

Planning Permit Determinations by Council Policy



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19/09/2019	1	Development of policy	Manager Development Services

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1. Purpose

This policy establishes clear, consistent and transparent rules for the determination of planning permit applications by the Mount Alexander Shire Council.

2. Scope

This policy applies to:

- All elected Councillors of Mount Alexander Shire
- Senior Council Officers with powers to determine planning permit applications under Instrument of Delegation Schedule 6
- All employees in Council's Statutory Planning Unit, and
- All employees in Council's Governance Unit.

3. Policy

Senior Council Officers can determinate planning permit applications under delegation from Council in accordance with Instrument of Delegation Schedule 6. However, in certain circumstances it is appropriate that the elected Council determines a planning permit application.

Council is committed to ensuring all planning permit applications are considered and determined in a timely and efficient manner.

To support that commitment all planning permit applications will be assessed under the following principles:

3.1. Mandatory referral of applications to Council

A planning permit application must be mandatorily referred to Council for determination if one or more of the following criteria applies:

1. An application is recommended by Senior Council Officers for refusal.
2. An application has received five (5) or more unresolved objections.
3. An application is deemed by Senior Council Officers to be of high community interest.
4. The application relates to a commercial project with a value of \$1 million or more.

3.2. Applicant / Objector Council Briefing

When a planning permit application is to be determined by the elected Council, applicants and objectors will be provided an opportunity to address Councillors at a Councillor Briefing at least two weeks prior to the Ordinary Meeting of Council where the matter is scheduled to be determined.

The purpose of the Councillor Briefing is to provide the applicant and objectors an opportunity to speak directly to Councillors, and to provide Councillors an opportunity to ask questions of clarification.

Councillors will not make any determinations at the Councillor Briefing.

3.3. Council call-in powers

Any planning permit application not meeting the criteria contained at Clause 3.1 can be 'called-in' by two or more Councillors for determination if that application has not already been determined by a Senior Council Officer.

3.4. Refusals by senior Council officers

The following two types of planning permit applications are exempt from Clause 3.1 and will be refused by a Senior Council Officer acting under delegation from Council:

1. Any application for a prohibited use or development (including signage).
2. Any application that must be refused by direction of a Referral Authority under section 55 of the Planning and Environment Act 1987.

3.5. Approvals under delegations

Any planning permit application other than those identified in Clause 3.1, Clause 3.3 and Clause 3.4 will be determined by a Senior Council Officer in accordance with Instrument of Delegation Schedule 6.

3.6. Processes to enable determination by Council

Senior Council Officers must abide by the operational procedure 'Planning Permit Determinations by Council' when referring any planning permit application to the elected Council for determination under Clause 3.1 and Clause 3.3.

3.7. No questions during Ordinary Meeting of Council

Council will not receive questions or statements from any person relating to any planning permit application under consideration by Council during that same Ordinary Meeting of Council.¹

¹ In accordance with Local Law No. 1 of 2018 – Meeting Procedures, Clause 59(6)(c) Question Time which states: "A question shall be disallowed by the Chairperson if it.....deals with a subject matter already addressed during the meeting."

4. Definitions of Abbreviations Used

A table of terms and their definitions as they relate to the policy

Term	Definition
Delegation Schedule 6	Powers legally vested by Council to a Senior Council Officer enabling that Senior Council Officer to determine a planning permit application.
Determination	A decision by the elected Council or a Senior Council Officer acting under delegation to approve or refuse a planning permit application under the Planning and Environment Act 1987.
Call-in	An internal process that enables the elected Council to determine a planning permit application, rather than have the application determined by a Senior Council Officer acting under delegation.
Council Briefing	<p>“Assembly of Councillors” (however titled) means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be—</p> <ul style="list-style-type: none"> a) the subject of a decision of the Council; or b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— <p>but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation”²</p>

5. Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Mount Alexander Shire Council is committed to consultation and cooperation between management and employees. Mount Alexander Shire Council will formally involve the Workplace Consultative Committee in any workplace change that may affect employees.

² Source: Local Government Act 1989 – Section 3 Definitions