



Greater Dandenong City Council

**Instrument of Delegation by
Chief Executive Officer for
VicSmart Applications under the
*Planning and Environment Act 1987***

14 December 2021

Instrument of Delegation by the Chief Executive Officer for VicSmart Applications under the *Planning and Environment Act 1987*

In exercise of the power conferred by section 47(2) of the *Local Government Act 2020* and section 188 of the *Planning and Environment Act 1987*, I, as Chief Executive Officer of the Greater Dandenong City Council and the responsible authority for the administration and enforcement of the Greater Dandenong Planning Scheme as set out in clause 72.01 of that scheme, by 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 office or position respectively described in Column 3 of the Schedule;
2. record references in the Schedule meaning as follows:
 - CPC: Coordinator Planning Compliance
 - CStatP: Coordinator Statutory Planning
 - CStratP: Coordinator Strategic, Design and Sustainability Planning
 - DCPDA: Director City Planning, Design and Amenity
 - MBCS: Manager Building and Compliance Services
 - MPD: Manager Planning and Design
 - SPCO: Senior Planning Compliance Officer
 - PStatP: Principal Statutory Planner
 - SStatP: Senior Statutory Planner
 - StatP: Statutory Planner
 - TLABCS: Team Leader Administration Building & Compliance Services
 - TLStatP: Team Leader Statutory Planning
 - TLStratP: Team Leader Strategic Planning
3. declare that this Instrument of Delegation:
 - comes into force immediately upon its execution
 - remains in force until varied or revoked; and
 - is subject to any conditions and limitation set out in paragraph 4 and as set out within the Schedule; and
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 section 188 of the *Planning and Environment Act 1987* or otherwise.

This Instrument of Delegation is dated 14 December 2021 and is made by the Chief Executive Officer.



Signed by the Chief Executive Officer of Greater Dandenong City Council
John Bennie PSM

in the presence of



Lisa Roberts
Manager Governance
Greater Dandenong City Council
225 Lonsdale Street, Dandenong VIC 3175

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
Column 1	Column 2	Column 3	Column 4
s 50(4)	Duty to amend application	CStatP, DCPDA, MPD, PStatP, TLStatP	
s 50(5)	Power to refuse to amend application	CStatP, DCPDA, MPD	
s 50(6)	Duty to make note of amendment to application in register	CStatP, DCPDA, MPD, PStatP, SStatP, StatP, TLStatP	
s 50A(1)	Power to make amendment to application	CStatP, DCPDA, MPD, PStatP, TLStatP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 50A(4)	Duty to note amendment to application in register	CStatP, DCPDA, MPD, PStatP, SStatP, StatP, TLStatP	
s 51	Duty to make a copy of every application and the prescribed information supplied in respect of the application available for inspection	CStatP, DCPDA, MPD, PStatP, SStatP, StatP, TLStatP	
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	CStatP, DCPDA, MPD, PStatP, TLStatP	Notice requirements under s 52(1)(a), (b), (c) 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	CStatP, DCPDA, MPD, PStatP, TLStatP	Notice requirements under s 52(1)(a), (b), (c) and (d) are exempt. Other notice requirements apply
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CStatP, DCPDA, MPD, PStatP, TLStatP	Notice requirements under s 52(1)(a), (b), (c) and (d) are exempt. Other notice requirements apply

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 52(3)	Power to give any further notice of an application where appropriate	CStatP, DCPDA, MPD, PStatP, TLStatP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CStatP, DCPDA, MPD, PStatP, TLStatP	Notice requirements under s 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 s 52(1AA)	CStatP, DCPDA, MPD, PStatP, TLStatP	Notice requirements under s 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	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	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)	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	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	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CStatP, DCPDA, MPD, PStatP, TLStatP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CStatP, DCPDA, MPD	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CStatP, DCPDA, MPD, PStatP, SStatP, StatP, TLStatP	
s 57(5)	Duty to make available for inspection copy of all objections	CStatP, DCPDA, MPD, PStatP, SStatP, StatP, TLStatP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CStatP, DCPDA, MPD, PStatP, TLStatP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 57A(5)	Power to refuse to amend application	CStatP, DCPDA, MPD	
s 57A(6)	Duty to note amendments to application in register	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 57B(1)	Duty to determine whether and to whom notice should be given	CStatP, DCPDA, MPD, PStatP, TLStatP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CStatP, DCPDA, MPD, PStatP, TLStatP	
s 57C(1)	Duty to give copy of amended application to referral authority	CStatP, DCPDA, MPD, PStatP, TLStatP	
s 58	Duty to consider every application for a permit	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 58A	Power to request advice from the Planning Application Committee	CStatP, DCPDA, MPD	
s 59(1)	Power to decide an application without delay	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 60(1)(a)	Duty to consider the relevant planning scheme	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	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	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	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	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	Note: VicSmart applications are exempt from the requirements of s 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	DCPDA, MPD	
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	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	DCPDA,	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DCPDA,	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 62(2)	Power to include other conditions	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
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	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
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)	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and 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 s 62(1)(a)	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 64(5)	Duty to give each objector a copy of an exempt decision	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	Note: VicSmart 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	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	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	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 66(1)	Duty to give notice under ss 64 or 65 and copy permit to relevant determining referral authorities	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
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	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	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)	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	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

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	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	CStatP, DCPDA, MPD, PStatP, SStatP, StatP, TLStatP	
s 69(1A)	Function of receiving application for extension of time to complete development	CStatP, DCPDA, MPD, PStatP, SStatP, StatP, TLStatP	
s 69(2)	Power to extend time	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 70	Duty to make copy permit available for inspection	CStatP, DCPDA, MPD, PStatP, SStatP, StatP, TLStatP	
s 71(1)	Power to correct certain mistakes	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 71(2)	Duty to note corrections in register	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 73	Power to decide to grant amendment subject to conditions	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 74	Duty to issue amended permit to applicant if no objectors	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
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	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	If the recommending referral authority objected to the amendment of the permit or the responsible authority

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Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			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)	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	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	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	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	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 83	Function of being respondent to an appeal	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 83B	Duty to give or publish notice of application for review	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CStatP, DCPDA, MPD, PStatP, TLStatP	
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	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
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	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 84(6)	Duty to issue permit on receipt of advice	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 84AB	Power to agree to confining a review by the Tribunal	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 86	Duty to issue a permit at order of Tribunal	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CPC, CStatP, DCPDA, MBCS, MPD, TLABCS, SPCO, TLStatP	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CPC, CStatP, DCPDA, MBCS, MPD, TLABCS, SPCO, TLStatP	
s 91(2)	Duty to comply with the directions of VCAT	CPC, CStatP, DCPDA, MPD, PStatP, SPCO, SStatP, TLStatP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	
s 93(2)	Duty to give notice of VCAT order to stop development	CPC, CStatP, DCPDA, MBCS, MPD, PStatP, SStatP, TLStatP	

Planning and Environment Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
Column 1	Column 2	Column 3	Column 4
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	CStatP, DCPDA, MPD, PStatP, SStatP, TLStatP	

Planning and Environment (Fees) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
Column 1	Column 2	Column 3	Column 4
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CStatP, DCPDA, MPD	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under rs. 19 or 20	CStatP, CStratP, DCPDA, MPD, TLStratP	