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INSTRUMENT OF DELEGATION BY THE COUNCIL TO THE PLANNING DECISIONS COMMITTEE

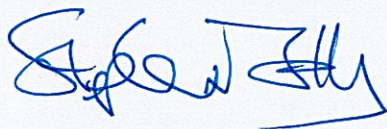
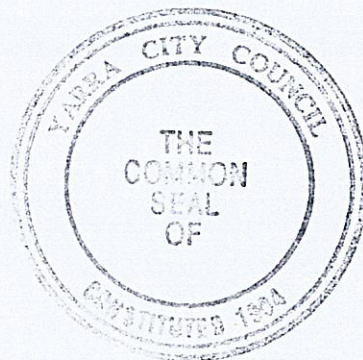
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In exercise of the power conferred by section 11(1) (a) of the Local Government Act 2020 and section 188 (1) of the Planning and Environment Act 1987, the Yarra City Council ("Council") delegates to the members of the Planning Decisions Committee, 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 17 June 2025;
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.

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



Cr Stephen Jolly Mayor  
Yarra City Council  
17 June 2025



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 - 2.13 below.

- 2.2 where building height exceeds the preferred maximum height by more than one storey (not including plant equipment, lift overrun and roof terraces) specified in a Design and Development Overlay (excluding an amendment to an approved development that is not being increased in maximum building height) and where the recommendation from officers is for approval;
- 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 and where the recommendation from officers is for approval;
- 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 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 a delegated refusal or position of refusal) and subsequently requires settlement at a compulsory conference at the VCAT or a consent order, 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 and where the recommendation from officers is for approval;
- 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 (excluding an amendment to an approved development that does not reduce the upper level street setbacks to a heritage building) and where the recommendation from officers is for approval;
- 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;
- 2.11 that involve a Planning Decisions Committee decision and amended plans/proposal to be substituted for the application in a VCAT Proceeding that are not in accordance with condition(s) that were specifically imposed by the Planning Decisions Committee (excluding inconsequential or trivial changes) and where the recommendation from officers is for approval, the Appeals Advocate, or Manager, emails the Mayor, deputy Mayor and ward Councillor an officer report providing an assessment of the amended application and recommendation for approval (including permit conditions) and seeks Councillor consent to advise VCAT and the parties of Council's position on the amended application in accordance with the officer recommendation within a time frame of 5 business days and where there is no objection received from the majority of the above mentioned Councillors, then officers would advise VCAT and the parties of Council's position; or
- 2.12 that involve a Planning Decisions Committee decision of refusal or position of refusal, and amended plans/proposal to be substituted for the application plans in a VCAT Proceeding and there are 6 or more parties, and where the recommendation from officers on the amended plans/ proposal is for approval, the Appeals Advocate, or Manager, emails the Mayor, deputy Mayor and ward Councillor an officer report providing an assessment of the amended application and recommendation for approval (including permit conditions) and seeks Councillor consent to advise VCAT and the parties of Council's position on the amended application in accordance with the officer recommendation within a time frame of 5 business days and where there is no objection received from the majority of the above mentioned Councillors within 5 business days, then the above officers would advise VCAT and the parties of Council's position; or
- 2.13 that involve a delegated refusal or position of refusal and amended plans/proposal to be substituted for the application in a VCAT Proceeding with 6 or more parties or falls into an application type specified at 2.2, 2.3, 2.8 or 2.9 and where the recommendation from officers is to approve.

- 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.
- 5 determine Council's position on applications and planning matters that are being considered by the Department of Transport and Planning and/ or the Minister for Planning for developments for:
  - 5.1 an application of 5 or more storeys; or
  - 5.2 that have particular strategic significance as determined by the General Manager City Sustainability & Strategy; or
  - 5.3 that are 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.

## **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.