

# Instrument of Delegation



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## INSTRUMENT OF DELEGATION BY THE COUNCIL TO THE PLANNING DECISIONS COMMITTEE

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In exercise of the power conferred by section 11 (1) (a) of the Local Government Act 2020 and section 188 (1) of the Planning and Environment Act 1987, the Yarra City Council ("Council") delegates to the members of the Planning Decisions Committee, the powers, duties and functions set out in the Schedule to this Instrument of Delegation, and declares that:

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 8 March 2022;
2. the delegation
  - 2.1 comes into force immediately;
  - 2.2 is subject to any conditions and limitations set out in the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until 26 October 2024 or Council resolves to vary or revoke it.

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The Common Seal of the Yarra City Council was affixed hereto in the presence of:



A handwritten signature in blue ink, appearing to read "Sophie Wade".

Cr Sophie Wade  
Mayor  
Yarra City Council

29 March 2022

A handwritten signature in blue ink, appearing to read "Chris Leivers".

Chris Leivers  
Interim Chief Executive Officer  
Yarra City Council

## SCHEDULE

The power to:

1. consider planning applications which require formal consideration (and an opportunity for community consultation) but do not require referral to the Council;
2. consider planning applications:
  - 2.1 that involve planning applications which are subject to 15 or more objections from different properties and where the recommendation from officers is for support, except in the case of the following applications, which would be considered and determined by officers:
    - 2.1.1 extension to a dwelling and or construction of up to 3 dwellings on a lot inclusive of any permission required pursuant to the heritage overlay;
    - 2.1.2 buildings and works in a Commercial zone up to the value of \$1 Million;
    - 2.1.3 buildings and works in an Industrial zone up to the value of \$2 Million;
    - 2.1.4 liquor licence applications that comply with the hours of operation outlined within clause 22.09 of the Yarra Planning Scheme and do not propose more than 200 patrons;
    - 2.1.5 all signage applications
  - 2.2 where building height exceeds the preferred maximum height by more than one storey (not including plant equipment and roof terraces) specified in a Design and Development Overlay;
  - 2.3 that are within the world heritage environs area and buffer area where they propose works that are taller than the highest point of the existing building, excluding all applications which qualify as a VicSmart application;
  - 2.4 that where a matter requires settlement at a compulsory conference or consent order with 15 or more parties in addition to Council and the Applicant, the Appeals Advocate, or Manager, emails the ward Councillor(s) and outlines the agreement reached at the compulsory conference/consent order and seeks Councillor consent to sign off the matter within a timeframe of 48 hours and where there is no objection received from Councillors within this 48 hour period to the settlement of the matter on the terms suggested, then the above officers would settle the matter;
  - 2.5 that are relevant to electronic gaming machines;
  - 2.6 that involve street setbacks to a heritage building that do not meet the preferred minimum setback requirements specified in a Design and Development Overlay; or
  - 2.7 that have been called up by two or more ward Councillors and must include a brief written explanation why the item is being called up to the Planning Decisions Committee.
3. determine on town planning applications received pursuant to the provisions of the Planning and Environment Act 1987.
4. consider Heritage Victoria referrals that have been called up by two or more ward Councillors and must include a brief written explanation why the item is being called up to the Planning Decisions Committee.

## Conditions and Limitations

### 1. Membership

All nine Yarra City Councillors are appointed to the Planning Decisions Committee, with membership for each meeting comprising three Councillors as rostered on a quarterly basis (or their substitute Councillor), to meet as the scheduled Planning Decisions Committee, such roster being determined by the Chief Executive Officer in consultation with the Councillors.

The Planning Decisions Committee shall appoint its chair.

### 2. Substitute Councillors

In selecting a substitute Councillor, in the first instance, preference is to be given to a Councillor who represents the same ward as the rostered Councillor.

### 3. Voting

Voting by the Planning Decisions Committee members shall be in accordance with Council's Governance Rules.

Councillors other than the committee members are permitted to attend and participate at meetings of the Planning Decisions Committee, however they do not have a voting entitlement.

### 4. Quorum

The quorum for meetings of the Planning Decisions Committee is two Councillors.

### 5. Meeting Frequency

Meetings of the Planning Decisions Committee shall be convened as determined by Council.