

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

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*, I, as Chief Executive Officer of Greater Bendigo City Council and the responsible authority for the administration and enforcement of the Greater Bendigo 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 (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 *Planning and Environment Act 1987* or otherwise.

**This Instrument of Delegation** is dated and is made by the Chief Executive Officer.

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



Witness

Date 19 September 2024

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## S14 INSTRUMENT OF DELEGATION BY CEO FOR VICSMART APPLICATIONS UNDER THE PLANNING AND ENVIRONMENT ACT 1987

### **SCHEDULE**

#### **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
584416	Planning and Environment Act 1987	s 50(4)	Duty to amend application	Manager Statutory Planning, Coordinator Planning, Planners	
584417	Planning and Environment Act 1987	s 50(5)	Power to refuse to amend application	Manager Statutory Planning, Coordinator Planning, Planners	
584418	Planning and Environment Act 1987	s 50(6)	Duty to make note of amendment to application in register	Manager Statutory Planning, Coordinator Planning, Planners	

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584419	Planning and Environment Act 1987	s 50A(1)	Power to make amendment to application	Manager Statutory Planning, Coordinator Planning, Planners	
584420	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, Planners	
584421	Planning and Environment Act 1987	s 50A(4)	Duty to note amendment to application in register	Manager Statutory Planning, Coordinator Planning, Planners	

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584422	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 in accordance with the public availability requirements	Manager Statutory Planning, Coordinator Planning, Planners	
703479	Planning and Environment Act 1987	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	Manager Statutory Planning, Coordinator Planning, Planners	Applicable for Future Homes Applications only  Note: VicSmart Applications are exempt from the notice requirements under s 52(1)(a),(b),(c) and (d).
703480	Planning and Environment Act 1987	S 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	Manager Statutory Planning, Coordinator	Applicable for Future Homes Applications only

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				Planning, Planners	Note: VicSmart Applications are exempt from the notice requirements under s 52(1)(a),(b),(c) and (d).
703481	Planning and Environment Act 1987	S 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	Manager Statutory Planning, Coordinator Planning, Planners	Applicable for Future Homes Applications only  Note: VicSmart Applications are exempt from the notice requirements under s 52(1)(a),(b),(c) and (d).
584423	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, Planners	

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		Provision	Item Delegated	Delegate	Conditions & Limitations
584424	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 registered restrictive covenant if application is to remove or vary the covenant	Manager Statutory Planning, Coordinator Planning, Planners	
703482	Planning and Environment Act 1987	s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	Manager Statutory Planning, Coordinator Planning, Planners	Applicable for Future Homes Applications only  Note: VicSmart Applications are exempt from the notice requirements under s 52(1)(a),(b),(c) and (d).
584425	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	Notice requirements under s 52(1)(a), (b), (c) and (d) are exempt.



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				Planning, Planners	
584426	Planning and Environment Act 1987	s 52(3)	Power to give any further notice of an application where appropriate	Manager Statutory Planning, Coordinator Planning, Planners	
584427	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, Planners	
584428	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	

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				Planning, Planners	
584429	Planning and Environment Act 1987	s 54(1)	Power to require the applicant to provide more information	Manager Statutory Planning, Coordinator Planning, Planners	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
584430	Planning and Environment Act 1987	s 54(1A)	Duty to give notice in writing of information required under s 54(1)	Manager Statutory Planning, Coordinator Planning, Planners	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
584431	Planning and Environment Act 1987	s 54(1B)	Duty to specify the lapse date for an application	Manager Statutory Planning, Coordinator	

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				Planning, Planners	
584432	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, Planners	
584433	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, Planners	
703483	Planning and Environment Act 1987	S 55(1)	Duty to give copy application, together with the prescribed information, to every referral	Manager Statutory Planning, Coordinator	

