



Instrument of Delegation (Planning Committee)

Darebin City Council

Instrument of Delegation

to

Planning Committee

Instrument of Delegation

Darebin City Council (**Council**) delegates to the committee established under Section 63 of the *Local Government Act 2020* and known as the "Planning Committee" (**the Committee**), the powers, discretions and authorities set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 27 September 2021;
2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation and revokes the delegation issued by the Council on 7 December 2020;
 - 2.2 remains in force until Council resolves to vary or revoke it; and
 - 2.3 is to be exercised in accordance with the exceptions, conditions and limitations set out in the Schedule and with the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee have voting rights.

DATED: 11 NOV 2021

The COMMON SEAL of)
 DAREBIN CITY COUNCIL)
 was affixed on)
 with the authority of the Council:)





Councillor



Chief Executive Officer

SCHEDULE

Purpose

To exercise Council's powers, discretions and authorities to perform Council's functions under the *Planning and Environment Act 1987* in accordance with relevant policies and guidelines of the Council and to do all things necessary or convenient to be done for or in connection with the performance those functions, duties and powers.

1. Powers and Functions

The Planning Committee (the Committee) is a ' Delegated committee ' with delegated powers appointed pursuant to section 63 of the *Local Government Act 2020* (the Act), to assist Council in decision making on statutory planning matters (including considering and approving or rejecting applications for planning permits and on strategic planning matters including planning scheme amendments, planning policies, land use strategies and strategic development sites pursuant to the *Planning and Environment Act 1987*.

2. Membership

The Committee comprises all Councillors.

3. Chairperson

The Mayor is the Committee Chairperson.

4. Meetings

The Committee will meet as determined by resolution of the Council.

5. Weekly Activity Reports on Planning Applications

Planning Committee Members will receive a weekly report on the following planning application types for each week from February to December in any year. The report shall include a clear description of the proposal and where it meets any of the following criteria:-

- (a) Any Planning applications which receive five or more objections.¹
- (b) Planning applications (excluding amendments, secondary consents or extensions of time for permits) where the development proposes 4 or more storeys.
- (c) Planning applications which fail to meet the objectives of adopted planning scheme amendments or Council policy included in the Darebin Planning Scheme.
- (d) Planning applications which, in the opinion of the Manager responsible for the Statutory Planning functions, raise major policy implications such as exceeding a height specified in the planning scheme and ought to be referred to the Councillors.
- (e) Any other applications for major developments or changes of use which, in the opinion of the Manager responsible for the Statutory Planning functions ought to be referred to Councillors.

¹ For the purpose of this Charter, multiple objections from one address will each be counted as a single objection.

6. Matters that Must be Reported to the Planning Committee for Decision

- (a) Any decision to approve or reject a development plan or amendment to a development plan already approved.
- (b) Any decision on an application for planning permit including new applications, amendments to permits and extensions of time for electronic gaming machines.
- (c) Any decision on a planning application where the height specified in the planning scheme has a recommendation of support from officers.

7. Items can be Reported at the Discretion of the Relevant Manager and General Manager

- (a) Any other applications or changes of which, in the opinion of the Manager in consultation with the General Manager responsible for the Statutory Planning functions and the Chief Executive Officer ought to be referred to the Planning Committee for decision.

8. Matters can be Called Up for a Decision to the Planning Committee

- (a) Any application can be called up for a report to the Planning Committee through action by 2 or more Planning Committee Members through a written request to the relevant Manager and General Manager responsible for the Statutory Planning functions. A copy of the written request must also be provided to the Manager and General Manager responsible for the governance functions of Council. Such a call up is to be made no later than 5 business days after which the decision will be made under delegation by Council officers.
- (b) Any Planning Committee Member wishing to call-up an application for reporting to the Planning Committee must include in their written requests, reasons justifying why the broader interest of the community is served by the proposal being considered by the Committee. The request should also acknowledge there has been discussion with relevant officers and they are satisfied that they understand what the application proposes and the issues to be considered are relevant beyond the subject site and immediately adjoining properties.

9. Reporting

A report on the meetings and activities of the Planning Committee is to be prepared for inclusion in Council's Annual Report.

10. Submitters to Planning Committees

Statutory Planning Matters

Statutory Planning matters are defined as Planning Permit Applications and Development Plan Applications.

Persons who have made a written submission on a statutory planning matter listed on Planning Committee agenda may address the Planning Committee in accordance with the following process:-

- Order of Speakers
- The applicant (3 minutes)
- Any submitters who have registered with Council their request to address the Planning Committee (3 minutes each).

The Chairperson may, at their discretion, extend the time for an individual's submission.

Strategic Planning Matters

Submissions to the Planning Committee on strategic land use matters (i.e. a non-statutory matters) will be considered in line with the provisions of Council's Governance Local Law.

11. Delegated Authority

- (a) The Planning Committee has full delegated authority under section 188 of the *Planning and Environment Act 1987* to determine applications with five or more objections¹.
- (b) The Planning Committee has full delegated authority to consider and decide on strategic planning matters including planning scheme amendments, planning policies, land use strategies and strategic development site matters aligned with Council's role as Planning Authority as set out in the *Planning and Environment Act 1987*.
- (c) The Committee has discretion to refer matters to Council if considered appropriate.

¹ For the purpose of this Charter, multiple objections from one address will each be counted as a single objection.
