TLPAC, TLCDA, SCLAO, CDTSC, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.50(4)	duty to amend application	GMPD, MCD, TLPAC, CDTSC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.50(5)	power to refuse to amend application	GMPD, MCD, TLPAC, CDTSC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
s.50(6)	duty to make note of amendment to application in register	GMPD, MCD, TLPAC, TLCDA, SCLAO, CDTSC, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.50A(1)	power to make amendment to application	GMPD, MCD, TLPAC, CDTSC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	GMPD, MCD, TLPAC, TLCDA, SCLAO, CDTSC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.50A(4)	duty to note amendment to application in register	GMPD, MCD, TLPAC, TLCDA, SCLAO, CDTSC, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.51	duty to make a copy of every application and the prescribed information supplied in respect of the application available for inspection	GMPD, MCD, TLPAC, TLCDA, SCLAO, CDTSC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
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	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	<p>Notice requirements under s.52(1)(a), (b), (c) and (d) are exempt. Other notice requirements apply</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
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	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	<p>Notice requirements under s.52(1)(a), (b), (c) and (d) are exempt. Other notice requirements apply.</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	<p>Notice requirements under s.52(1)(a), (b), (c) and (d) are exempt. Other notice requirements apply.</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
s.52(3)	power to give any further notice of an application where appropriate	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	<p>Notice requirements under s.52(1)(a), (b), (c) and (d) are exempt. Other notice requirements apply.</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	<p>Notice requirements under s.52(1)(a), (b), (c) and (d) are exempt. Other notice requirements apply.</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
s.54(1)	power to require the applicant to provide more information	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	<p>Note: delegates cannot require an applicant to provide more information than what is listed in new Clause 93 (state) and schedule to Clause 95 (local) of the planning scheme.</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
s.54(1A)	duty to give notice in writing of information required under section 54(1)	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	<p>Note: delegates cannot require an applicant to provide more information than what is listed in new Clause 93 (state) and schedule to Clause 95 (local) of the planning scheme.</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
s.54(1B)	duty to specify the lapse date for an application	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	<p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	GMPD, MCD, TLPAC, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	GMPD, MCD, TLPAC, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	GMPD, MCD, TLPAC, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	GMPD, MCD, TLPAC, CDTSC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.57(5)	duty to make available for inspection copy of all objections	GMPD, MCD, TLPAC, TLCDA, SCLAO, CDTSC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	GMPD, MCD, TLPAC, CDTSC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.57A(5)	power to refuse to amend application	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.57A(6)	duty to note amendments to application in register	GMPD, MCD, TLPAC, TLCDA, CDTSC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.57B(1)	duty to determine whether and to whom notice should be given	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.57B(2)	duty to consider certain matters in determining whether notice should be given	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
s.57C(1)	duty to give copy of amended application to referral authority	GMPD, MCD, TLPAC, TLCDA, CDTSC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.58	duty to consider every application for a permit	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.58A	power to request advice from the Planning Application Committee	GMPD, MCD, TLStatP	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s. 59(1)	decide an application without delay	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
s.60(1)(a)	duty to consider the relevant planning scheme	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	<p>Note: VicSmart applications are exempt from the requirements of s.60(1)(b), (c), (e) and (f).</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
s.60(1)(d)	duty to consider any decision and comments of a referral authority which has been received	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	<p>Note: VicSmart applications are exempt from the requirements of s.60(1)(b), (c), (e) and (f).</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
s. 60(1A)(a)	power to consider certain matters before deciding on application any significant social and economic effects of the use or development for which the application is made	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	<p>Note: VicSmart applications are exempt from the requirements of s.60(1A)(b) - (h) and (j).</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>

