

# Protocols for the Use of Delegated Authority (Planning Protocols)

<b>Title</b>	<b>Protocols for the Use of Delegated Authority (Planning Protocols)</b>
<b>Description</b>	A guide to Officers within Council's Statutory Planning Branch as to the proper exercise of powers and duties delegated to them by Council's Instrument of Delegation to Staff.
<b>Category</b>	Planning
<b>Type</b>	Policy
<b>Approval authority</b>	Council
<b>Responsible officer</b>	Manager Statutory Planning
<b>Approval date</b>	30 April 2019
<b>Review cycle</b>	Every four years
<b>Review date</b>	30 April 2023
<b>Document Reference</b>	
<b>Human Rights compatibility</b>	This policy has been assessed and is compatible with the Victorian Charter of Human Rights of Responsibilities

## 1. Introduction

These protocols form a guide to Officers within Council's Statutory Planning Branch 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, 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 the Internal Development Approvals Committee (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.

## 2. 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.

### 3. Definitions

In these protocols:

Group A	<b>means</b>	Director Planning and Place Making Manager Statutory Planning Senior Coordinator Statutory Planning Coordinator Statutory Planning Appeals Advocate
Group B	<b>means</b>	Director Planning and Place Making Manager Statutory Planning Senior Coordinator Statutory Planning Coordinator Statutory Planning Appeals Advocate Principal Planner Subdivision Planner
Group C	<b>means</b>	Director Planning and Place Making Manager Statutory Planning Senior Coordinator Statutory Planning Coordinator Statutory Planning Appeals Advocate Principal Planner Statutory Planner Subdivision Planner
DAP	<b>means</b>	The Development Assessment Panel
IDAC	<b>means</b>	The Internal Development Approvals Committee

### 4. Categories of application

Categories of application	Officer or body empowered to make decision or recommendation
<b>Heritage Overlay Detailing</b>	
Applications for road side changes, furniture and detailing	Group B
Applications for development where development proposed is taller than the highest point of the existing building, excluding applications which qualify as a VicSmart application: <ul style="list-style-type: none"> <li>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</li> <li>within the area designated as the 'Buffer Zone' in Map 8 of the World Heritage Environs Area</li> </ul>	IDAC
<b>Additions to buildings</b>	
Applications for <i>urban conservation detailing</i> that generally comply with policy and guidelines and with no objections.	Group B

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Categories of application	Officer or body empowered to make decision or recommendation
Applications for <i>urban conservation detailing</i> that generally comply with policy and guidelines and with 1 to 8 objections (inclusive) from different properties.	DAP
Applications for <i>urban conservation detailing</i> that generally comply with policy and guidelines with 9 or more objections from different properties.	IDAC
Applications for <i>residential additions</i> that generally comply with policy and with no objections.	Group B
Applications for <i>residential additions</i> that generally comply with policy and with 1 to 8 objections (inclusive) from different properties.	DAP
Applications for <i>residential additions</i> with 9 or more objections from different properties.	IDAC
<b>New Residential</b>	
Applications for <i>one house</i> that generally complies with policy and with no objections	Group B
Applications for <i>one house</i> that generally complies with policy and with 1 to 8 objections (inclusive) from different properties.	DAP
Applications for <i>one house</i> with 9 or more objections from different properties.	IDAC
Applications for <i>multi unit</i> (after advertising) that generally comply with ResCode and Council policies and with no objections.	Group A
Applications for <i>multi unit</i> (after advertising) that generally comply with ResCode and Council policies and with 1 to 8 objections (inclusive) from different properties.	DAP
Applications for <i>multi unit</i> (after advertising) with 9 or more objections from different properties.	IDAC
<b>Discretionary uses in residential zones</b>	
Applications for <i>discretionary uses</i> (after advertising) that generally comply with policy and with no objections.	Group A
Applications for <i>discretionary uses</i> (after advertising) that generally comply with policy and with 1 to 8 objections (inclusive) from different properties.	DAP
Applications for <i>discretionary uses</i> (after advertising) that do not generally comply with policy and/or with 9 or more objections from different properties.	IDAC
<b>Demolition in heritage overlay areas</b>	
Applications for <i>partial demolition</i> where the demolition generally complies with policy and with no objections.	Group B
Applications for <i>whole demolition</i> where the demolition generally complies with policy and with no objections.	Group A
Applications for <i>partial or whole demolition</i> where the demolition generally complies with policy and with 1 to 8 objections (inclusive) from different properties.	DAP
Applications for <i>partial or whole demolition</i> where the demolition does not generally comply with policy and/or with 9 or more objections from different properties.	IDAC
<b>Commercial / Industrial</b>	
Applications for <i>additions</i> that comply with policy and with no objections.	Group B
Applications for <i>additions</i> that comply with policy and with 1 to 8 objections (inclusive) from different properties.	DAP

