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

Knox City Council

Instrument of Delegation
VicSmart Applications under the
Planning and Environment Act 1987

by

The Chief Executive Officer

Adopted October 2025

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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 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 Knox City Council and the responsible authority for the administration and enforcement of the Knox Planning Scheme as set out in clause 61.01 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. record that a reference in the Schedule to:

"Group A" means	Chief Executive Officer Director City Liveability Manager City Planning & Building Manager City Futures
"Group B" means	Coordinator Planning Coordinator City Strategy and Planning Principal Planner Project Manager Strategic Planning Senior Strategic Planner
"Group C" means	Planning Officer Senior Planner Senior Subdivision Planner
"Group D" means	Subdivision Planner
"Group E" means	Planning Investigation Officer Landscape Inspection Officer
"Group F" means	Planning Support Officer Student Planner Project Support Officer
"Group G" means	Team Leader City Planning Administration City Planning Administration Officers

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"Group H" means	Customer Service Officer (HUB)
"Group I" means	Arborist
	Landscape Assessment Officer
	Assistant Landscape Officer

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 section 188 *Planning and Environment Act* 1987 or otherwise.

5. In exercising any duty, function or power under this delegation the officer concerned will be mindful of the provisions under Division 1A – Conduct and Interests of the Local Government Act 1989.

   5.1 The principles of these provisions will apply to delegated officers.

   5.2 Any disclosures under section 77A or 79 must be recorded in accordance with any guidelines or policies which Council from time to time adopts.

This instrument of delegation is dated 27 October 2025 and is made by the Chief Executive Officer.

Signed by:
Bruce Dobson
D138D769B0154FB...

Signed by the Chief Executive Officer
of Knox City Council in the presence of: 29/10/2025 | 08:39:05 AEDT

DocuSigned by:
Sue Posch
0A3E327A061A46C...

.....

Witness

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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.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	All Groups	
s.49(2)	duty to make register available for inspection	All Groups	
s.50(4)	duty to amend application	Groups A, B, C, D, F & I	
s.50(5)	power to refuse to amend application	Groups A, B, C, D & I	
s.50(6)	duty to make note of amendment to application in register	Groups A, B, C, D, F & I	
s.50A(1)	power to make amendment to application	Groups A, B, C, D, F & I	
s.50A(3}	power to require applicant to notify owner and make a declaration that notice has been given	Groups A, B, C, D, F & I	
s.50A(4)	duty to note amendment to application in register	Groups A, B, C, D, F & I	
s.51	duty to make a copy of every application and the prescribed information supplied in respect of the application available for inspection	All Groups	
S52(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	All Groups	Applicable for Future Homes Applications only. Note: VicSmart Applications are exempt from the notice requirements under s52(1)(a), (b), (c) and (d)

