



Ararat Rural City

INSTRUMENT OF DELEGATION

**S16 INSTRUMENT OF DELEGATION BY CEO FOR BUSHFIRE
RECONSTRUCTION APPLICATIONS UNDER THE PLANNING AND
ENVIRONMENT ACT 1987**

23 MARCH 2023

In exercise of the powers conferred by s 47 of the Local Government Act 2020 and s 188 of the Planning and Environment Act 1987, I, Dr Tim Harrison as Chief Executive Officer Ararat Rural City Council and responsible authority for considering and determining planning permit applications to which cl 52.10-2 of Ararat Rural City Council Planning Scheme of planning scheme applies, 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
MDR means Manager Development and Regulation
N/A means Not Applicable
NOT means Not below CEO
PDO1 means Planning and Development Officer 1
PDOs means Planning and Development Officers
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 s 188 of the Planning and Environment Act 1987 or otherwise.

This Instrument of Delegation is dated 23 March 2023 and is made by the Chief Executive Officer.

Signed by:



Dr Tim Harrison
Chief Executive Officer
Ararat Rural City Council

in the presence of:



Witness

Delegation Sources

- Planning and Environment Act 1987
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016

S16 Instrument of Delegation for Bushfire Reconstruction Applications under the Planning and Environment Act 1987

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50(4)	Duty to amend application	PDO1, MDR	
s 50(5)	Power to refuse to amend application	MDR	
s 50(6)	Duty to make note of amendment to application in register	PDO1, MDR	
s 50A(1)	Power to make amendment to application	MDR, PDOs	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	PDO1, MDR	
s 50A(4)	Duty to note amendment to application in register	PDO1, MDR	
s 51	Duty to make a copy of every application and the prescribed information supplied in respect of the application available for inspection	PDO1, MDR	
s 52(1)(c)	Duty to give notice of the application to any person to whom the planning scheme requires it to give notice	MDR, PDOs	Note: Notice requirements under s 52(1)(a), (b) and (d) are exempt Other notice requirements apply

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	MDR, PDOs	Note: Notice requirements under s 52(1)(a), (b) and (d) are exempt Other notice requirements apply
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	MDR, PDOs	Note: Notice requirements under s 52(1)(a), (b) and (d) are exempt Other notice requirements apply
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	MDR, PDOs	Note: Notice requirements under s 52(1)(a), (b) and (d) are exempt Other notice requirements apply
s 52(1A)	Power to refuse an application	MDR	
s 52(3)	Power to give any further notice of an application where appropriate	PDO1, MDR	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	PDO1, MDR	Note: Notice requirements under s 52(1)(a), (b) and (d) are exempt Other notice requirements apply
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	PDO1, MDR	Note: Notice requirements under s 52(1)(a), (b) and (d) are exempt Other notice requirements apply

