

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

West Wimmera Shire Council

Instrument of Delegation

to

Members of Council staff

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:

Abbreviation	Position	Name
DIDW	Director Infrastructure Development and Works	Brendan Pearce
MPE	Manager Planning and Environment	Nicole Wearne
NA	Not Applicable	Not Applicable
SPO	Senior Planning Officer	Edwin Irvine (or current incumbent)

3. declares that:
 - 3.1 this Instrument of Delegation is authorised by a **resolution** of Council passed on 18 February 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

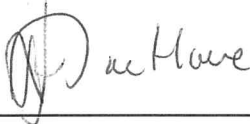



adopted by Council;

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.

Insert Council seal

<p>The Common Seal of the West Wimmera Shire Council was affixed in the presence of:</p> <p></p> <hr/> <p>Councillor</p> <p></p> <hr/> <p>Councillor</p> <p></p> <hr/> <p>Chief Executive Officer</p> <p>At the Council Meeting held 18 February 2026</p>	
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SCHEDULE

Delegation Sources

- Planning and Environment Act 1987

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
806949	WA	Planning and Environment Act 1987	s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	NA	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.
806950	WA	Planning and Environment Act 1987	s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	NA	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.
806951	WA	Planning and Environment Act 1987	s 8A(5)	Function of receiving notice of the Minister's decision	NA	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.
806952	WA	Planning and Environment Act 1987	s 8A(7)	Power to prepare the amendment specified in the application without the Minister's	NA	This provision has been repealed, as of 25 November 2025, and should not be exercised.

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				authorisation if no response received after 10 business days		Refer to section 231 for treatment of amendments on foot before the repeal of this section.
806953	WA	Planning and Environment Act 1987	s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	NA	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.
806954	WA	Planning and Environment Act 1987	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.	DIDW, MPE, SPO	

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
806955	WA	Planning and Environment Act 1987	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.	DIDW, MPE, SPO	
806956	WA	Planning and Environment Act 1987	16C(4)	Duty to give a copy of the request and the notice under subsection 16C(1) to the Minister.	DIDW, MPE, SPO	
806957	WA	Planning and Environment Act 1987	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. Note: see also sections 16G and 16K.	DIDW, MPE, SPO	

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
806958	WA	Planning and Environment Act 1987	16F	Power to prepare an amendment to the planning scheme where the Minister has authorised Council to do so under section 16F	DIDW, MPE, SPO	
806959	WA	Planning and Environment Act 1987	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.	DIDW, MPE, SPO	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.
806960	WA	Planning and Environment Act 1987	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.	DIDW, MPE, SPO	

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
806961	WA	Planning and Environment Act 1987	16I	<p>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.</p> <p>Note: see also sections 16D, 16G and 16J.</p>	DIDW, MPE, SPO	
806962	WA	Planning and Environment Act 1987	23A(2)	<p>Power to:</p> <ul style="list-style-type: none"> - change the amendment in the manner requested; - not change the amendment in the manner requested; or - abandon the amendment or part of the amendment. 	DIDW, MPE, SPO	<p>Where Council is the planning authority.</p> <p>After considering a submission which requests a change to a 'low-impact' amendment (as described in section 16N).</p>

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
806963	WA	Planning and Environment Act 1987	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.	DIDW, MPE, SPO	Note: the power to make a decision to abandon an amendment cannot be delegated
806964	WA	Planning and Environment Act 1987	28C	Duty to comply with directions of the Minister after abandoning the amendment with respect to: - providing relevant documentation; and - providing assistance with steps to be taken for the amendment.	DIDW, MPE, SPO	
806965	WA	Planning and Environment Act 1987	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).	DIDW, MPE, SPO	Where Council is the responsible authority

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
806966	WA	Planning and Environment Act 1987	48C	Power to refund a fee paid for an application which is void and of no effect under section 48B(1)	DIDW, MPE, SPO	Where Council is the responsible authority
806967	WA	Planning and Environment Act 1987	96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	DIDW, MPE, SPO	The request to prepare the amendment must be made under section 16A. 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.
806968	WA	Planning and Environment Act 1987	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	DIDW, MPE, SPO	

ID	Status Code	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
806969	WA	Planning and Environment Act 1987	158F	Power to make submissions in response to a directions panel	DIDW, MPE, SPO	