

Planning Delegated Committee

Terms of Reference

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1. Background

- 1.1. By this Terms of Reference document, the Ballarat City Council (Council) establishes the Planning Delegated Committee (Committee) pursuant to section 63 of the *Local Government Act 2020* (LGA). The Committee is established to oversee the implementation of matters as they relate to Statutory Planning and Strategic Planning under delegation from Council as the responsible Authority under the *Planning and Environment Act 1987*.
- 1.2. The purpose of the Planning Delegated Committee is to:
 - 1.2.1 Assess and determine planning permit applications which cannot be assessed and determined by Council officers under delegation and/or which are 'called in' by Councillors or are otherwise referred at the discretion of the Council officer;
 - 1.2.2 provide Council with advice and recommendations with respect to relevant strategic planning matters to assist its decision making for the community in Ballarat; and
 - 1.2.3 make decisions in relation to proposed Planning Scheme amendments as permitted by the *Planning and Environment Act 1987*, in particular to seek authorisation of an amendment and to refer submissions to a panel.
- 1.3. The members of a Delegated Committee have the powers, duties and functions of Council as set out in these Terms of Reference and the Instrument of Delegation. These Terms of Reference set out the structure and basis on which the Committee can make decisions for and on behalf of Council.
- 1.4. These Terms of Reference are authorised by a resolution (R205/20) Council passed on 12 August 2020.

2. Purpose

The Committee is established for the purpose of:

- 2.1 Considering applications for planning permits which cannot be assessed and determined by Council officers under delegation and/or which are 'called in' by Councillors or are otherwise referred at the discretion of the Council officer;
- 2.2 Hearing submissions on matters relating to proposed Planning Scheme amendments;
- 2.3 Making decisions in relation to proposed Planning Scheme amendments as permitted by the *Planning and Environment Act 1987*, in particular seeking authorisation of an amendment and to refer submissions to a panel; and
- 2.4 Considering broader strategic planning policy directions/proposals and making recommendation to Council about such matters.

3. Objectives

The objectives of the Committee are:

- 3.1 To establish a process for consideration of applications for planning permits which are 'called in' by a Councillor or referred by a Council officer in their discretion (eg where they determine that the matter is of community interest or significant); and
- 3.2 To consider broader strategic planning policy directions/proposals, to make decisions under the *Planning and Environment Act 1987* (as far as possible), and to make recommendations to Council.

4. Roles and Responsibility

The role of the Committee is:

- 4.1 to exercise Council's powers and carry out Council's duties and functions, in accordance with these Terms of Reference and as permitted by the Instrument of Delegation, for:
 - a. the assessment and determination of any applications for planning permits as the responsible authority under the *Planning and Environment Act 1987*;
 - b. in relation to strategic planning matters, the:
 - i. consideration of strategic planning matters;
 - ii. hearing from submitters;
 - iii. seeking of authorisation from the Minister for Planning to proceed with a proposed Planning Scheme amendment;
 - iv. referral; of submissions to a panel under Part 8 of the *Planning and Environment Act 1987*; and
 - v. making recommendations to Council in respect of strategic planning issues; and
 - c. the referral of any planning submission to Council for decision;
- 4.2 to support the delivery of Council's obligations under the *Planning and Environment Act 1987*; and
- 4.3 to manage the implementation and ongoing review of strategic planning policies and strategies.

5. Delegation of Powers, Duties and Functions

- 5.1 In order to fulfil and carry out its purposes and objectives Council delegates to the members of the Delegated Committee, pursuant to section 11(1)(a) of the *Local Government Act 2020*, the powers, duties and functions set out in the Instrument of Delegation passed at Council on 22 July 2020 (R180/20) attached to these Terms of Reference.
- 5.2 The powers, duties and functions of Council conferred on the Committee by these Terms of Reference and Instrument of Delegation must be exercised in accordance with any guidelines or policies that Council may from time to time adopt.
- 5.3 Committee members are at all times expected to act in accordance with their responsibilities set out in Council's Governance Rules and the Committee Policy.

6. Membership

- 6.1. The Committee will consist of all nine (9) Councillors:
- 6.2. Council Officers who attend the meetings of the Committee are to provide advice and support to the Committee and are not considered Committee members and do not have voting rights.
- 6.3. Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 6.4. Council will revise the membership and voting rights of each Committee member as it sees fit.
- 6.5. The Councillor appointed by the Council or the Mayor will be the Chairperson of the Committee in accordance with section 63(2)(a) of the *Local Government Act 2020*.
- 6.6. If the Chairperson is absent from a Committee meeting, the Committee will select a temporary Chairperson to chair the Committee meeting.
- 6.7. All of the Committee members must submit primary and ordinary returns to Council in accordance with section 81 of the *Local Government Act 1989* and after 24 October 2020, initial personal returns and biannual personal returns in accordance with sections 133 and 134 of the *Local Government Act 2020*.

7. Meetings

- 7.1 Unless Council resolves otherwise, Committee meetings must be conducted in accordance with:
- 7.1.1 Council's Governance Rules;
 - 7.1.2 section 61 *Local Government Act 2020*; and
 - 7.1.3 the Committee's discretion, as exercised from time to time.
- 7.2 The Committee will meet once each month, or with frequency as determined by resolution of Council, or in the absence of such a resolution, with such greater frequency as agreed by the Committee from time to time.

- 7.3 A quorum of the Committee will be half of the members plus one.
- 7.4 Voting will be by a majority of votes by a show of hands. Only members in attendance are entitled to vote. The Chairperson shall have the casting vote in the event of an equality of votes.
- 7.5 Sub committees may be appointed by the Committee and meet between general meetings and as authorised by the full Committee. Sub committees do not have any delegated powers.

8. Reporting

The Committee is responsible for taking proper minutes of all meetings and preparing reports for the Committee's consideration in accordance with:

- 8.1 Council's Governance Rules;
- 8.2 the Committee's discretion, as exercised from time to time;
- 8.3 Minutes of Committee meetings must be forwarded to the Statutory Compliance Unit immediately after adoption by the Committee.

9. Creation and Dissolution

- 9.1 By these Terms of Reference, the:
 - 9.1.1 Committee is established; and
 - 9.1.2 powers, duties and functions of the Committee members, as set out in the Instrument of Delegation, are delegated.
- 9.2 These Terms of Reference and the Instrument of Delegation:
 - 9.2.1 come into force immediately when the resolution of Council adopting them is made; and
 - 9.2.2 remain in force until Council determines to vary or revoke it.
- 9.3 The Committee must be dissolved by a resolution of Council.
- 9.4 The Terms of Reference will be reviewed as required.

Dated: 12 August 2020