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	**Column 2**	**Column 3**	**Column 4**
PROVISION	**THING DELEGATED**	**DELEGATE**	**CONDITIONS & LIMITATIONS**
S52(1)(b)	Duty to give notice of the application to other municipal Councils where appropriate	All Groups	Applicable for Future Homes Applications only. Note: VicSmart Applications are exempt from the notice requirements under s52(1)(a), (b), (c) and (d)
S52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	All Groups	Applicable for Future Homes Applications only. Note: VicSmart Applications are exempt from the notice requirements under s52(1)(a), (b), (c) and (d)
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	Groups A, B, C, D, F & I	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	Groups A, B, C & D	Notice requirements under s.52(1)(a), (b), (c) and (d) are exempt. Other notice requirements apply.
S52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	Groups A, B, C, D, F & I	Applicable for Future Homes Applications only. Note: VicSmart Applications are exempt from the notice requirements under s52(1)(a), (b), (c) and (d)
s.52(3)	power to give any further notice of an application where appropriate	Groups A, B & C	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	Groups A, B, C, D, F, G & I	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	**Column 2**	**Column 3**	**Column 4**
PROVISION	**THING DELEGATED**	**DELEGATE**	**CONDITIONS & LIMITATIONS**
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	Groups A, B, C, D, F, G & I	
s.54(1)	power to require the applicant to provide more information	Groups A, B, C, D, F, G & I	Note: for VicSmart applications, clause 71.06 of the planning scheme provides that delegates cannot require an applicant to provide more information than what is listed in clauses 59.01-59.16 of the planning scheme., whichever clause is relevant to the application.
s.54(1A)	duty to give notice in writing of information required under section 54(1)	Groups A, B, C, D, F, G & I	Note: for VicSmart applications, clause 71.06 of the planning scheme provides that delegates cannot require an applicant to provide more information than what is listed in clauses 59.01-59.16 of the planning scheme., whichever clause is relevant to the application. .
s.54(1B)	duty to specify the lapse date for an application	Groups A, B, C, D, F & I	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	Groups A, B, C, D, F & I	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	Groups A, B, C, D, F, G & I	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	**Column 2**	**Column 3**	**Column 4**
PROVISION	**THING DELEGATED**	**DELEGATE**	**CONDITIONS & LIMITATIONS**
S55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	Groups A, B, C, D, F, G & I	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	Group A	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	Groups A, B, C, D, F & I	
s.57(5)	duty to make available for inspection copy of all objections	All Groups	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	Groups A, B, C, D, F & I	
s.57A(5)	power to refuse to amend application	Groups A, B, C, D, F & I	
s.57A(6)	duty to note amendments to application in register	All Groups	
s.57B(1)	duty to determine whether and to whom notice should be given	Groups A, B, C, D, F & I	
s.57B(1)	duty to determine whether and to whom notice should be given	Groups A, B, C, D, F & I	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	Groups A, B, C, D, F & I	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	**Column 2**	**Column 3**	**Column 4**
PROVISION	**THING DELEGATED**	**DELEGATE**	**CONDITIONS & LIMITATIONS**
s.57C(1)	duty to give copy of amended application to referral authority	Groups A, B, C, D, F & I	
s.58	duty to consider every application for a permit	Groups A, B, C, D, F & I	
s.58A	power to request advice from the Planning Application Committee	Chief Executive Officer Director City Liveability	
s. 59(1)	Power to decide an application without delay	Groups A, B. C, D, F & I	
S 60	Duty to consider certain matters	Groups A, B. C, D, F & I	Note: VicSmart applications are exempt from the requirements of s60(1)(b), (c), € and (f)
s.60(1)(a}	duty to consider the relevant planning scheme	Groups A, B, C, D. F & I	
s.60(1)(d}	duty to consider any decision and comments of a referral authority which has been received	Groups A. B. C, D, F & I	
s. 60(1A)(a)	power to consider certain matters before deciding on application any significant social and economic effects of the use or development for which the application is made	Groups A. B. C, D, F & I	
s. 60(1A)(i)	power to consider any agreement made pursuant to section 173	Groups A. B. C, D, F & I	

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PROVISION	**THING DELEGATED**	**DELEGATE**	**CONDITIONS & LIMITATIONS**
s.60(1B)	duty to consider the number of objectors in considering whether use or development may have significant social effect	Groups A. B. C, D, F & I	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	**Column 2**	**Column 3**	**Column 4**
PROVISION	**THING DELEGATED**	**DELEGATE**	**CONDITIONS & LIMITATIONS**
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	Groups A, B, C, **D**, F & I	The permit must not be inconsistent with a cultural heritage management plan under the *Aboriginal Heritage Act* 2006. Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B. Group **D:** May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B. Group **F:** May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B. Group **I:** May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	**Column 2**	**Column 3**	**Column 4**
PROVISION	**THING DELEGATED**	**DELEGATE**	**CONDITIONS & LIMITATIONS**
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	Groups A, B, C, D, F & I	Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B. Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B. Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B. Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.

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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	Groups A, B, C, D, F & I	Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B. Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B. Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B. Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.
s61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Groups A, B, C, D, F & I	

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s61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	Groups A, B, C, D, F & I	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	Groups A, B, C, D, F & I	Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B. Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B. Group **F:** May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B. Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.
s.62(1)	duty to include certain conditions in deciding to grant a permit	Groups A, B, C, D, F & I	
s.62(2)	power to include other conditions	Groups A, B, C, D, F & I	

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s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	Groups A, B, C, D, F & I	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	Groups A, B, C, D, F & I	
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 section 173 agreement	Groups A, B, C, D, F & I	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	Groups A, B, C, D, F & I	
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 section 62(5) or section 46N(1), 46GV(7) or 62(5)	Groups A, B, C, D, F & I	
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)	Groups A, B, C, D, F & I	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	Groups A, B, C, D, F & I	

