



Ararat Rural City

ARARAT RURAL CITY COUNCIL

INSTRUMENT OF DELEGATION

S6A INSTRUMENT OF DELEGATION UNDER THE PLANNING AND  
ENVIRONMENT ACT 1987

27 JANUARY 2026

## Instrument of Delegation

In exercise of the powers conferred by the Planning and Environment Act 1987 (Act), the legislation referred to in the attached Schedule, and in accordance with section 188 of the Act, the Council:

1. delegates each duty and/or function and/or power 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 described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. records that references in the Schedule are as follows:

CEO means Chief Executive Officer

MDR means Manager Development & Regulation

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of the Ararat Rural City Council passed on 27 January 2026; and

3.2 the delegation:

3.2.1 comes into force immediately when the common seal of Council is affixed to this Instrument of Delegation or, where the Chief Executive Officer of Council is authorised under resolution, the Chief Executive Officer executes the Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts;

3.3 the delegate must not determine the issue, take the action or do the act or thing:

3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy

adopted by Council;

3.3.3 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; or

3.3.4 if the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee; and

3.4 acknowledges that this delegation only affects the current S6 Instrument of Delegation to members of Council staff to the extent that the provisions in the Schedule are marked as 'amended' or 'repealed' as appropriate.

The COMMON SEAL of the  
ARARAT RURAL CITY COUNCIL  
was affixed hereto in accordance with  
the resolution of Council made on  
27 January 2026

Mayor \_\_\_\_\_

Chief Executive Officer \_\_\_\_\_

Date: .....



## **Delegation Sources**

- Planning and Environment Act 1987

## S6A Instrument of Delegation under the Planning and Environment Act 1987

Planning and Environment Act 1987			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CEO, MDR	<p>This provision has been repealed, as of 25 November 2025, and should not be exercised.</p> <p>Refer to section 231 for treatment of amendments on foot before the repeal of this section.</p>
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CEO, MDR	<p>This provision has been repealed, as of 25 November 2025, and should not be exercised.</p> <p>Refer to section 231 for treatment of amendments on foot before the repeal of this section.</p>
s 8A(5)	Function of receiving notice of the Minister's decision	CEO, MDR	<p>This provision has been repealed, as of 25 November 2025, and should not be exercised.</p> <p>Refer to section 231 for treatment of amendments on foot before the repeal of this section.</p>
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CEO, MDR	<p>This provision has been repealed, as of 25 November 2025, and should not be exercised.</p> <p>Refer to section 231 for treatment of amendments on foot before the repeal of this section.</p>

## Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	CEO, MDR	This provision has been repealed, as of 25 November 2025, and should not be exercised.  Refer to section 231 for treatment of amendments on foot before the repeal of this section.
16B	Duty (upon receiving a request to prepare an amendment to the planning scheme) to decide:  - to apply to the Minister for authorisation to prepare the amendment, with or without changes, under section 16F, or  - to refuse the request.  Note: see also sections 16A, 16D, 16E and 16K.	CEO, MDR	
16C(1)	Duty to give written notice of its decision under section 16B to the person who made the request within 10 business days of making the decision.  Note: The notice must contain prescribed information, and reasons if it is a refusal.	CEO, MDR	
16C(4)	Duty to give a copy of the request and the notice under subsection 16C(1) to the Minister.	CEO, MDR	
16F	Power to apply to the Minister for authorisation to prepare an amendment to the State standard provisions or the local	CEO, MDR	

## Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	provisions of a planning scheme in force in the municipal district.  Note: see also sections 16G and 16K.		
16F	Power to prepare an amendment to the planning scheme where the Minister has authorised Council to do so under section 16F	CEO, MDR	
16H	Power to prepare an amendment specified in an application without the Minister's authorisation if no response received after 10 business days  Note: see also section 16K.	CEO, MDR	Does not apply in relation to an application for the preparation of an amendment that will apply to land to which a Suburban Rail Loop planning area declaration applies.
16I	Power to apply to the Minister for authorisation to prepare an amendment to any part of the State standard provisions and local provisions of a planning scheme applying to an area adjoining its municipal district.	CEO, MDR	
16I	Power to prepare amendment to the planning scheme applying to an area adjoining Council's municipal district where the Minister has authorised Council to do so under section 16I.  Note: see also sections 16D, 16G and 16J.	CEO, MDR	
23A(2)	Power to:	CEO, MDR	Where Council is the planning authority.



## Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<ul style="list-style-type: none"> <li>- change the amendment in the manner requested;</li> <li>- not change the amendment in the manner requested; or</li> <li>- abandon the amendment or part of the amendment.</li> </ul>		After considering a submission which requests a change to a 'low-impact' amendment (as described in section 16N).
28(1)	Duty to notify the Minister if abandoning an amendment, with a copy of any submission considered, and a statement of reasons for the decision.	CEO, MDR	Note: the power to make a decision to abandon an amendment cannot be delegated
28C	Duty to comply with directions of the Minister after abandoning the amendment with respect to: <ul style="list-style-type: none"> <li>- providing relevant documentation; and</li> <li>- providing assistance with steps to be taken for the amendment.</li> </ul>	CEO, MDR	
48A	Power to notify an applicant that the application is incomplete  Note: The notice must set out any required fees or information, the date for payment or production, and the effect of non-compliance set out in section 48B(1).	CEO, MDR	Where Council is the responsible authority
48C	Power to refund a fee paid for an application which is void and of no effect under section 48B(1)	CEO, MDR	Where Council is the responsible authority

## Planning and Environment Act 1987

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, MDR	<p>The request to prepare the amendment must be made under section 16A.</p> <p>Delegate must not agree to consider the application for the permit concurrently with the preparation of the proposed amendment unless it has made a decision under section 16B(a) to apply to the Minister for authorisation to prepare the amendment, with or without changes, under section 16F.</p>
96Z	Duty to keep levy certificates and levy exemption certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	CEO, MDR	
158F	Power to make submissions in response to a directions panel	CEO, MDR	