



Protocols for the use of delegated authority

(Planning Protocols)

Statutory Planning Branch

**~~Strategic & Economic Planning &
Development Branch~~**

(As adopted by Council 2 October 2001, and ~~subsequently d~~revised [15 November 2005](#) and ~~subsequently revised~~ and adopted ~~15 November 2005~~ [XXXXXXXXXX 2019](#))

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Introduction

These protocols form a guide to Officers within Council's ~~Strategic Planning Branch and~~ Statutory Planning Branches as to the proper exercise of powers and duties delegated to them by Council's Instrument of Delegation to Staff. More specifically, the protocols provide guidance in relation to the exercise of powers of Council under the *Planning and Environment Act 1987* ("P & E Act"), which have been delegated to those Officers.

Importantly these Protocols must be read in conjunction with the Council's:

- Instrument of Delegation to Staff (as amended from time to time)
- Instrument of Delegation to its Internal Development Approvals Committee (IDAC) (as amended from time to time.)

In any instance where this Protocol appears to contradict the Instrument of Delegation to Staff or the Instrument of Delegation to the IDAC, the relevant Instrument of delegation takes precedence.

In essence:

- the Instrument of Delegation to Staff allows Council to formally confer powers and duties upon specific officers
- this Protocol allows Council to set further guidelines upon the use of those delegated powers.

Table of Abbreviations (as relevant)

<u>Abbreviations</u>	<u>Position Title</u>
<u>IDAC</u>	<u>Councillors</u>
<u>G10</u>	<u>Director City Development</u> <u>Manager Statutory Planning</u> <u>Coordinator Statutory Planning</u> <u>Appeals Advocate</u>
<u>G20</u>	<u>Director City Development</u> <u>Manager Statutory Planning</u> <u>Coordinator Statutory Planning</u> <u>Appeals Advocate</u> <u>Principal Planner</u> <u>Senior Planner</u> <u>Subdivision Planner</u>

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Operation of these Protocols

If a legislative power has been delegated by Council to a member of staff via the Instrument of Delegation to Council Staff and the conditions or limitation on that power require reference to these Protocols, the following procedures for the relevant category of application must be followed in the decision making process:

General Note: any reference in this document to an application in respect of which no objections have been received includes an application that is exempt from notice requirements in the Planning and Environment Act 1987 or as application when Council's delegate has determined that notice is not required to be given in order to comply with section 52 of that Act.

Categories of application	Officer or body empowered to make decision or recommendation
Heritage Overlay detailing	
- for <i>road side changes / furniture and detailing</i>	G20
<p>All applications for development where the development proposed is taller than the highest point of the existing building, excluding applications which qualify as a VicSmart application:</p> <ul style="list-style-type: none"> • within the shaded area shown in clause 22.14 (development Guidelines for Heritage Places in the World Heritage Environs Areas [WHEA] of the Yarra Planning Scheme; and • within the area designated as the 'Buffer Zone' in Map 7 of the World Heritage Environs Area (See attachment 1) 	IDAC

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Additions to buildings	
<p>- for <i>urban conservation detailing</i> that generally comply with policy / guidelines: with no objections</p> <p>with between 1 and 85 objections <u>from different properties</u></p> <p>with 6 9 or more objections <u>from different properties</u></p>	<p>G2O, Statutory Planning Coordinators</p> <p>Delegated officer to determine following consideration by the Development Approvals Committee (DAP).</p> <p>IDAC</p>
<p>- for <i>residential additions</i> that generally comply with policy and no objections</p>	<p>G2O</p>
<p>- for <i>residential additions</i> that generally comply with policy and with between 1 and 5 8 objections <u>from different properties</u></p>	<p>Delegated officer to determine following consideration by the Development Approvals Committee (DAP).</p>
<p>- for <i>residential additions</i> with 6 9 or more objections <u>from different properties</u></p>	<p>IDAC</p>
New Residential	
<p>- <i>one house</i> that generally complies with policy and no objections</p>	<p>G2O</p>
<p>- <i>one house</i> that generally complies with policy and between 1 and 5 8 objections <u>from different properties</u></p>	<p>Delegated officer to determine following consideration by the Development Approvals Committee (DAP).</p>
<p>- <i>one house</i> with 6 9 or more objections <u>from different properties</u></p>	<p>IDAC</p>