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s.64(5)	duty to give each objector a copy of an exempt decision	Groups A, B, C, D, F & I	Note: VicSmart and Future Home 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 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	Groups A, B, C, D, F & I	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 applicant and person who objected under section 57	Groups A, B, C, D, F & I	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	Groups A, B, C, D, F & I	
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	Groups A, B, C, D, F & I	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 section 66(5)	Groups A, B, C, D, F & I	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

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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 section 64 or 65	Groups A, B, C, D, F & I	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	Groups A, B, C, D, F & I	
s.69(1A)	function of receiving application for extension of time to complete development	Groups A, B, C, D, F & I	

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s.69(2)	power to extend time	Groups A, B, C, D, F & I	In exercising this power consideration must be given to the matters referred to in Butterworths' Casenotes 5.35 relating to 'Extension of Time' and: · Whether there has been a change inplanning circumstances of the site (ie changes in zoning or planning policy); · Whether there has been a change in the material circumstances of the site and surrounds; · The steps the owner may or may not have undertaken in an endeavour to act on the permit; · Whether the time limit imposed was adequate having regard to the actions required to fulfil permit conditions. Groups C, D, F & I: May only exercise this power after obtaining the approval of at least one other delegate from Group A or B. Group I: May only exercise these powers where the application involves the removal or pruning of vegetation.
s.70	duty to make copy permit available for inspection	All Groups	
s.71(1)	power to correct certain mistakes	Groups A, B, C, D, F & I	

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s.71(2)	duty to note corrections in register	Groups A, B, C & D	
s.73	power to decide to grant amendment subject to conditions	Groups A, B, C & D	
s.74	duty to issue amended permit to applicant if no objectors	Groups A, B, C, D, F & **I**	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	Groups A, B, C, D, F & I	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	Groups A, B, C, D, **F** & **I**	
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	Groups A, B, C, D, F & **I**	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)	Groups A, B, C, D, F & **I**	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 section 64 or 76	Groups A, B, C, D, F & **I**	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

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s.76D	duty to comply with direction of Minister to issue amended permit	Groups A, B, C & D	
s.83	function of being respondent to an appeal	Groups A, B, C, D, F & I	
s.83B	duty to give or publish notice of application for review	Groups A, B, C, D, F & I	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	Groups A, B, C, D, F & I	The permit must not be inconsistent with a cultural heritage management plan under the *Aboriginal Heritage Act* 2006. Group C: May only exercise these powers after obtaining the consent of one delegate from Group A or B. Group D: May only exercise these powers in respect of applications for subdivisions and after obtaining the consent of one delegate from Group A or B. Group F: May only exercise these powers in respect of applications for minor matters and after obtaining the consent of one delegate from Group A or B. Group I: May only exercise these powers where the application involves removal of four (4) or less trees or pruning of vegetation. These powers maybe exercised for an application for removal or pruning of five (5) or more trees/vegetation after obtaining the consent of one delegate from Group A or B.

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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	Groups A, B, C, D, F & I	
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	Groups A, B, C, D, F & I	
s.84(6)	duty to issue permit on receipt of advice	Groups A, B, C, D, F & I	
s. 84AB	agree to confining a review by the Tribunal	Groups A, B, C & D	
s.86	duty to issue a permit at order of Tribunal	Groups A, B, C, D, F & I	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	Group A	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	Groups A, B, C, D & E	
s.91(2)	duty to comply with the directions of VCAT	Groups A, B, C, D & E	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	Groups A, B, C, D & E	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	Groups A, B, C, D & E	
s.93(2)	duty to give notice of VCAT order to stop development	Groups A, **B,** C, D & E	
Misc.	power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	Groups A, B, C, D & E	

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Misc.	power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	Groups A, B, C & D	
Misc.	power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	Groups A, B, C & D	
Misc.	power to give written authorisation in accordance with a provision of a planning scheme	Groups A, B, C & D	
Misc.	power to mediate an appeal at the Victorian Civil and Administrative Tribunal - Mediation Hearing	Groups A, B, C & D	

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PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	**Column 2**	**Column 3**	**Column 4**
PROVISION	**THING DELEGATED**	**DELEGATE**	**CONDITIONS & 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 section 54 of the Act	Groups A, B, C, D, F & I	
r. 25	Duty to make copy of matter considered under s60(1A)(g) in accordance with the public availability requirements	Groups A, B, C, D, F & I	Applicable for Future Homes Applications only

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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	Groups A & B	
r.21	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	Groups A & B	