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

Wodonga City Council

Instrument of Delegation

by

the Chief Executive Officer

September 16, 2024

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 Wodonga City Council and responsible authority for considering and determining planning permit applications to which cl 52.10-2 of Wodonga 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

Abbreviated title	Title
CEO	Chief Executive Officer
Directors	
DIG	Director Infrastructure and Growth
Managers	
MSS	Manager Statutory Services
Team leaders / coordinators	
TLSP	Team Leader Strategic Planning
TLStatP	Team Leader Statutory Planning
Other staff	
PTO	Planning Technical Officer
SP	Strategic Planner
SSP	Senior Strategic Planner
SStatP	Senior Statutory Planner
StatP	Statutory Planner

- 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 September 16, 2024 and is made by the Chief Executive Officer.

Signed by the Chief Executive Officer of Council in the presence of:).....
) Chief Executive Officer
 Date:

Witness: Date:

SCHEDULE

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 50(4)	Duty to amend application	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 50(5)	Power to refuse to amend application	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 50(6)	Duty to make note of amendment to application in register	CEO, DIG, MSS, TLStatP, SStatP, StatP, PTO	
s 50A(1)	Power to make amendment to application	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 50A(4)	Duty to note amendment to application in register	CEO, DIG, MSS, TLStatP, SStatP, StatP, PTO	
s 51	Duty to make a copy of every application and the prescribed information supplied in respect of the application available for inspection	CEO, DIG, MSS, TLStatP, SStatP, StatP, PTO	
s 52(1)(c)	Duty to give notice of the application to any person to whom the planning scheme requires it to give notice	CEO, DIG, MSS, TLSP, TLStatP, SSP, SP, SStatP, PTO, StatP	Note: Notice requirements under s 52(1)(a), (b) and (d) are exempt Other notice requirements apply
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	CEO, DIG, MSS, TLStatP, SStatP, StatP	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	CEO, DIG, MSS, TLStatP, SStatP, StatP	Note: Notice requirements under s 52(1)(a), (b) and (d) are exempt Other notice requirements apply