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- <u>multi units</u> (after advertising) that generally comply with ResCode and Council policies and no objections	G10
- <u>multi units</u> (after advertising) that generally comply with ResCode and Council policies and between 1 and <u>5.8</u> objections <u>from different properties</u>	Delegated officer to determine following consideration by the Development Approvals Committee (DAP).
- <u>multi units</u> (after advertising) with <u>6.9</u> or more objections <u>from different properties</u>	IDAC

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Discretionary uses in residential zones	
- (after advertising) that generally complies with any Council policies and with no objections	G10
- (after advertising) that generally complies with any Council policies and with between 1 and <u>5.8</u> objections <u>from different properties</u>	Delegated officer to determine following consideration by the Development Approvals Committee (DAP).
- (after advertising) with <u>6.9</u> or more objections <u>from different properties</u>	IDAC
Demolition in heritage overlay areas	
- where the demolition generally complies with any Council policies, no objections have been received and where the demolition is:	
partial	G20
whole	G10
- where the demolition generally complies with Council policies, and with between 1 and <u>5.8</u> objections <u>from different properties</u>	Delegated officer to determine following consideration by the Development Approvals Committee (DAP).
- where <u>6.9</u> or more objections <u>from different properties</u> have been received	IDAC

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Commercial / Industrial	
- <i>additions</i> that comply with policy and no objections	G1O, G2O
- <i>additions</i> that generally comply with policy and with between 1 and <u>5 8</u> objections <u>from different properties</u>	Delegated officer to determine following consideration by the Development Approvals Committee (DAP).
- <i>additions</i> with <u>6 9</u> or more objections <u>from different properties</u>	IDAC
- <i>new</i> commercial / industrial that generally complies with policy and no objections	G1O, G2O
- <i>new</i> commercial / industrial that generally complies with policy and with between 1 and <u>5 8</u> objections <u>from different properties</u>	Delegated officer to determine following consideration by the Development Approvals Committee (DAP).
- <i>new</i> commercial / industrial with <u>6 9</u> or more objections <u>from different properties</u>	IDAC
<u>Built form within a Design and Development Overlay</u>	
- <u>additions and or new works that generally comply with the preferred maximum height controls and have no objections</u>	<u>G10, G20</u>
- <u>additions and or new works that generally comply with the preferred maximum height controls and with between 1 – 8 objections from different properties</u>	<u>Delegated officer to determine following consideration by the Development Approvals Committee (DAP).</u>
- <u>additions and or new works that generally comply with the preferred maximum height controls and with 9 objections from different properties</u>	<u>IDAC</u>

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- additions and or new works that exceed the preferred maximum height controls by more than one storey (not including plant equipment and roof terraces)	IDAC
Change of use from one discretionary use to another	
With no objections	G10
With between 1 and <u>5.8</u> objections <u>from different properties.</u>	Delegated officer to determine following consideration by the Development Approvals Committee (DAP).
With <u>6.9</u> or more objections <u>from different properties.</u>	IDAC
Non conforming uses	
change of use that is deemed no more detrimental with no objections	G10
change of use that is deemed no more detrimental with between 1 and <u>5.8</u> objections <u>from different properties.</u>	Delegated officer to determine following consideration by the Development Approvals Committee (DAP).
change of use that is deemed no more detrimental with <u>6.9</u> or more objections <u>from different properties.</u>	IDAC