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54(1)	Power to require the applicant to provide more information	MDR, PDOs	Note: delegates cannot require an applicant to provide more information than what is listed in schs 59 – 59.16 of the planning scheme
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	MDR, PDOs	Note: delegates cannot require an applicant to provide more information than what is listed in schs 59 – 59.16 of the planning scheme
s 54(1B)	Duty to specify the lapse date for an application	MDR, PDOs	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	MDR	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	PDO1, MDR	The new lapse date must be included in the written notice of decision under subsections (5) and (6)
s 55(1)	Duty to give a copy of an application to referral authority	PDO1, MDR	
s 57(2)	Function to receive an objection	MDR, PDOs	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	MDR	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	MDR, PDOs	
s 57(5)	Duty to make available for inspection copy of	PDO1,	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	all objections	MDR	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	PDO1, MDR	
s 57A(5)	Power to refuse to amend application	MDR	
s 57A(6)	Duty to note amendments to application in register	PDO1, MDR	
s 57B(1)	Duty to determine whether and to whom notice should be given	MDR, PDOs	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	MDR, PDOs	
s 57C(1)	Duty to give copy of amended application to referral authority	PDO1, MDR	
s 58	Duty to consider every application for a permit	MDR, PDOs	
s 58A	Power to request advice from the Planning Application Committee	N/A	
s 59(1)	Power to decide an application without delay	MDR, PDOs	
s 59(2)	Power to decide an application as soon as it gets the last of the replies from referral authorities	MDR, PDOs	
s 60(1)(a)	Duty to consider the relevant planning	MDR,	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	scheme	PDOs	
s 60(1)(b)	Duty to consider the objectives of planning in Victoria	MDR, PDOs	
s 60(1)(d)	Duty to consider any decision and comments of a referral authority which has been received	MDR, PDOs	
s 60(1)(e)	Duty to consider any significant effects which it considers the use or development may have on the environment or which it considers the environment may have on the use or development	MDR, PDOs	
s 60(1)(f)	Duty to consider any significant social effects and economic effects which it considers the use or development may have	MDR, PDOs	
s 60(1A)	Power to consider relevant matters	MDR, PDOs	
s 60(1B)	Duty to consider the number of objectors in considering whether use or development may have significant social effect	MDR, PDOs	
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	MDR	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	MDR	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	MDR	
s 61(3)(a)	Duty not to decide to grant a permit to use or develop marine and coastal Crown land without Minister's consent	N/A	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	MDR	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	MDR	
s 61A	Duty to delegate a power, duty or function to another council officer if there is a conflict of interest	NOT	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	PDO1, MDR	
s 62(2)	Power to include other conditions	MDR, PDOs	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	MDR, PDOs	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	MDR	
s 62(5)(b)	Power to include a permit condition that	MDR	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	specified works be provided on or to the land or paid for in accordance with s 173 agreement		
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	MDR	
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 s 46N(1), 46GV(7) or 62(5)	MDR	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	MDR	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	PDO1, MDR	
s 64(5)	Duty to give each objector a copy of an exempt decision	PDO1, MDR	Note: Bushire reconstructions 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 s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant	PDO1, MDR	This provision applies also to a decision to grant an amendment to a permit - see s 75A

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	recommending referral authority has objected to the grant of a permit		
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	PDO1, MDR	
s 66(1)	Duty to give notice under ss 64 or 65 and copy permit to relevant determining referral authorities	PDO1, MDR	
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	PDO1, MDR	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) & (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 s 66(5)	PDO1, MDR	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under ss 64 or 65	PDO1, MDR	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
s 69(1)	Function of receiving application for extension of time of permit	MDR, PDOs	
s 69(1A)	Function of receiving application for extension of time to complete development	MDR, PDOs	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 69(2)	Power to extend time	MDR	
s 70	Duty to make copy permit available for inspection	MDR, PDOs	
s 71(1)	Power to correct certain mistakes	MDR	
s 71(2)	Duty to note corrections in register	PDO1, MDR	
s 73	Power to decide to grant amendment subject to conditions	MDR	
s 74	Duty to issue amended permit to applicant if no objectors	PDO1, MDR	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	PDO1, MDR	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	PDO1, MDR	
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	PDO1, MDR	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) & (5)	Duty to give a recommending referral authority notice of its decision to refuse to grant an amendment to a permit in the	PDO1, MDR	If the recommending referral authority objected to the amendment of the permit or the recommending referral

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	circumstances specified, and include the information required under s 76A(5)		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 ss 64 or 76	PDO1, MDR	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	PDO1, MDR	
s 83	Function of being respondent to an appeal	MDR	
s 83B	Duty to give or publish notice of application for review	MDR	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	MDR	
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	MDR	
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	MDR	
s 84(6)	Duty to issue permit on receipt of advice from presidential member of the Tribunal	PDO1, MDR	

Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 84AB	Power to agree to confining a review by the Tribunal	MDR	
s 86	Duty to issue a permit at order of Tribunal	PDO1, MDR	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	MDR	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	MDR	
s 91(2)	Duty to comply with the directions of VCAT	MDR, PDOs	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	PDO1, MDR	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	PDO1, MDR	
s 93(2)	Duty to give notice of VCAT order to stop development	MDR	