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		Provision	Item Delegated	Delegate	Conditions & Limitations
			authority specified in the planning scheme	Planning, Planners	
584434	Planning and Environment Act 1987	s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	Director Strategy and Growth, Manager Statutory Planning, Coordinator Planning	
584435	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, Planners	

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584436	Planning and Environment Act 1987	s 57(5)	Duty to make a copy of every objection available in accordance with the public availability requirements	Manager Statutory Planning, Coordinator Planning, Planners	
584437	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, Planners	
584438	Planning and Environment Act 1987	s 57A(5)	Power to refuse to amend application	Manager Statutory Planning, Coordinator Planning, Planners	

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584439	Planning and Environment Act 1987	s 57A(6)	Duty to note amendments to application in register	Manager Statutory Planning, Coordinator Planning, Planners	
584440	Planning and Environment Act 1987	s 57B(1)	Duty to determine whether and to whom notice should be given	Manager Statutory Planning, Coordinator Planning	
584441	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, Planners	

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584442	Planning and Environment Act 1987	s 57C(1)	Duty to give copy of amended application to referral authority	Manager Statutory Planning, Coordinator Planning, Planners	
584443	Planning and Environment Act 1987	s 58	Duty to consider every application for a permit	Manager Statutory Planning, Coordinator Planning, Planners	
584444	Planning and Environment Act 1987	s 58A	Power to request advice from the Planning Application Committee	Manager Statutory Planning, Coordinator Planning, Planners	

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584445	Planning and Environment Act 1987	s 59(1)	Power to decide an application without delay	Manager Statutory Planning, Coordinator Planning, Planners	
703484	Planning and Environment Act 1987	s 60	Duty to consider certain matters	Manager Statutory Planning, Coordinator Planning, Planners	Note: VicSmart applications are exempt from the requirements of s 60(1)(b), (c), (e) and (f).
584502	Planning and Environment Act 1987	s 60(1)(a)	Duty to consider the relevant planning scheme	Manager Statutory Planning, Coordinator Planning, Planners	Note: VicSmart applications are exempt from the requirements of s 60(1)(b), (c), (e) and (f).



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584446	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, Planners	Note: VicSmart applications are exempt from the requirements of s 60(1)(b), (c), (e) and (f).
584447	Planning and Environment Act 1987	s 60(1A)(i)	Power to consider any agreement made pursuant to s 173	Manager Statutory Planning, Coordinator Planning, Planners	Note: VicSmart applications are exempt from the requirements of s 60(1A)(b) - (h) and (j).
584501	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, Planners	

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584448	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, Planners	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
584449	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	
584450	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	Manager Statutory Planning	
584451	Planning and Environment Act 1987	s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Manager Statutory Planning	

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584452	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, Planners	
584453	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, Planners	
584454	Planning and Environment Act 1987	s 62(1)	Duty to include certain conditions in deciding to grant a permit	Manager Statutory Planning, Coordinator Planning, Planners	

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584455	Planning and Environment Act 1987	s 62(2)	Power to include other conditions	Manager Statutory Planning, Coordinator Planning, Planners	
584456	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, Planners	
584457	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, Planners	

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584458	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, Planners	
584459	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, Planners	
584460	Planning and Environment Act 1987	s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with s 46N(1), 46GV(7) or 62(5)	Manager Statutory Planning, Coordinator Planning, Planners	

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584461	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, Planners	
584462	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, Planners	
584463	Planning and Environment Act 1987	s 64(5)	Duty to give each objector a copy of an exempt decision	Manager Statutory Planning, Coordinator Planning, Planners	Note: VicSmart and Future Home applications are exempt from requirements of s 64(1), (2) and (3)

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					<p>This provision applies also to a decision to grant an amendment to a permit – see s 75</p> <p>This provision applies also to a decision to grant an amendment to a permit - see s 75</p>
584464	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, Planners	This provision applies also to a decision to grant an amendment to a permit - see s 75A

