

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

**Greater Bendigo City Council**

**Instrument of Delegation**

**by**

**The Chief Executive Officer**

## Instrument of Delegation by CEO for Bushfire Reconstruction Applications under the *Planning and Environment Act 1987*

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, as Chief Executive Officer of Greater Bendigo City Council and responsible authority for considering and determining planning permit applications to which cl 52.10-2 of Greater Bendigo 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. declare that this Instrument of Delegation -
  - 2.1 comes into force immediately upon its execution;
  - 2.2 remains in force until varied or revoked; and
  - 2.3 is subject to any conditions and limitations set out in paragraph 3, and in the Schedule;
3. 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  
Chief Executive Officer.

2023 and is made by the

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

)  
) 

  
.....  
Witness

15 DECEMBER 2023  
.....  
Date

# SCHEDULE

# RELIANSYS® DELEGATIONS EXPORT FROM LIBRARY

## S16 INSTRUMENT OF DELEGATION FOR BUSHFIRE RECONSTRUCTION APPLICATIONS UNDER THE PLANNING AND ENVIRONMENT ACT 1987

EXPORT: 13 DECEMBER 2023

### **Delegation Sources**

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

RELIANSYS ID cODE	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584503	Planning and Environment Act 1987	s 50(4)	Duty to amend application	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584596	Planning and Environment Regulations 2015	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	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584597	Planning and Environment (Fees) Regulations 2016	r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	Manager Statutory Planning,	

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				Coordinator Planning	
584504	Planning and Environment Act 1987	s 50(5)	Power to refuse to amend application	Manager Statutory Planning, Coordinator Planning	
584598	Planning and Environment (Fees) Regulations 2016	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	Manager Statutory Planning, Manager Strategic Planning	
584505	Planning and Environment Act 1987	s 50(6)	Duty to make note of amendment to application in register	Manager Statutory Planning, Coordinator Planning,	

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				Senior Planner, Planner	
584506	Planning and Environment Act 1987	s 50A(1)	Power to make amendment to application	Manager Statutory Planning, Coordinator Planning	
584507	Planning and Environment Act 1987	s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	

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584508	Planning and Environment Act 1987	s 50A(4)	Duty to note amendment to application in register	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584509	Planning and Environment Act 1987	s 51	Duty to make a copy of every application and the prescribed information supplied in respect of the application available for inspection	Manager Statutory Planning, Coordinator Planning, Planners, Senior Planner, Planner	



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584510	Planning and Environment Act 1987	s 52(1)(c)	Duty to give notice of the application to any person to whom the planning scheme requires it to give notice	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	Note: Notice requirements under s 52(1)(a), (b) and (d) are exempt Other notice requirements apply
584511	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	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	Note: Notice requirements under s 52(1)(a), (b) and (d) are exempt Other notice requirements apply
584512	Planning and Environment Act 1987	s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a	Manager Statutory Planning,	Note: Notice requirements under s 52(1)(a), (b) and (d) are exempt

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			registered restrictive covenant if application is to remove or vary the covenant	Coordinator Planning, Senior Planner, Planner	Other notice requirements apply
584513	Planning and Environment Act 1987	s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	Note: Notice requirements under s 52(1)(a), (b) and (d) are exempt Other notice requirements apply
584514	Planning and Environment Act 1987	s 52(1A)	Power to refuse an application	Manager Statutory Planning, Coordinator Planning, Senior	

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				Planner, Planner	
584515	Planning and Environment Act 1987	s 52(3)	Power to give any further notice of an application where appropriate	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584516	Planning and Environment Act 1987	s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	Note: Notice requirements under s 52(1)(a), (b) and (d) are exempt Other notice requirements apply

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584517	Planning and Environment Act 1987	s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	Note: Notice requirements under s 52(1)(a), (b) and (d) are exempt  Other notice requirements apply
584518	Planning and Environment Act 1987	s 54(1)	Power to require the applicant to provide more information	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	Note: delegates cannot require an applicant to provide more information than what is listed in schs 59 – 59.16 of the planning scheme
584519	Planning and Environment Act 1987	s 54(1A)	Duty to give notice in writing of information required under s 54(1)	Manager Statutory Planning,	Note: delegates cannot require an applicant to provide more information than what is listed in

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				Coordinator Planning, Senior Planner, Planner	schs 59 – 59.16 of the planning scheme
584520	Planning and Environment Act 1987	s 54(1B)	Duty to specify the lapse date for an application	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584521	Planning and Environment Act 1987	s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	Manager Statutory Planning, Coordinator Planning, Senior	

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				Planner, Planner	
584522	Planning and Environment Act 1987	s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	The new lapse date must be included in the written notice of decision under subsections (5) and (6)
584523	Planning and Environment Act 1987	s 55(1)	Duty to give a copy of an application to referral authority	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	