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Applications for <i>additions</i> that do not comply with policy and/or with 9 or more objections from different properties.	IDAC
Applications for <i>new</i> commercial / industrial that generally comply with policy and with no objections.	Group B
Applications for <i>new</i> commercial / industrial that generally comply and with 1 to 8 objections (inclusive) from different properties.	DAP
Applications for <i>new</i> commercial / industrial that do not generally comply with policy and/or with 9 or more objections from different properties.	IDAC
<b>Built form within a Design and Development Overlay</b>	
Applications for <i>additions and/or new works</i> that generally comply with the preferred maximum height controls and with no objections.	Group B
Applications for <i>additions and/or new works</i> that generally comply with the preferred maximum height controls and with 1 to 8 objections (inclusive) from different properties.	DAP
Applications for <i>additions and/or new works</i> that generally comply with the preferred maximum height controls and with 9 or more objections from different properties.	IDAC
Applications for <i>additions and or new works</i> that exceed the preferred maximum height controls by more than one storey (not including plant equipment and roof terraces) with any number of objections.	IDAC
<b>Change of use from one discretionary use to another</b>	
Applications for <i>change of use</i> with no objections.	Group A
Applications for <i>change of use</i> with 1 to 8 objections (inclusive) from different properties.	DAP
Applications for <i>change of use</i> with 9 or more objections from different properties.	IDAC
<b>Non conforming uses</b>	
Applications for <i>change of use that is deemed no more detrimental</i> with no objections	Group A
Applications for <i>change of use that is deemed no more detrimental</i> with 1 to 8 objections (inclusive) from different properties.	DAP
Applications for <i>change of use that is deemed no more detrimental</i> with 9 or more objections from different properties.	IDAC
<b>Outdoor Advertising</b>	
Applications for <i>under verandah height</i> signage (approx. 3 metres) with no objections.	Group B
Applications for <i>under verandah height</i> signage (approx. 3 metres) with 1 to 8 objections (inclusive) from different properties.	DAP
Applications for <i>under verandah height</i> signage (approx. 3 metres) with 9 or more objections from different properties.	IDAC
Applications for <i>above verandah height</i> signage with no objections.	Group B
Applications for <i>above verandah height</i> signage with no objections with 1 to 8 objections (inclusive) from different properties.	DAP
Applications for <i>above verandah height</i> signage with 9 or more objections from different properties.	IDAC
Applications for <i>Major Promotion Signs</i> with no objections.	Group A

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Applications for <i>Major Promotion Signs</i> with 1 to 8 objections (inclusive) from different properties.	DAP
Applications for <i>Major Promotion Signs</i> with 9 or more objections from different properties.	IDAC
Applications for <i>Signage in Road Reservations and / or Public Spaces</i> that generally comply with policy and with no objections.	Group A
Applications for <i>Signage in Road Reservations and / or Public Spaces</i> that generally comply with policy and with 1 to 8 objections (inclusive) from different properties.	DAP
Applications for <i>Signage in Road Reservations and / or Public Spaces</i> that do not generally comply with policy and/or with 9 or more objections from different properties.	IDAC
<b>Heritage Victoria Referrals</b> All Heritage Victoria referrals will be emailed to the scheduled IDAC Councillors as soon as heritage advice has been received. These Councillors will be provided a minimum of 2 days to respond. NOTE: where no response is received from the scheduled Councillors within the specified timeframe, this will be deemed agreeance with the officer recommendation.	
Where no concerns are raised with the officer recommendation by the scheduled Councillors, Heritage Victoria will be notified in writing.	Group A
Where concerns are raised with the officer recommendation by a majority of the scheduled Councillors (reasons need to be included), officers will lodge a submission to the Executive Director including those reasons.	Group A
Where consensus cannot be reached between the scheduled Councillors.	IDAC
<b>Subdivision</b>	
Applications for <i>existing buildings</i> where the subdivision complies with the development plan and with no objections.	Group B
Applications for <i>existing buildings</i> where the subdivision complies with the development plan and with 1 to 8 objections (inclusive) from different properties.	DAP
Applications for <i>existing buildings</i> where the subdivision does not comply with the development plan and/or with 9 or more objections from different properties.	IDAC
Applications for <i>new subdivisions</i> with no objections.	Group A
Applications for <i>new subdivision</i> with 1 to 8 objections (inclusive) from different properties.	DAP
Applications for <i>new subdivision</i> with 9 or more objections from different properties.	IDAC
Application for <i>certification</i> of plans of subdivision / other associated approvals such as Statement of Compliance.	Group C

# Protocols for the Use of Delegated Authority (Planning Protocols)

Categories of application	Officer or body empowered to make decision or recommendation
<p>Applications for permission <i>to remove or vary an easement / restriction</i> where the following circumstances exist:</p> <ul style="list-style-type: none"> <li>(i) The application has been advertised or referred to the benefited party and no objection is received, and</li> <li>(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</li> <li>(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.</li> </ul>	Group B
Applications to <i>re-align a boundary</i> where the application has been advertised and no objection has been received.	Group B
<b>Other applications</b>	
All other <i>application types</i> not specified with no objections.	Group A
All other <i>application types</i> not specified with 1 to 8 objections (inclusive) from different properties.	DAP
All other <i>application types</i> not specified with 9 or more objections from different properties.	IDAC