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Car parking	
Where the application involves a dispensation of up to 10 car parking spaces, but, in the delegate's view, meets the performance approach and principles set out in the policy	G10 (Dispensation of more than 5 car parking spaces must be in consultation with Ward Councillor.)
Where the application involves a dispensation of more than 10 carparking spaces, but, in the delegate's view, meets the performance approach and principles set out in the policy	Delegated officer to determine following consideration by the Development Approvals Committee (DAP).
Where the application involves a major dispensation of carparking, but, in the delegate's view, does not meet the performance approach and principles set out in the policy	IDAC
Outdoor Advertising	
- under verandah height signage (approx. 3 metres):	
without objections	G20 in consultation with Statutory Planning Coordinators
with between 1 and <u>5.8</u> objections <u>from different properties.</u>	Delegated officer to determine following consideration by the Development Approvals Committee (DAP).
with <u>6.9</u> or more objections <u>from different properties.</u>	IDAC

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<p>- above verandah height signage with no objections</p> <p>- above verandah height signage with between 1 and <u>5 8</u> objections <u>from different properties.</u></p> <p>- above verandah height signage with <u>6 9</u> or more objections <u>from different properties.</u></p>	<p>G2O in consultation with Statutory Planning Coordinators</p> <p>Delegated officer to determine following consideration by the Development Approvals Committee (DAP).</p> <p>IDAC</p>
<p><i>Major Promotion Signs</i> – complying with policy and no objections</p> <p><i>Major Promotion Signs</i> – complying with policy and between 1 and <u>5 8</u> objections <u>from different properties.</u></p> <p><i>Major Promotion Signs</i> – not in compliance with policy, or with <u>6 9</u> or more objections <u>from different properties.</u></p>	<p>G1O</p> <p>Delegated officer to determine following consideration by the Development Approvals Committee (DAP).</p> <p>IDAC</p>

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<p><i>Signage in Road Reservations and / or Public Spaces - complying with policy and no objections</i></p>	<p>G10</p>
<p><i>Signage in Road Reservations and / or Public Spaces - complying with policy and with between 1 and <u>5.8</u> objections from different properties.</i></p>	<p>Delegated officer to determine following consideration by the Development Approvals Committee (DAP).</p>
<p><i>Signage in Road Reservations and / or Public Spaces – not in compliance with policy, or with <u>6.9</u> or more objections from different properties.</i></p>	<p>IDAC</p>

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Subdivision	
<i>Existing buildings</i> - where the subdivision complies with the development plan, with no objections	G10, G20
<i>Existing buildings</i> - where the subdivision complies with the development plan, with between 1 and <u>5.8</u> objections <u>from different properties.</u>	Delegated officer to determine following consideration by the Development Approvals Committee (DAP).
<i>Existing buildings</i> - where the subdivision complies with the development plan, with <u>6.9</u> or more objections <u>from different properties.</u>	IDAC
<i>New subdivision</i> - without objections	G10
<i>New subdivision</i> - with between 1 and <u>5.8</u> objections <u>from different properties.</u>	Delegated officer to determine following consideration by the Development Approvals Committee (DAP).
<i>New subdivision</i> - with between 5 and 10 <u>9</u> or more objections <u>from different properties.</u>	IDAC
- <i>certification</i> of plans of subdivision / other associated approvals such as Statement of Compliance	G30

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<p>- for permission <i>to remove or vary an easement / restriction</i> where the following circumstances exist:</p> <p>(i) The application has been advertised or referred to the benefited party and no objection is received, and</p> <p>(ii) In the case of an <i>easement / restriction in favour of a public authority</i>, the authority that has benefit of the easement has advised the Council in writing that no service exists within the easement and/or is no longer required, and/or</p> <p>(iii) In the case of an <i>easement / restriction in favour of other lot owners</i>, no lot benefiting from the easement objects to its removal or variation and the service may be or has already been provided to that lot by another route or the easement physically cannot be of benefit to the lot.</p>	<p>G2O</p>
<p>- to <i>re-align a boundary</i> where the application has been advertised and no objection has been received</p>	<p>G2O</p>
<p>Other applications</p>	
<p>- <i>all other application types</i> not specified with or without objections</p>	<p>G1O Delegated officer to determine following consideration by the Development Approvals Committee (DAP). IDAC</p>