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584524	Planning and Environment Act 1987	s 57(2)	Function to receive an objection	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584525	Planning and Environment Act 1987	s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	Manager Statutory Planning, Coordinator Planning	
584526	Planning and Environment Act 1987	s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	Manager Statutory Planning, Coordinator Planning, Senior	

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				Planner, Planner	
584527	Planning and Environment Act 1987	s 57(5)	Duty to make available for inspection copy of all objections	Manager Statutory Planning, Coordinator Planning, Planners, Senior Planner, Planner	
584528	Planning and Environment Act 1987	s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	



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584529	Planning and Environment Act 1987	s 57A(5)	Power to refuse to amend application	Manager Statutory Planning, Coordinator Planning	
584530	Planning and Environment Act 1987	s 57A(6)	Duty to note amendments to application in register	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584531	Planning and Environment Act 1987	s 57B(1)	Duty to determine whether and to whom notice should be given	Manager Statutory Planning, Coordinator Planning, Senior	

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				Planner, Planner	
584532	Planning and Environment Act 1987	s 57B(2)	Duty to consider certain matters in determining whether notice should be given	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584533	Planning and Environment Act 1987	s 57C(1)	Duty to give copy of amended application to referral authority	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	

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584534	Planning and Environment Act 1987	s 58	Duty to consider every application for a permit	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584535	Planning and Environment Act 1987	s 58A	Power to request advice from the Planning Application Committee	Manager Statutory Planning, Coordinator Planning	
584536	Planning and Environment Act 1987	s 59(1)	Power to decide an application without delay	Manager Statutory Planning, Coordinator Planning, Senior	

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				Planner, Planner	
584537	Planning and Environment Act 1987	s 59(2)	Power to decide an application as soon as it gets the last of the replies from referral authorities	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584538	Planning and Environment Act 1987	s 60(1)(a)	Duty to consider the relevant planning scheme	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	

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584539	Planning and Environment Act 1987	s 60(1)(b)	Duty to consider the objectives of planning in Victoria	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584540	Planning and Environment Act 1987	s 60(1)(d)	Duty to consider any decision and comments of a referral authority which has been received	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584541	Planning and Environment Act 1987	s 60(1)(e)	Duty to consider any significant effects which it considers the use or development may have on the	Manager Statutory Planning,	

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			environment or which it considers the environment may have on the use or development	Coordinator Planning, Senior Planner, Planner	
584542	Planning and Environment Act 1987	s 60(1)(f)	Duty to consider any significant social effects and economic effects which it considers the use or development may have	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584543	Planning and Environment Act 1987	s 60(1A)	Power to consider relevant matters	Manager Statutory Planning, Coordinator Planning, Senior	

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				Planner, Planner	
584544	Planning and Environment Act 1987	s 60(1B)	Duty to consider the number of objectors in considering whether use or development may have significant social effect	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584545	Planning and Environment Act 1987	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	Manager Statutory Planning, Coordinator Planning, Senior Planner	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006 <hr/> Power is subject to the following conditions:

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					<p>(a) Delegates may only approve an application if four (4) or fewer valid objections have been received;</p> <p>(b) Delegates may only refuse an application:</p> <p>(i) where an application has been inactive for a period of 6 months or more and the applicant has failed to provide reasonable justification for a lack of action; or</p> <p>(ii) where an application is for a use or development which is prohibited.</p>
584546	Planning and Environment Act 1987	s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	Manager Statutory Planning, Coordinator Planning, Senior Planner	



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584547	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	Not delegated	
584549	Planning and Environment Act 1987	s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	Manager Statutory Planning, Coordinator Planning, Senior Planner	
584550	Planning and Environment Act 1987	s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	Manager Statutory Planning, Coordinator Planning, Senior Planner	

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584551	Planning and Environment Act 1987	s 61A	Duty to delegate a power, duty or function to another council officer if there is a conflict of interest	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584552	Planning and Environment Act 1987	s 62(1)	Duty to include certain conditions in deciding to grant a permit	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584553	Planning and Environment Act 1987	s 62(2)	Power to include other conditions	Manager Statutory Planning,	

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				Coordinator Planning	
584554	Planning and Environment Act 1987	s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584555	Planning and Environment Act 1987	s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	Manager Statutory Planning, Coordinator Planning	

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584556	Planning and Environment Act 1987	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	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584557	Planning and Environment Act 1987	s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584558	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	Manager Statutory Planning,	

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			except in accordance with s 46N(1), 46GV(7) or 62(5)	Coordinator Planning, Senior Planner, Planner	
584559	Planning and Environment Act 1987	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)	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584560	Planning and Environment Act 1987	s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	Manager Statutory Planning, Coordinator Planning, Senior	

