

S14 Instrument of Sub-delegation

Chief Executive Officer for VicSmart Applications and Future
Homes Applications under the *Planning and Environment Act
1987*

Instrument of Sub-Delegation – Chief Executive Officer to Members of Staff

In exercise of the power conferred by s 47(2) of the *Local Government Act 2020* and s 188 of the *Planning and Environment Act 1987* (the Act), I, Pauline Gordon, as Chief Executive Officer of Campaspe Shire Council and the responsible authority for the administration and enforcement of the Campaspe planning scheme as set out in cl 72.01 of that scheme for the VicSmart Application and cl 53.24 for Future Homes Applications, by this Instrument of Delegation: -

1. delegate each duty and/or function and/or power respectively described in column 1 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 2 of the Schedule;
2. record that references in the column 2 of the Schedule are as follows: -

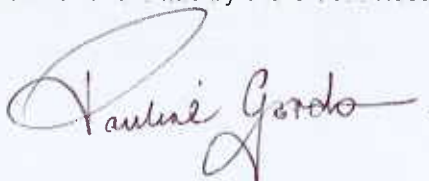
Abbreviation	Position
DS	Director Sustainability
MPB	Manager Planning & Building
PL	Planner
PBAO	Planning and Building Administration Officer
PC	Planning Coordinator
SP	Senior Planner

3. record that on the coming into force of this Instrument of Delegation each delegation under the Instrument of Delegation dated 1 December 2021 and executed by Declan Moore is revoked;
4. record that all Instruments of Delegation made under s 98(2) of the *Local Government Act 1989* in combination with s 188 of the *Planning and Environment Act 1987* prior to 1 December 2021 are revoked;
5. declare that this Instrument of Delegation -
 - 5.1 comes into force immediately upon its execution;
 - 5.2 remains in force until varied or revoked; and
 - 5.3 is subject to any conditions and limitations set out in paragraph 6, in column 3 of the Schedule;
6. 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 December 2024 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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Date: 23/12/2024.
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Instrument of Sub-Delegation – Chief Executive Officer to Members of Staff

Schedule

Delegation Sources:

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

Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1		Column 2	Column 3
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50(4)	Duty to amend application	PL, DS, MPB, SP, PC	
s 50(5)	Power to refuse to amend application	PL, DS, MPB, SP, PC	
s 50(6)	Duty to make note of amendment to application in register	PL, DS, MPB, SP, PC, PBAO	
s 50A(1)	Power to make amendment to application	PL, DS, MPB, SP, PC	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	PL, DS, MPB, SP, PC	
s 50A(4)	Duty to note amendment to application in register	PL, DS, MPB, SP, PC, PBAO	

Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1		Column 2	Column 3
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 51	Duty to make a copy of every application and the prescribed information supplied in respect of the application available in accordance with the public availability requirements	PL, DS, MPB, SP, PC, PBAO	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	PL, DS, MPB, SP, PC	Applicable for Future Homes Applications only Note: VicSmart Applications are exempt from the notice requirements under s 52(1)(a), (b), (c) and (d).
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	PL, DS, MPB, SP, PC	Applicable for Future Homes Applications only Note: VicSmart Applications are exempt from the notice requirements under s 52(1)(a), (b), (c) and (d).
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	PL, DS, MPB, SP, PC	Applicable for Future Homes Applications only Note: VicSmart Applications are exempt from the notice

Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1		Column 2	Column 3
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			requirements under s 52(1)(a), (b), (c) and (d).
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	PL, DS, MPB, SP, PC	
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	PL, DS, MPB, SP, PC	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected	PL, DS, MPB, SP, PC	Applicable for Future Homes Applications only Note: VicSmart Applications are exempt from the notice requirements under s 52(1)(a), (b), (c) and (d).
s 52(3)	Power to give any further notice of an application where appropriate	PL, DS, MPB, SP, PC	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	PL, DS, MPB, SP, PC	

Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1		Column 2	Column 3
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	PL, DS, MPB, SP, PC,	
s 54(1)	Power to require the applicant to provide more information	PL, DS, MPB, SP, PC	Note: for VicSmart applications, delegates cannot require an applicant to provide more information than what is listed in Schedules to clause 59 of the planning scheme
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	PL, DS, MPB, SP, PC	Note: for VicSmart applications, delegates cannot require an applicant to provide more information than what is listed in Schedules to clause 59 of the planning scheme
s 54(1B)	Duty to specify the lapse date for an application	PL, DS, MPB, SP, PC	

Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1		Column 2	Column 3
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	PL, DS, MPB, SP, PC	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	PL, DS, MPB, SP, PC	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	PL, DS, MPB, SP, PC	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	DS, MPB, PC	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	PL, DS, MPB, SP, PC	
s 57(5)	Duty to make a copy of every objection available in accordance with the public availability requirements	PL, DS, MPB, SP, PC, PBAO	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	PL, DS, MPB, SP, PC	

Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1		Column 2	Column 3
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 57A(5)	Power to refuse to amend application	PL, DS, MPB, SP, PC	
s 57A(6)	Duty to note amendments to application in register	PL, DS, MPB, SP, PC, PBAO	
s 57B(1)	Duty to determine whether and to whom notice should be given	PL, DS, MPB, SP, PC	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	PL, DS, MPB, SP, PC	
s 57C(1)	Duty to give copy of amended application to referral authority	PL, DS, MPB, SP, PC	
s 58	Duty to consider every application for a permit	PL, DS, MPB, SP, PC	
s 58A	Power to request advice from the Planning Application Committee	PL, DS, MPB, SP, PC	

Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1		Column 2	Column 3
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 59(1)	Power to decide an application without delay	PL, DS, MPB, SP, PC	
s 60	Duty to consider certain matters	PL, DS, MPB, SP, PC	Note: VicSmart applications are exempt from the requirements of s 60(1)(b), (c), (e) and (f).
s 60(1)(a)	Duty to consider the relevant planning scheme	PL, DS, MPB, SP, PC	Note: VicSmart applications are exempt from the requirements of s 60(1)(b), (c), (e) and (f).
s 60(1)(d)	Duty to consider any decision and comments of a referral authority which has been received	PL, DS, MPB, SP, PC	Note: VicSmart applications are exempt from the requirements of s 60(1)(b), (c), (e) and (f).
s 60(1A)(i)	Power to consider any agreement made pursuant to s 173	PL, DS, MPB, SP, PC	Note: VicSmart applications are exempt from the requirements of s 60(1A)(b) - (h) and (j).

Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1		Column 2	Column 3
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 60(1B)	Duty to consider the number of objectors in considering whether use or development may have significant social effect	DS, MPB, PC	
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	PL, DS, MPB, SP, PC	The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	PL, DS, MPB, SP, PC	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	PL, DS, MPB, SP, PC	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	PL, DS, MPB, SP, PC	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DS, MPB, PC	

Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1		Column 2	Column 3
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	PL, DS, MPB, SP, PC	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	PL, DS, MPB, SP, PC	
s 62(2)	Power to include other conditions	PL, DS, MPB, SP, PC	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	PL, DS, MPB, SP, PC	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	PL, DS, MPB, SP, PC	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	PL, DS, MPB, SP, PC	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	PL, DS, MPB, SP, PC	

Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1		Column 2	Column 3
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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)	PL, DS, MPB, SP, PC	
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)	PL, DS, MPB, SP, PC	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	PL, DS, MPB, SP, PC	
s 64(5)	Duty to give each objector a copy of an exempt decision	PL, DS, MPB, SP, PC	<p>Note: VicSmart and Future Homes applications are exempt from requirements of s 64(1), (2) and (3)</p> <p>This provision applies also to a decision to grant an amendment to a permit - see s 75</p>

Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1		Column 2	Column 3
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	PL, DS, MPB, SP, PC	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	PL, DS, MPB, SP, PC	
s 66(1)	Duty to give notice under ss 64 or 65 and copy permit to relevant determining referral authorities	PL, DS, MPB, SP, PC, PBAO	
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	PL, DS, MPB, SP, PC, PBAO	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)	PL, DS, MPB, SP, PC, PBAO	If the recommending referral authority objected to the grant of the permit or the

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Planning and Environment Act 1987			
Column 1		Column 2	Column 3
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			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	PL, DS, MPB, SP, PC, PBAO	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	PL, DS, MPB, SP, PC, PBAO	
s 69(1A)	Function of receiving application for extension of time to complete development	PL, DS, MPB, SP, PC, PBAO	
s 69(2)	Power to extend time	PL, DS, MPB, SP, PC	

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Planning and Environment Act 1987			
Column 1		Column 2	Column 3
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 70	Duty to make a copy of every permit that it issues available in accordance with the public availability requirements	PL, DS, MPB, SP, PC, PBAO	
s 71(1)	Power to correct certain mistakes	PL, DS, MPB, SP, PC	
s 71(2)	Duty to note corrections in register	PL, DS, MPB, SP, PC, PBAO	
s 73	Power to decide to grant amendment subject to conditions	PL, DS, MPB, SP, PC	
s 74	Duty to issue amended permit to applicant if no objectors	PL, DS, MPB, SP, PC	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	PL, DS, MPB, SP, PC	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	PL, DS, MPB, SP, PC, PBAO	

Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1		Column 2	Column 3
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
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	PL, DS, MPB, SP, PC, PBAO	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 circumstances specified, and include the information required under s 76A(5)	PL, DS, MPB, SP, PC, PBAO	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 ss 64 or 76	PL, DS, MPB, SP, PC, PBAO	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition

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Planning and Environment Act 1987			
Column 1		Column 2	Column 3
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	PL, DS, MPB, SP, PC	
s 83	Function of being respondent to an appeal	PL, DS, MPB, SP, PC	
s 83B	Duty to give or publish notice of application for review	PL, DS, MPB, SP, PC	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	PL, DS, MPB, SP, PC	
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	PL, DS, MPB, SP, PC	
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	PL, DS, MPB, SP, PC	

Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1		Column 2	Column 3
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 84(6)	Duty to issue permit on receipt of advice	PL, DS, MPB, SP, PC	
s 84AB	Power to agree to confining a review by the Tribunal	DS, MPB, SP, PC	
s 86	Duty to issue a permit at order of Tribunal	PL, DS, MPB, SP, PC	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DS, MPBPC	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	DS, MPB, PC	
s 91(2)	Duty to comply with the directions of VCAT	PL, DS, MPB, SP, PC	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	PL, DS, MPB, SP, PC	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	PL, DS, MPB, SP, PC	

Instrument of Delegation – Council to Members of Staff

Planning and Environment Act 1987			
Column 1		Column 2	Column 3
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 93(2)	Duty to give notice of VCAT order to stop development	PL, DS, MPB, SP, PC	

Planning and Environment Regulations 2015			
Column 1		Column 2	Column 3
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 under s 54 of the Act	PL, DS, MPB, SP, PC	
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) in accordance with the public availability requirements	DS, MPB, PC	Applicable for Future Homes Applications only

Instrument of Delegation – Council to Members of Staff

Planning and Environment (Fees) Regulations 2016			
Column 1		Column 2	Column 3
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	DS, MPB	
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	DS, MPB	