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584465	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, Planners	
584466	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, Planners	
584467	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 specified circumstances, and include any conditions to which the permit will be subject	Manager Statutory Planning, Coordinator Planning, Planners	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



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584468	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, Planners	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
584469	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, Planners	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
584470	Planning and Environment Act 1987	s 69(1)	Function of receiving application for extension of time of permit	Manager Statutory Planning, Coordinator Planning, Planners	

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584471	Planning and Environment Act 1987	s 69(1A)	Function of receiving application for extension of time to complete development	Manager Statutory Planning, Coordinator Planning, Planners	
584472	Planning and Environment Act 1987	s 69(2)	Power to extend time	Manager Statutory Planning, Coordinator Planning	
584473	Planning and Environment Act 1987	s 70	Duty to make a copy of every permit that it issues available in accordance with the public availability requirements	Manager Statutory Planning, Coordinator Planning, Planners	

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584474	Planning and Environment Act 1987	s 71(1)	Power to correct certain mistakes	Manager Statutory Planning, Coordinator Planning, Planners	
584475	Planning and Environment Act 1987	s 71(2)	Duty to note corrections in register	Manager Statutory Planning, Coordinator Planning, Planners	
584476	Planning and Environment Act 1987	s 73	Power to decide to grant amendment subject to conditions	Manager Statutory Planning, Coordinator Planning	

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584477	Planning and Environment Act 1987	s 74	Duty to issue amended permit to applicant if no objectors	Manager Statutory Planning, Coordinator Planning	
584478	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, Planners	
584479	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, Planners	

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		Provision	Item Delegated	Delegate	Conditions & Limitations
584480	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, Planners	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
584481	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, Planners	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
584482	Planning and Environment Act 1987	s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council	Manager Statutory Planning, Coordinator	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did

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			decides to grant and a copy of any notice given under ss 64 or 76	Planning, Planners	not recommend a condition be included on the amended permit
584483	Planning and Environment Act 1987	s 76D	Duty to comply with direction of Minister to issue amended permit	Manager Statutory Planning, Coordinator Planning, Planners	
584484	Planning and Environment Act 1987	s 83	Function of being respondent to an appeal	Manager Statutory Planning, Coordinator Planning, Planners	
584485	Planning and Environment Act 1987	s 83B	Duty to give or publish notice of application for review	Manager Statutory Planning, Coordinator	

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				Planning, Planners	
584486	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	
584487	Planning and Environment Act 1987	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	Manager Statutory Planning, Coordinator Planning, Planners	
584488	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	

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				Planning, Planners	
584489	Planning and Environment Act 1987	s 84(6)	Duty to issue permit on receipt of advice	Manager Statutory Planning, Coordinator Planning, Planners	
584490	Planning and Environment Act 1987	s 84AB	Power to agree to confining a review by the Tribunal	Manager Statutory Planning, Coordinator Planning, Planners	
584491	Planning and Environment Act 1987	s 86	Duty to issue a permit at order of Tribunal	Manager Statutory Planning, Coordinator	



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				Planning, Planners	
584492	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	
584493	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, Planners	
584494	Planning and Environment Act 1987	s 91(2)	Duty to comply with the directions of VCAT	Manager Statutory Planning, Coordinator	

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				Planning, Planners	
584495	Planning and Environment Act 1987	s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	Manager Statutory Planning, Coordinator Planning, Planners	
584496	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, Planners	
584497	Planning and Environment Act 1987	s 93(2)	Duty to give notice of VCAT order to stop development	Manager Statutory Planning, Coordinator	

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				Planning, Planners	
584498	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, Planners	
703485	Planning and Environment Regulations 2015	r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) in accordance with the public availability requirements	Manager Statutory Planning, Coordinator Planning, Planners	Applicable for Future Homes Applications only
584499	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	Director Strategy and Growth, Manager	

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				Statutory Planning	
584500	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	Director Strategy and Growth, Manager Statutory Planning	