Planning and Environment Regulations 2015

Provision	Power and Functions 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	MDR	

Planning and Environment Regulations 2015			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	under s 54 of the Act		

Planning and Environment (Fees) Regulations 2016			
Provision	Power and Functions 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	MDR	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under rr 19 or 20	PDO1, MDR	



ARARAT RURAL CITY COUNCIL

INSTRUMENT OF DELEGATION

S13 INSTRUMENT OF DELEGATION OF CEO POWERS, DUTIES AND FUNCTIONS

23 MARCH 2023

Preamble

By this Instrument of Delegation, in exercise of the power conferred by s 47(2) of the Local Government Act 2020, I, Dr Tim Harrison as Chief Executive Officer of Ararat Rural City Council –

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 references in the Schedule are as follows

EA means Executive Assistant;

FSC means Financial Services Coordinator;

RGL means Governance and Risk Lead;

HRBP means Human Resources Business Partner;

MDR means Manager Development & Regulation

NOT means Not Delegated Below CEO;

RVO means Rates and Valuation Officer;

EHOs means All Environmental Health Officers;

MCHNs means All Maternal and Child Health Nurses

3. record that on the coming into force of this Instrument of Delegation each delegation under the Instrument of Delegation dated 15 August 2022 and executed by Dr. Tim Harrison is revoked;

4. declare that this Instrument of Delegation -

4.1 comes into force immediately upon its execution;

4.2 remains in force until varied or revoked; and

4.3 is subject to any conditions and limitations set out in paragraph 5, and in the Schedule; and

5. 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.

This Instrument of Delegation is dated 23 March 2023 and is made by the Chief Executive Officer.

Signed by

Dr Tim Harrison
Chief Executive Officer
Ararat Rural City Council

in the presence of:

Witness

Delegation Sources

- Child Wellbeing and Safety Act 2005
- Emergency Management Act 2013
- Fines Reform Act 2014
- Fire Services Property Levy Act 2012
- Food Act 1984
- Freedom of Information Act 1982
- Independent Broad-Based Anti-Corruption Commission Act 2011
- Local Government Act 2020
- Local Government Act 1989
- Planning and Environment Act 1987
- Public Health and Wellbeing Act 2008
- Public Interest Disclosures Act 2012
- Rooming House Operators Act 2016
- Service Victoria Act 2018
- Sheriff Act 2009
- Tobacco Act 1987
- Valuation of Land Act 1960
- Victorian Data Sharing Act 2017
- Victorian Inspectorate Act 2011
- Local Government (Electoral) Regulations 2020
- Local Government (Governance and Integrity) Regulations 2020
- Local Government (Land Information) Regulations 2021

S13 Instrument of Delegation of CEO powers, duties and functions

Child Wellbeing and Safety Act 2005			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 29(2)	Function of receiving written notice and consenting to inspection of relevant premises by the Commission for Children and Young People	HRBP	
s 29(3)	Power to consent to inspection of relevant premises without written notice by the Commission for Children and Young People	HRBP	
s 36	Duty to ensure that the Commission for Children and Young People is given any assistance reasonably required to perform functions	HRBP	
s 43	Function of receiving birth notice in certain circumstances	HRBP, MCHNs	
s 45	Duty to send a copy of a birth notice to a nurse or the Secretary	HRBP, MCHNs	
s 46K(1)(g)	Power to authorise, in writing, a person employed or engaged by Council, in relation to childhood services implementation or policy, as a Child Link user	HRBP	
s 46K(1)(h)	Power to authorise, in writing, a nurse employed or engaged by Council, to provide maternal and child health programs for a Maternal and Child Health service, as a Child Link user	HRBP	

