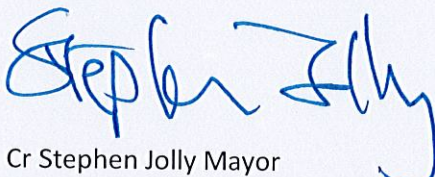
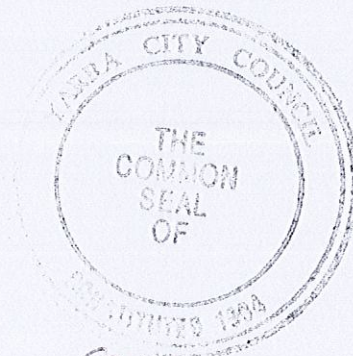

INSTRUMENT OF DELEGATION BY THE COUNCIL TO THE PLANNING DECISIONS COMMITTEE

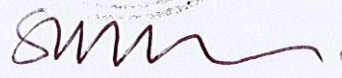
In exercise of the power conferred by section 11(1) (a) of the Local Government Act 2020 and section 188 (1) of the Planning and Environment Act 1987, the Yarra City Council ("Council") delegates to the members of the Planning Decisions Committee, the powers, duties and functions set out in the Schedule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

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 26 November 2024;
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 2028 or Council resolves to vary or revoke it.

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


Cr Stephen Jolly Mayor
Yarra City Council Date 26/11/2024




Sue Wilkinson
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 6 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 13.07-1L-02 of the Yarra Planning Scheme and do not propose more than 200 patrons;
 - 2.1.5 all signage applications

The above exceptions at 2.1.1 – 2.1.5 are not overruled by provisions 2.2-2.10 below.

- 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 Heritage Overlay – Schedule 361 (World Heritage Environs Area Precinct) and propose works that are taller than the highest point of the existing / approved building on the subject land, excluding all applications which qualify as a VicSmart application;
- 2.4 that where a matter requires settlement at a compulsory conference at the Victorian Civil and Administrative Tribunal (VCAT) or a consent order with 6 or more parties in addition to Council and the Applicant, the Appeals Advocate, or Manager, emails the Mayor, deputy Mayor and ward Councillor and outlines the agreement reached at the compulsory conference/consent order and Instrument of delegation to the PDC seeks Councillor consent to sign the terms of settlement / consent order on behalf of Council within a timeframe of 48 hours and where there is no objection received from the majority of the above mentioned Councillors within this 48 hour period to the settlement of the matter on the agreed terms, then the above officers would sign and settle the matter;
- 2.5 that where a planning application falls into an application type under 2.2, 2.3, 2.8 or 2.9 and has not been considered by a PDC (i.e. because it was refused or a refusal position was formed) and subsequently requires settlement at a compulsory conference at the VCAT or a consent order, with less than 6 parties in addition to Council and the Applicant, the Appeals Advocate, or Manager, emails the Mayor, deputy Mayor and ward Councillor and outlines the agreement reached at the compulsory conference/consent order and seeks Councillor consent to sign the terms of settlement / consent order on behalf of Council within a timeframe of 48 hours and where there is no objection received from the majority of the above mentioned Councillors within this 48 hour period to the settlement of the matter on the agreed terms, then the above officers would sign and settle the matter;

- 2.6 that where a matter has been considered by a PDC where it was determined to support the application and subsequently requires settlement at a compulsory conference at the Victorian Civil and Administrative Tribunal (VCAT) and the settlement does amend or delete a condition imposed by the Planning Decisions Committee (excluding inconsequential or trivial changes), the Appeals Advocate, or Manager, emails the Mayor, deputy Mayor and ward Councillor and outlines the agreement reached at the compulsory conference/consent order and seeks Councillor consent to sign the terms of settlement / consent order on behalf of Council within a timeframe of 48 hours and where there is no objection received from the majority of the above mentioned Councillors within this 48 hour period to the settlement of the matter on the agreed terms, then the above officers would sign and settle the matter;
- 2.7 that are lodged under section 87A of the *Planning and Environment Act 1987* to the VCAT and fall into an application type specified at 2.2, 2.3, 2.8 or 2.9;
- 2.8 that are relevant to electronic gaming machines;
- 2.9 that involve upper level street setbacks to a heritage building that do not meet the preferred minimum setback requirements specified in a Design and Development Overlay; or
- 2.10 that have been called up by two or more 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 Councillors and must include a brief written explanation why the item is being called up to the Planning Decisions Committee.
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Conditions and Limitations

1. Membership

All nine Yarra City Councillors are appointed to the Planning Decisions Committee.

2. Voting

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

3. Quorum

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

4. Meeting Frequency

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