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	CEO, DIG, MSS, TLStatP, SStatP, StatP	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	CEO, MSS, TLStatP, SStatP, StatP	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, DIG, MSS, TLStatP, SStatP, StatP	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)	CEO, DIG, MSS, TLStatP, SStatP, StatP	Note: Notice requirements under s 52(1)(a), (b) and (d) are exempt Other notice requirements apply
s 54(1)	Power to require the applicant to provide more information	CEO, DIG, MSS, TLStatP, SStatP, StatP	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)	CEO, DIG, MSS, TLStatP, SStatP, StatP	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	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, DIG, MSS, TLStatP, SStatP, StatP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CEO, DIG, MSS, TLStatP, SStatP, StatP	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	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 57(2)	Function to receive an objection	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DIG, MSS, TLStatP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CEO, DIG, MSS, TLStatP, SStatP, PTO, StatP	
s 57(5)	Duty to make available for inspection copy of all objections	CEO, DIG, MSS, TLStatP, SStatP, PTO, StatP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CEO, DIG, MSS, TLStatP	
s 57A(5)	Power to refuse to amend application	CEO, DIG, MSS, TLStatP	
s 57A(6)	Duty to note amendments to application in register	CEO, DIG, MSS, TLStatP, SStatP, StatP, PTO	
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, DIG, MSS, TLStatP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, DIG, MSS, TLStatP	
s 57C(1)	Duty to give copy of amended application to referral authority	CEO, DIG, MSS, TLStatP, SStatP, PTO, StatP	
s 58	Duty to consider every application for a permit	CEO, DIG, MSS, TLStatP, SStatP, StatP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 58A	Power to request advice from the Planning Application Committee	Not applicable	
s 59(1)	Power to decide an application without delay	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 59(2)	Power to decide an application as soon as it gets the last of the replies from referral authorities	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 60(1)(a)	Duty to consider the relevant planning scheme	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 60(1)(b)	Duty to consider the objectives of planning in Victoria	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 60(1)(d)	Duty to consider any decision and comments of a referral authority which has been received	CEO, DIG, MSS, TLStatP, SStatP, StatP	
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	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 60(1)(f)	Duty to consider any significant social effects and economic effects which it considers the use or development may have.	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 60(1A)	Power to consider relevant matters	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 60(1B)	Duty to consider the number of objectors in considering whether use or development may have significant social effect	CEO, DIG, MSS, TLStatP, SStatP, StatP	
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	CEO, DIG, MSS, TLSP, TLStatP, SSP, SP, SStatP, StatP	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	CEO, DIG, MSS, TLStatP, SStatP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & 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	CEO, DIG, MSS, TLStatP, SStatP	
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	Not applicable	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 61A	Duty to delegate a power, duty or function to another council officer if there is a conflict of interest.	CEO, DIG, MSS, TLSP, TLStatP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 62(2)	Power to include other conditions	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, DIG, MSS, TLStatP, SStatP	
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	CEO, DIG, MSS, TLStatP, SStatP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, DIG, MSS, TLStatP, SStatP	
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)	CEO, DIG, MSS, TLStatP, SStatP, StatP	
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)	CEO, DIG, MSS, TLStatP, SStatP, StatP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 64(5)	Duty to give each objector a copy of an exempt decision	CEO, DIG, MSS, TLStatP, SStatP, PTO, StatP	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
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	CEO, DIG, MSS, TLStatP, SStatP, StatP	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	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 66(1)	Duty to give notice under ss 64 or 65 and copy permit to relevant determining referral authorities	CEO, DIG, MSS, TLStatP, SStatP, PTO, StatP	
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	CEO, DIG, MSS, TLStatP, SStatP, StatP	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 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)	CEO, DIG, MSS, TLStatP, SStatP, StatP	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.	CEO, DIG, MSS, TLStatP, SStatP, PTO, StatP	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.	CEO, DIG, MSS, TLStatP, SStatP, PTO, StatP	
s 69(1A)	Function of receiving application for extension of time to complete development.	CEO, DIG, MSS	
s 69(2)	Power to extend time	CEO, DIG, MSS	
s 70	Duty to make copy permit available for inspection	CEO, DIG, MSS, TLStatP, SStatP, PTO, StatP	
s 71(1)	Power to correct certain mistakes	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 71(2)	Duty to note corrections in register	CEO, DIG, MSS, TLStatP, SStatP, PTO, StatP	
s 73	Power to decide to grant amendment subject to conditions	CEO, DIG, MSS, TLStatP, SStatP, StatP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 74	Duty to issue amended permit to applicant if no objectors	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, DIG, MSS, TLStatP, SStatP, PTO, StatP	
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	CEO, DIG, MSS, TLStatP, SStatP, StatP	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)	CEO, DIG, MSS, TLStatP, SStatP, StatP	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	CEO, DIG, MSS, TLStatP, SStatP, PTO, StatP	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	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 83	Function of being respondent to an appeal	CEO, DIG, MSS, TLStatP, SStatP, StatP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 83B	Duty to give or publish notice of application for review	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	MSS, TLStatP, SStatP, StatP	
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	MSS, TLStatP, SStatP	
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	CEO, DIG, MSS, TLStatP	
s 84(6)	Duty to issue permit on receipt of advice from presidential member of the Tribunal	CEO, DIG, MSS, TLStatP, SStatP, StatP, PTO	
s 84AB	Power to agree to confining a review by the Tribunal	CEO, DIG, MSS	
s 86	Duty to issue a permit at order of Tribunal	CEO, DIG, MSS, TLStatP, SStatP, StatP, PTO	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CEO, DIG, MSS, TLStatP	
s 91(2)	Duty to comply with the directions of VCAT	CEO, DIG, MSS, TLStatP, SStatP, PTO, StatP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CEO, DIG, MSS, TLStatP, SStatP, StatP	
s 93(2)	Duty to give notice of VCAT order to stop development	CEO, DIG, MSS, TLStatP, TLC, SStatP, StatP, PTO	

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING 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	CEO, DIG, MSS, TLStatP	

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	CEO, DIG	
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	CEO, DIG, MSS, TLSP, TLStatP	