Emergency Management Act 2013

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54(1)(a)(vii)	Power to nominate a person, position or role to be a member of the Regional Emergency Management Planning Committee	NOT	
s 59B(1)(b)	Power to nominate a member of Council staff to be the chairperson of the Municipal Emergency Management Planning Committee	NOT	Delegates cannot nominate themselves
s 74E3(d)	Function of receiving a copy of any Orders made by Governor in Council under this section	NOT	

Fines Reform Act 2014

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 175(1)(b)	Power to certify that exceptional circumstances apply requiring Council not to provide required information	MDR	Where Council is a 'specified agency'

Fire Services Property Levy Act 2012

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66	Power to disclose information in capacity as a collection agency unless that information will or is likely to identify a particular person	RVO, FSC	s 66 does not apply if the disclosure is permitted by, or is necessary for the administration of, this Act
s 68(1)(b)	Power to authorise the secondary disclosure of information obtained under, or in relation to the administration of, this Act	RVO, FSC	

Food Act 1984

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50AB	Function of signing a certificate under this Act	MDR, EHOs	

Freedom of Information Act 1982			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 6W(4)	Duty to ensure that all officers and employees are informed about the requirements of the professional standards	RGL	
s 8(2)	Duty to make certain documents available for inspection and purchase	RGL	
s 8(3)	Duty to cause to be prepared a corresponding document, altered only to the extent necessary to exclude exempt matter	RGL	
s 8(5)	Duty to cause the fact of the existence of a document to be published	RGL	
s 61E	Duty to co-operate with the Information Commissioner in dealing with a complaint	RGL	
s 61G	Function of consulting with the Information Commissioner	RGL	
s 61GA(1)(a)	Function of processing or identifying a reasonable sample of the documents upon notice from the Information Commissioner	RGL	Where the Information Commissioner believes that an agency, principal officer or Minister has failed to undertake an adequate search for documents that relate to a decision that is the subject of the complaint under s 25A(1) or s .25A(5)

Freedom of Information Act 1982			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61GA(1)(b)	Function to undertake a further search, or to cause a further search to be undertaken, for documents in the possession, custody or control of the agency or Minister, upon notice from the Information Commissioner	RGL	Where the Information Commissioner believes that an agency, principal officer or Minister has failed to undertake an adequate search for documents that relate to a decision
s 61GA(2)	Duty to comply with requests under s 61GA(1) within the reasonable time stated in Information Commissioner's notice, being not less than 10 business days	RGL	
s 61GA(3)	Power to apply for extension	RGL	
s 61H	Power to reach an agreement with a complaint	RGL	
s 61I(2)	Power to make submissions in relation to a complaint	RGL	
s 61L(5)	Power to comment on and response to a draft recommendation or draft comment	RGL	
s 61R(4)	Power to respond to adverse material	RGL	
s 63BA(1)	Power to apply to the Supreme Court for a determination	NOT	
s 63BA(4)(a)	Power to make an application	RGL	
s 63E(3)(b)	Power to give written consent to a disclosure	RGL	

Freedom of Information Act 1982

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 64B	Duty to give the Information Commissioner any information referred to in s 64(2)	RGL	

Independent Broad-Based Anti-Corruption Commission Act 2011

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 41	Power of receiving information acquired by the Independent Broad-based Anti-corruption Commission (IBAC)	RGL	
s 57	Duty to notify IBAC of any matter believed to constitute corrupt conduct	RGL	Subject to any exemption notices issued under s 57B
s 57A(5)	Duty to comply with Directions made by IBAC under s 57A	RGL	
s 59D(2)	Duty to comply with request by IBAC under s 59D for relevant information	RGL	
s 73	Power of receiving a complaint pertaining to Council staff, under circumstances in which it would be more appropriate for Council to conduct the investigation	RGL	
s 159	Power of receiving IBAC recommendations about the action to be taken following an IBAC investigation	RGL	
s 162(2)	Power of receiving and responding to an IBAC special report that includes matters pertaining to	RGL	

