



Colac Otway Shire Council

Instrument of Delegation Planning Committee

Colac Otway Shire Council (**Council**) delegates to each person who is from time to time appointed as a member of the delegated committee established by resolution of Council passed on 27 October 2021 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 October 2021;
2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 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.

The COMMON SEAL of the)
COLAC OTWAY SHIRE Council)
was hereto affixed in accordance)
with Local Law No. 4.)

This 3 day of November 2021




Anne Howard
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.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. operate outside the Planning Committee Terms of Reference; and
2. exercise the powers which, under section 11(2) of the *Local Government Act 2020* or section 188 of the *Planning and Environment Act 1987*, cannot be delegated to the Committee.

Planning Committee Terms of Reference

Purpose

To exercise the Council's powers and discretions and to perform the 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.

The Planning Committee may consider and determine

All matters referred to it pursuant to the Instrument of Delegation, matters relating to strategic issues, and other matters referred to the Committee as seen fit, including:

- Planning permit applications and related matters such applications to amend existing planning permits and Extension of Time requests requiring a decision.
- Development Plans prepared and submitted under specific Planning Scheme controls.
- Consideration of submissions received in relation to Planning Scheme amendments (recognising that the Committee could only make a recommendation to the Council for decisions on these matters).
- Consideration of submissions to other strategic planning matters (recognising that the Committee could only make a recommendation to the Council for decisions on these matters).
- Other planning matters as referred by the Council.

Membership

The Committee shall consist of all Councillors.

Quorum

The quorum of the Committee will be at least a majority of the members of the Committee, in accordance with Council's Governance Rules.

Chair

A Councillor appointed by the Council or the Mayor to chair meetings of the Committee.

If the Councillor appointed by the Council or the Mayor to chair meetings of the Committee is not present at the meeting, a Councillor who is present at the meeting and is appointed by the members of the Planning Committee who are present at the meeting.

Voting

At least a majority of the members of the Planning Committee, in accordance with the Council's Governance Rules.

Meeting time and frequency

A schedule of meetings (date, place and time) will be set by the Committee or Council annually.

Unscheduled meetings may be called as required, in accordance with Council's Governance Rules.

Reporting requirements

Matters to be determined at a Council meeting must be presented to Council as soon as practicable after a meeting of the Planning Committee.

Right to speak at the Planning Committee meeting

Subject to a written request being received by close of business two (2) days prior to any meeting and approval of the Chair, a proponent, objector and/or submitter in support of an application could be given the opportunity to be heard at the time that the subject application was being considered by the Committee; or, at the discretion of the Chair, the allowance of any person to be similarly heard who did not register within the prescribed time.

Generally one speaker on behalf of each party would be given the right to be heard with a restriction of five (5) minutes in each case, or for a longer period for a presentation if warranted by circumstances, at the discretion of the Chair.