

Instrument of Delegation



INSTRUMENT OF DELEGATION BY THE COUNCIL TO THE PLANNING DECISIONS COMMITTEE

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 18 August 2020;
2. the delegation
 - 2.1 comes into force on 1 September 2020;
 - 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 Council resolves to vary or revoke it.

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

**Cr Misha Coleman
Mayor
Yarra City Council**

18 August 2020

**Vijaya Vaidyanath
Chief Executive Officer
Yarra City Council**

This document was witnessed by audio-visual link in accordance with the COVID-19 Omnibus (Emergency Measures) (Electronic Signing and Witnessing) Regulations 2020.

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 six or more objections from different properties and where the recommendation from officers is for support;
 - 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 require a settlement at a compulsory conference with six or more parties (in addition to Council and the applicant);
 - 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 a Councillor
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 a Councillor.

Conditions and Limitations

1. Membership

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

The Internal Development Approval 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 generally be convened on a fortnightly basis.