Independent Broad-Based Anti-Corruption Commission Act 2011

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Council		
s 163(3)	Power of receiving written information about the commencement, conduct or results of an IBAC investigation pertaining to Council	RGL	
s 165(2)	Power of receiving and responding to IBAC material that includes matters pertaining to Council, to be published in the IBAC annual report	RGL	

Local Government Act 2020

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 32(4)(a)	Duty to ensure that the Councillor induction training is available to be taken by a Councillor from the day the Councillor takes the oath or affirmation of office	NOT	
s 32(4)(b)	Duty to provide reasonable assistance to a Councillor to enable them to access the Councillor induction training	RGL, EA	
s 46(1)(a)	Function of supporting the Mayor and the Councillors in the performance of their roles	RGL, EA	
s 46(1)(b)	Function of ensuring the effective and efficient management of the day to day operations of the Council	NOT	
s 46(3)(a)	Duty of establishing and maintaining an	NOT	

Local Government Act 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	organisational structure for the Council		
s 46(3)(b)	Responsibility for appointing, directing, managing and dismissing Council staff and for all other issues relating to Council staff	NOT	Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office
s 46(3)(b)	Power to approve the filling of vacancies or the creation, reclassification, or abolition of positions within budget	NOT	Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office
s 46(3)(b)	Power to fix salaries for vacant positions	NOT	
s 46(3)(b)	Power to approve the appointment, engagement or promotion of full time, part time and casual staff	NOT	Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office
s 46(3)(b)	Power to approve position descriptions	NOT	
s 46(3)(b)	Power to create or approve creation of new positions	NOT	
s 46(3)(b)	Power to conduct disciplinary action under	NOT	

Local Government Act 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	relevant awards and policies		
s 46(3)(b)	Power to terminate or suspend the employment of, or to suspend from duty, a member of Council staff	NOT	
s 46(3)(b)	Power to conduct interviews for staff annual review	HRBP	
s 46(3)(b)	Power to authorise sick, annual and family leave	HRBP	
s 46(3)(b)	Power to approve long service leave and compassionate leave	HRBP	
s 46(3)(b)	Power to authorise all forms of study and training leave and educational assistance	NOT	
s 46(3)(b)	Power to approve leave without pay	NOT	
s 46(3)(b)	Power to authorise time sheets, higher duties, time-in-lieu, overtime and travel expense claims	HRBP	
s 46(3)(b)	Power to approve attendance at conferences and seminars by staff	NOT	
s 46(3)(b)	Power to approve attendance at training programs by staff	NOT	
s 46(3)(b)	Power to give approval for staff to travel	NOT	
s 46(3)(b)	Power to approve travel accommodation for staff	NOT	

Local Government Act 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46(3)(b)	Power to sign Notice of Injury and Work Injury Form	NOT	
s 46(3)(b)	Power to approve claims under WorkCover excess	HRBP	
s 46(3)(b)	Power to approve expenses relating to an approved course of study for staff	NOT	
s 46(3)(b)	Power to approve staff engaging in other employment	NOT	
s 46(3)(b)	Power to determine acceptance or denial of liability in the event of a WorkCover claim	NOT	
s 46(3)(b)	Power to sign Letter of Acceptance of Resignation	NOT	
s 46(3)(b)	Power to provide references on Council letterhead	NOT	
s 46(3)(b)	Power to authorise access to a staff member's personal file	HRBP	
s 46(4)(a)	Duty to develop and maintain a workforce plan that describes the organisational structure of the Council and specifies the projected staffing requirements for a period of at least 4 years and sets out measures to seek to ensure gender equality, diversity and inclusiveness	NOT	
s 46(4)(b)	Duty to inform the Council before an organisational restructure that will affect the capacity of the Council to deliver the Council	NOT	