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				Planner, Planner	
584561	Planning and Environment Act 1987	s 64(5)	Duty to give each objector a copy of an exempt decision	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	Note: Bushfire 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
584562	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	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	This provision applies also to a decision to grant an amendment to a permit - see s 75A

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584563	Planning and Environment Act 1987	s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584564	Planning and Environment Act 1987	s 66(1)	Duty to give notice under ss 64 or 65 and copy permit to relevant determining referral authorities	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584565	Planning and Environment Act 1987	s 66(2) & (3)	Duty to give a recommending referral authority notice of its decision to grant a permit in the	Manager Statutory Planning,	If the recommending referral authority objected to the grant of the permit or the responsible authority

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			specified circumstances, and include any conditions to which the permit will be subject	Coordinator Planning, Senior Planner, Planner	decided not to include a condition on the permit recommended by the recommending referral authority
584566	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 s 66(5)	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	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
584567	Planning and Environment Act 1987	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	Manager Statutory Planning, Coordinator Planning, Senior	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



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				Planner, Planner	
584568	Planning and Environment Act 1987	s 69(1)	Function of receiving application for extension of time of permit	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584569	Planning and Environment Act 1987	s 69(1A)	Function of receiving application for extension of time to complete development	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	

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584570	Planning and Environment Act 1987	s 69(2)	Power to extend time	Manager Statutory Planning, Coordinator Planning, Senior Planner	
584571	Planning and Environment Act 1987	s 70	Duty to make copy permit available for inspection	Manager Statutory Planning, Coordinator Planning, Planners, Senior Planner, Planner	
584572	Planning and Environment Act 1987	s 71(1)	Power to correct certain mistakes	Manager Statutory Planning, Coordinator	

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				Planning, Senior Planner, Planner	
584573	Planning and Environment Act 1987	s 71(2)	Duty to note corrections in register	Manager Statutory Planning, Coordinator Planning	
584574	Planning and Environment Act 1987	s 73	Power to decide to grant amendment subject to conditions	Manager Statutory Planning, Coordinator Planning	
584575	Planning and Environment Act 1987	s 74	Duty to issue amended permit to applicant if no objectors	Manager Statutory Planning, Coordinator	

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				Planning, Senior Planner, Planner	
584576	Planning and Environment Act 1987	s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584577	Planning and Environment Act 1987	s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	Manager Statutory Planning, Coordinator Planning, Senior	

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				Planner, Planner	
584578	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	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	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
584579	Planning and Environment Act 1987	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)	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	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

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584580	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 ss 64 or 76	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	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
584581	Planning and Environment Act 1987	s 76D	Duty to comply with direction of Minister to issue amended permit	Manager Statutory Planning, Coordinator Planning	
584582	Planning and Environment Act 1987	s 83	Function of being respondent to an appeal	Manager Statutory Planning, Coordinator Planning, Senior	

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				Planner, Planner	
584583	Planning and Environment Act 1987	s 83B	Duty to give or publish notice of application for review	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584584	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	Not delegated	
584585	Planning and Environment Act 1987	s 84(2)	Duty not to issue a permit or notice of decision or refusal after	Manager Statutory Planning,	

RELIANSYS ID cODE	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
			an application is made for review of a failure to grant a permit	Coordinator Planning	
584586	Planning and Environment Act 1987	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	Manager Statutory Planning, Coordinator Planning	
584587	Planning and Environment Act 1987	s 84(6)	Duty to issue permit on receipt of advice from presidential member of the Tribunal	Manager Statutory Planning, Coordinator Planning	
584588	Planning and Environment Act 1987	s 84AB	Power to agree to confining a review by the Tribunal	Manager Statutory Planning, Coordinator Planning	



RELIANSYS ID cODE	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584589	Planning and Environment Act 1987	s 86	Duty to issue a permit at order of Tribunal	Manager Statutory Planning, Coordinator Planning	
584590	Planning and Environment Act 1987	s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584591	Planning and Environment Act 1987	s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	Manager Statutory Planning, Coordinator Planning	

RELIANSYS ID cODE	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584592	Planning and Environment Act 1987	s 91(2)	Duty to comply with the directions of VCAT	Manager Statutory Planning, Coordinator Planning, Senior Planner, Planner	
584593	Planning and Environment Act 1987	s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Manager Statutory Planning, Coordinator Planning	
584594	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 s 90	Manager Statutory Planning, Coordinator Planning	

RELIANSYS ID cODE	Delegation Source	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
		Provision	Item Delegated	Delegate	Conditions & Limitations
584595	Planning and Environment Act 1987	s 93(2)	Duty to give notice of VCAT order to stop development	Manager Statutory Planning, Coordinator Planning	