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PLANNING AND ENVIRONMENT ACT 1987			
s. 60(1A)(i)	power to consider any agreement made pursuant to section 173	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	<p>Note: VicSmart applications are exempt from the requirements of s.60(1A)(b) - (h) and (j).</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
s.60(1B)	duty to consider the number of objectors in considering whether use or development may have significant social effect	GMPD, MCD, SStatBP, PP, StatP, TLStatP, VSFTO	<p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
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	GMPD, MCD, TLPAC, SStatBP, PP, StatP, TLStatP, VSFTO	<p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	GMPD, MCD, TLPAC, SStatBP, PP, StatP, TLStatP, VSFTO	<p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	GMPD, MCD, TLPAC, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	GMPD, MCD, TLPAC, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	GMPD, MCD, TLPAC, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	GMPD, MCD, TLPAC, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.62(1)	duty to include certain conditions in deciding to grant a permit	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
s.62(2)	power to include other conditions	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
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	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
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	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
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)	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.64(5)	duty to give each objector a copy of an exempt decision	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	<p>Note: VicSmart applications are exempt from requirements of s.64(1), (2) and (3). This provision applies also to a decision to grant an amendment to a permit - see section 75.</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
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	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	<p>This provision applies also to a decision to grant an amendment to a permit - see section 75A.</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	<p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	<p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
s.66(2) & (3)	duty to give a recommending referral authority notice of its decision to grant a permit in the specified circumstances, and include any conditions to which the permit will be subject	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	<p>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</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
s.66(4) & (5)	duty to give a recommending referral authority notice of its decision to refuse to grant a permit in the circumstances specified, and include the information required under section 66(5)	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	<p>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</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
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	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	<p>if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend that a condition be included on the permit</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
s.69(1)	function of receiving application for extension of time of permit	GMPD, MCD, TLPAC, TLCDA, SCLAO, CDTSC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	<p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
s.69(1A)	function of receiving application for extension of time to complete development	GMPD, MCD, TLPAC, TLCDA, SCLAO, CDTSC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.69(2)	power to extend time	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.70	duty to make copy permit available for inspection	GMPD, MCD, TLPAC, TLCDA, SCLAO, CDTSC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.71(1)	power to correct certain mistakes	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.71(2)	duty to note corrections in register	GMPD, MCD, TLPAC, TLCDA, SCLAO, CDTSC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
s.73	power to decide to grant amendment subject to conditions	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.74	duty to issue amended permit to applicant if no objectors	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
s.76A(2) & (3)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit in the circumstances specified, and include any conditions to which the permit will be subject	GMPD, MCD, TLPAC, TLCDA, SStatBP, PP, TLStatP, VSFTO	<p>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</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
s.76A(4) & (5)	duty to give a recommending referral authority notice of its decision to refuse to grant an amendment to a permit in the circumstances specified, and include the information required under section 76A(5)	GMPD, MCD, TLPAC, TLCDA, SStatBP, PP, TLStatP, VSFTO	<p>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</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
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	GMPD, MCD, TLPAC, TLCDA, SStatBP, PP, TLStatP, VSFTO	<p>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</p> <p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
s.76D	duty to comply with direction of Minister to issue amended permit	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	<p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
s.83	function of being respondent to an appeal	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	<p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>
s.83B	duty to give or publish notice of application for review	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	<p>If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP</p>

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
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	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
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	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.84(6)	duty to issue permit on receipt of advice	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s. 84AB	agree to confining a review by the Tribunal	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
s.86	duty to issue a permit at order of Tribunal	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	GMPD, MCD, TLPAC, PP, TLStatP	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.91(2)	duty to comply with the directions of VCAT	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP

SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	GMPD, MCD, TLPAC, SStatBP, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP
s.93(2)	duty to give notice of VCAT order to stop development	GMPD, MCD, TLPAC, SPLEO, PP, TLStatP, VSFTO	If an application is made for building works under Clause 35.05-5 (Green Wedge A Zone) or Clause 35.04-5, (Green Wedge Zone) pursuant to Clause 93, delegation is limited to GMPD, MCD, TLPAC and TLStatP

SCHEDULE

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
Provision	Item Delegated	Delegate	Conditions and Limitations
r.21	power of responsible authority to require a permit applicant to verify information in an application for a permit or to amend a permit or any information provided under section 54 of the Act	GMPD, MCD, TLPAC, StP, SStatBP, PP, StatP, TLStatP, VSFTO	

SCHEDULE

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
Provision	Item Delegated	Delegate	Conditions and Limitations
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	GMPD, MCD, TLPAC, TLStatP	
r.21	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	GMPD, MCD, TLPAC, TLStatP	