Local Government Act 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Plan is implemented		
s 46(4)(c)	Duty to consult members of Council affected by a proposed organisational restructure, before the organisational restructure is implemented	NOT	
s 46(5)	Duty to, in giving effect to gender equality, diversity and inclusiveness, comply with any processes and requirements prescribed by the regulations for the purposes of this section of this Act	NOT	
s 46(6)	Duty to ensure that the Mayor, Deputy Mayor, Councillors and members of Council staff have access to the workforce plan	NOT	
s 47(6)	Duty to submit an annual report to the Council in relation to the activities and performance of a Community Asset Committee in respect of which the members have been given a delegation under this section	NOT	
s 47(7)	Duty to keep a register of delegations under section 47 of this Act	RGL	
s 48(1)	Power to appoint as many members of Council staff as are required to enable the functions of the Council under this Act or any other Act to be performed	NOT	Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office
s 48(2)	Duty to adopt and maintain a recruitment policy addressing the matters listed in s 48(2)	NOT	

Local Government Act 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 49(1)	Duty to develop and implement a code of conduct for members of Council staff	NOT	Must develop and implement the first code of conduct within 6 months of commencement of this section
s 49(4)	Duty to ensure that members of Council staff have access to the code of conduct for members of Council staff	HRBP	
s 54(6)	Duty to ensure the preparation and maintenance of agendas, minutes and reports of the Audit and Risk Committee	RGL, EA	
s 97(1)	Duty to ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public	FSC	
s 105	Power to designate a person as a Principal Accounting Officer	NOT	
s 109(2)	Duty to ensure that any report of the Council that recommends entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils or public bodies which may be available	NOT	
s 121	Function of receiving application for land information certificate	RVO, FSC	
s 122	Function of receiving acquisition notice	RVO, FSC	See prescribed information under r 7 of the Local Government (Land Information) Regulations 2021

Local Government Act 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 130(7)	Duty to notify the Chief Municipal Inspector as soon as practicable after the Chief Executive Officer becomes aware that a relevant person, who is a member of Council staff, has failed to disclose a conflict of interest	NOT	
s 130(8)	Duty to notify the Council if a relevant person, who is not a Councillor or member of Council staff, fails to disclose a conflict of interest and make a recommendation to the Council as to the action that is to be taken	NOT	
s 132(1)	Power to nominate a 'nominated officer'	NOT	
s 133	Function of receiving an initial personal interests return	RGL, EA	
s 134	Function of receiving a biannual personal interests return	RGL, EA	
s 135(1)	Duty to prepare a summary of the personal interests information disclosed in the last personal interests return lodged with the Chief Executive Officer	RGL, EA	
s 135(3)	Duty to ensure the summary of personal interests is published on the Council's Internet site and available for inspection at the Council office	RGL, EA	
s 136(1)	Duty to ensure that personal interests return are kept in accordance with the Public Records Act 1973	RGL, EA	

Local Government Act 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 136(2)	Duty to ensure that only the 'specified persons' have access to or can inspect a personal interests return	RGL, EA	
s 150(1)	Duty to appoint the Councillor Conduct Officer and notify the Principal Councillor Conduct Registrar of the appointment	NOT	
s 230(16)	Duty to summon a Council Meeting within 14 days after the public declaration of the election result	NOT	
s 240(10)	Duty to send notice	RVO, FSC	
s 240(11)	Duty to send notice	RVO, FSC	
s 240(12)	Duty to send notice	RVO, FSC	
s 246(1)	Duty to enrol a person following receipt of a written application for enrolment unless she or he believes the personal is not entitled to be enrolled	RVO, FSC	
s 246(2)	Power to refuse enrolment and duty to give written reasons for refusal application for enrolment	RVO, FSC	
s 246(3)	Power to request information orally or in writing to enable her or him to determine a person's eligibility for enrolment	RVO, FSC	

