

## **S6A. Instrument of Delegation Under the Planning and Environment Act 1987**



# **Mansfield Shire**

**Instrument of Delegation  
to  
Members of Council Staff**

## **S6A. Instrument of Delegation Under the Planning and Environment Act 1987**

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:

| Abbreviation | Position                              |
|--------------|---------------------------------------|
| GMIP         | General Manager Investment & Planning |
| SCP          | Senior Coordinator Planning           |

3. declares that:
  - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 16 December 2025; and
  - 3.2 the delegation:
    - 3.2.1 comes into force immediately upon a resolution of Council;
    - 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) strategyadopted 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.

**This Instrument of Delegation is dated 16 December 2025** and is made under resolution of Mansfield Shire Council

**Signed** by the Mayor        )  
of Mansfield Shire Council )  
in the presence of        )

.....

Witness

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Date

| Planning and Environment Act 2017 |   |           |  |
|-----------------------------------|---|-----------|--|
| Provision                         | Item Delegated  | Delegate  | Conditions & Limitations   |
| s 8A(2)<br>( <i>repealed</i> )    | Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A   | -         | 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. |
| s 8A(3)<br>( <i>repealed</i> )    | Power to apply to Minister to prepare an amendment to the planning scheme   | -         | 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. |
| s 8A(5)<br>( <i>repealed</i> )    | Function of receiving notice of the Minister's decision   | -         | 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. |
| s 8A(7)<br>( <i>repealed</i> )    | Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days   | -         | 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. |
| s 8B(2)<br>( <i>repealed</i> )    | Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district  | -         | 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:<br>- to apply to the Minister for authorisation to prepare the amendment, with or without changes, under section 16F, or<br>- to refuse the request.<br><b>Note:</b> see also sections 16A, 16D, 16E and 16K. | GMIP, SCP |  |

| Planning and Environment Act 2017 |  |           |   |
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| Provision                         | Item Delegated   | Delegate  | Conditions & Limitations  |
| 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.<br><b>Note:</b> The notice must contain prescribed information, and reasons if it is a refusal. | GMIP, SCP |   |
| 16C(4)                            | Duty to give a copy of the request and the notice under subsection 16C(1) to the Minister.   | GMIP, SCP |   |
| 16F                               | Power to apply to the Minister for authorisation to prepare an amendment to the State standard provisions or the local provisions of a planning scheme in force in the municipal district.<br><b>Note:</b> see also sections 16G and 16K.        | GMIP, SCP |   |
| 16F                               | Power to prepare an amendment to the planning scheme where the Minister has authorised Council to do so under section 16F  | GMIP, SCP |   |
| 16H                               | Power to prepare an amendment specified in an application without the Minister's authorisation if no response received after 10 business days<br><b>Note:</b> see also section 16K.  | GMIP, SCP |   |
| 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.                            | GMIP, SCP |   |
| 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.<br><b>Note:</b> see also sections 16D, 16G and 16J.           | GMIP, SCP |   |
| 23A(2)                            | Power to:<br>- change the amendment in the manner requested;<br>- not change the amendment in the manner requested; or<br>- abandon the amendment or part of the amendment.  | GMIP, SCP | Where Council is the planning authority.<br>After considering a submission which requests a change to a 'low-impact' amendment (as described in section 16N). |

| Planning and Environment Act 2017 |   |           |  |
|-----------------------------------|---|-----------|--|
| Provision                         | Item Delegated  | Delegate  | Conditions & Limitations   |
| 28(1)<br>( <i>amended</i> )       | Duty to notify the Minister if abandoning an amendment, with a copy of any submission considered, and a statement of reasons for the decision.  | GMIP, SCP | 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:<br>- providing relevant documentation; and<br>- providing assistance with steps to be taken for the amendment.                             | GMIP, SCP |  |
| 48A                               | Power to notify an applicant that the application is incomplete<br><b>Note:</b> 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). | GMIP, SCP | 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)   | GMIP, SCP | Where Council is the responsible authority   |
| 96A(2)<br>( <i>amended</i> )      | Power to agree to consider an application for permit concurrently with preparation of proposed amendment  | GMIP, SCP | The request to prepare the amendment must be made under section 16A.<br>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. |
| 96Z<br>( <i>amended</i> )         | 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  | GMIP, SCP |  |
| 158F                              | Power to make submissions in response to a directions panel   | GMIP, SCP |  |