

Maddocks Delegations and Authorisations

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

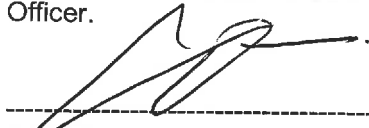
West Wimmera Shire Council

Instrument of Delegation

by


the Chief Executive Officer

This Instrument of Delegation is dated 2 December 2021 and is made by the Chief Executive Officer.



Chief Executive Officer

in the presence of:



Witness

Date: 2 December 2021

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	MPE & SPO	Notice requirements under section 52(1)(a), (b), (c) and (d) are exempt. Other notice requirements apply.
s 52(3)	Power to give any further notice of an application where appropriate	MPE & SPO	
s 53(1)	Power to require the applicant to give notice under section 52(1) to persons specified by it	MPE & SPO	Notice requirements under section 52(1)(a), (b), (c) and (d) are exempt. Other notice requirements apply.
s 53(1A)	Power to require the applicant to give the notice under section 52(1AA)	MPE & SPO	Notice requirements under section 52(1)(a), (b), (c) and (d) are exempt. Other notice requirements apply.
s 54(1)	Power to require the applicant to provide more information	MPE & SPO	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 section 54(1)	MPE & SPO	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	MPE & SPO	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	MPE & SPO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 58	Duty to consider every application for a permit	MPE & SPO	
s 58A	Power to request advice from the Planning Application Committee	MPE & SPO	
s 59(1)	Power to decide an application without delay	MPE & SPO	
s 60(1)(a)	Duty to consider the relevant planning scheme	MPE & SPO	Note: VicSmart applications are exempt from the requirements of section 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	MPE & SPO	Note: VicSmart applications are exempt from the requirements of section 60(1)(b), (c), (e) and (f).
s 60(1A)(i)	Power to consider any agreement made pursuant to section 173	MPE & SPO	Note: VicSmart applications are exempt from the requirements of section 60(1A)(b) – (h) and (j).
s 60(1B)	Duty to consider the number of objectors in considering whether use or development may have significant social effect	MPE & SPO	
s 61(1)	Power to determine a permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	MPE & SPO	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	MPE & SPO	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	MPE & SPO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in section 62(1)(a)	MPE & SPO	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	MPE & SPO	
s 64(5)	Duty to give each objector a copy of an exempt decision	MPE & SPO	Note: VicSmart applications are exempt from requirements of section 64(1), (2) and (3) This provision applies also to a decision to grant an amendment to a permit - see section 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 recommending referral authority has objected to the grant of a permit	MPE & SPO	This provision applies also to a decision to grant an amendment to a permit - see section 75A.
s 65(1)	Duty to give notice of refusal to grant permit to an applicant and a person who objected under section 57	MPE & SPO	
s 66(1)	Duty to give notice under ss 64 or 65 and a copy of the permit to relevant determining referral authorities	MPE & SPO	
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	MPE & SPO	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.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 74	Duty to issue an amended permit to the applicant if there are no objectors	MPE & SPO	
s 76	Duty to give the applicant and objectors notice of a decision to refuse to grant an amendment to a permit	MPE & SPO	
s 76A(1)	Duty to give relevant determining referral authorities a copy of the amended permit and a copy of the notice	MPE & SPO	
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	MPE & SPO	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 section 76A(5)	MPE & SPO	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	MPE & SPO	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 a direction of the Minister to issue amended permit	MPE & SPO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 91(2)	Duty to comply with the directions of VCAT	DIDW & MPE & SPO	
s 91(2A)	Duty to issue an amended permit to the owner if the Tribunal so directs	MPE & SPO	
s 92	Duty to give notice of the cancellation/amendment of a permit by VCAT to persons entitled to be heard under section 90	MPE & SPO	
s 93(2)	Duty to give notice of a VCAT order to stop development	MPE & SPO	

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016

Column 1	Column 2	Column 3	Column 4
PROVISION	THING 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	DIDW & MPE	
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	DIDW & MPE	