Local Government Act 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 246(4)	Power to require information to be given in writing and signed by the person giving the information	RVO, FSC	
s 247(3)	Power to decide whether address should be placed on voters' roll and to then take action accordingly	RVO, FSC	
s 247(4)	Duty to notify the person in writing of a decision to grant or refuse a request to remove the person's address from Council voters' roll	RVO, FSC	
s 248(1)	Duty to supply to the Victorian Electoral Commission list of voters who appear to be entitled to be enrolled as ratepayers or corporation representatives and any information required by the Victorian Electoral Commission to compile or amend the voters' roll	RVO, FSC	
s 248(2)	Power to include in the list supplied to the Victorian Electoral Commission people whose address on the rate notice is outside of the municipal district	RVO, FSC	For the purposes of section 243
s 254(1)	Power to use the Council voters' roll for communicating or consulting the local community on the performance of the Council's functions	NOT	Subject to section 254(2)(a) and (b)
s 254(2)	Duty to obtain undertaking	RVO, FSC	
s 254(4)	Power to request the Victorian Electoral Commission to provide a copy of the voters' roll	RVO, FSC	

Local Government Act 2020

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 258(8)	Duty to notify the Minister and the Victorian Electoral Commission that an extraordinary vacancy has occurred within 3 days of receiving a written resignation from a Councillor or becoming aware of an extraordinary vacancy	NOT	
s 306(1)	Function of receiving election campaign donation return	RGL, EA	
s 307(1)(a)	Duty to submit a report to the Minister specifying details of the candidates in the election and who submitted an election campaign donation return within 14 days after the period specified in section 360(1)	RGL, EA	
s 307(2)	Duty to provide a summary of each election campaign donation return given to the Chief Executive Officer on the Council's Internet site	RGL, EA	
s 307(3)	Duty to ensure that a summary of the return is made available on the Council's Internet	RGL, EA	
s 308(2)	Duty to ensure that a summary of an election campaign donation return is made available on the Council's Internet site until the close of the roll for the next general election	RGL, EA	
s 308(3)	Duty to ensure that a copy of an election campaign donation return is available for inspection at the Council's office for a period of 4 years from the date specified in section 360(1)	RGL, EA	
s 313(2)	Power to represent the Council in all respects as though the person was the party concerned in any proceedings in which the Council is a party	NOT	

Local Government Act 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	or has an interest		
s 324(2)	Power to sign a certificate certifying any matter relating to the contents of any document kept by a Council	NOT	

Local Government Act 1989			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 181G	Duty to ensure that quarterly statement prepared under section 138 of Local Government Act 1989 includes relevant details of environmental upgrades and charges	FSC	

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 140	Power to certify copies of instruments, documents, maps or plans under this Act	MDR	Where the Council is the relevant responsible authority
s 141	Power to provide evidentiary statement pertaining to land use and permits under this Act	MDR	Where the Council is the relevant responsible authority
s 142	Power to provide evidentiary statement pertaining to s 173 agreements under this Act	MDR	Where the Council is the relevant responsible authority

Public Health and Wellbeing Act 2008			
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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 226(2)	Power to sign evidentiary certificates under this Act	MDR, EHOs	

Public Interest Disclosures Act 2012

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 12(2)	Function of receiving a disclosure	RGL	

Rooming House Operators Act 2016

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 4	Function of liaising with Business Licensing Authority	MDR	
s 15(1)	Duty to provide information to Business Licensing Authority on request	MDR	
s 15(2)	Duty to give a report to Business Licensing Authority on inquiries made in response to request under s 15(1)	MDR	
s 24(2)	Duty to give a report to Business Licensing Authority on inquiries made in response to request under s 24(1)	MDR	

Service Victoria Act 2018

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 5(2)	Function of receiving a copy of the agreement made under s 5(1)	NOT	

Service Victoria Act 2018			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 5(4)	Function of receiving a copy of a notice under s 5(3)	NOT	
s 6	Duty to use best endeavours to give effect to a notice under s 5(3) which applies to Council	NOT	
s 7(3)	Function of receiving a copy of the agreement made under s 7(1)	NOT	
s 7(4)	Function of receiving a copy of a notice under s 7(3)	NOT	
s 8(2)	Power to delegate the transferred customer service function to any person or class of person employed by, or acting on behalf of, the service agency from which the function is transferred	NOT	Where Council's CEO has been transferred a transferred customer service function
s 9A(1)	Power to agree in writing for the Service Victoria CEO to perform a customer service function	NOT	
s 10(2)	Function of receiving a copy of the agreement made under s 10(1)	NOT	
S 10(4)	Function of receiving a copy of a notice under s 10(3)	NOT	
s 11	Duty to use best endeavours to give effect to a notice under s 10(3) which applies to Council	NOT	
s 12(3)	Function of receiving a copy of the agreement made under s 12(1)	NOT	
s 12(4)	Function of receiving a copy of a notice under s	NOT	

Service Victoria Act 2018			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	12(2)		
s 13(2)	Power to delegate the transferred identity verification function to any person or class of person employed by, or acting on behalf of, the service agency from which the function is transferred	NOT	Where Council's CEO has been transferred a transferred identity verification function
a 14A(1)	Power to agree in writing for the Service Victoria CEO to perform an identity verification function	NOT	
s 24A(2)(a)	Function of agreeing on form of delivery	NOT	
s 47A(1)	Power to enter into an agreement with Service Victoria CEO for Service Victoria CEO to establish and maintain a database for the purpose of recording information for the purpose of recording information	NOT	Note: Minister must approve the establishment and maintenance of a database
s 47G(1)	Power to request the Service Victoria CEO to, in whole or in part: (a) close a database established or maintained under s 47A (b) transfer the database (c) with agreement of another service agency, transfer the database to the other agency or related party	NOT	

Sheriff Act 2009

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54	Power to exempt Council from providing information to the Sheriff otherwise authorised by a warrant if exceptional circumstances apply	NOT	

Tobacco Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 36	Power to nominate a person to be appointed an inspector	NOT	

Valuation of Land Act 1960

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 3(5)(ba)	Power to request valuations of land	RVO, FSC	

Victorian Data Sharing Act 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 8(1)	Function of receiving a written notice to provide the Chief Data Officer with data held by Council, and data that is specified in the Chief Data Officer's notice	NOT	
s 11(1)	Function of receiving a written notice to provide information about Council's data holding	NOT	

Victorian Data Sharing Act 2017

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 15(1)	Power to disclose identifiable data to the Chief Data Officer in response to a request under s 8	NOT	In accordance with s 5
s 15(2)	Power to disclose identifiable data to a data analytics body for the purpose of data integration	NOT	In accordance with s 5
s 21	Duty to inform the Chief Data Officer of the secrecy provisions which apply to the disclosed data	NOT	Where the CEO is aware of secrecy provisions that apply to data that they have disclosed in accordance with this Act

Victorian Inspectorate Act 2011

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 87(2)	Function of responding to adverse material the Victorian Inspectorate intends to include in a report	RGL	
s 91(2)	Function of responding to adverse material the Victorian Inspectorate intends to include in annual report	RGL	

Local Government (Electoral) Regulations 2020

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15(1)	Duty to provide details of a person's entitlement to be enrolled as a ratepayer on the voters' roll	RVO, FSC	
r 15(2)	Power to exchange relevant information to enrolment	RVO,	

Local Government (Electoral) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	entitlements with the VEC	FSC	
r 18	Duty to maintain a list of silent voters	RVO, FSC	
r 19	Duty to ensure that only authorised persons have access to details of silent voters	RVO, FSC	
r 33	Duty to cause the Local Government Candidate Training to be conducted	NOT	
r 34	Function of receiving prescribed information from person undertaking Local Government Candidate Training	RGL	
r 35	Duty to keep a register of attendance	RGL	
r 36(2)	Duty to comply with notice under subsection (1)	RGL	
r 83	Duty to submit report on election received by the VEC to Council	RGL	

Local Government (Governance and Integrity) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 5(b)	Power to approve the taking of the oath or affirmation of office by means of an audio visual link for the purposes of s 30 of the Local Government Act 2020	NOT	

Local Government (Land Information) Regulations 2021			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 5(2)	Power to sign a land information certificate	RVO, FSC	