Terms of Reference and Procedures for the Special Planning Committee

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HOBSONS BAY CITY COUNCIL

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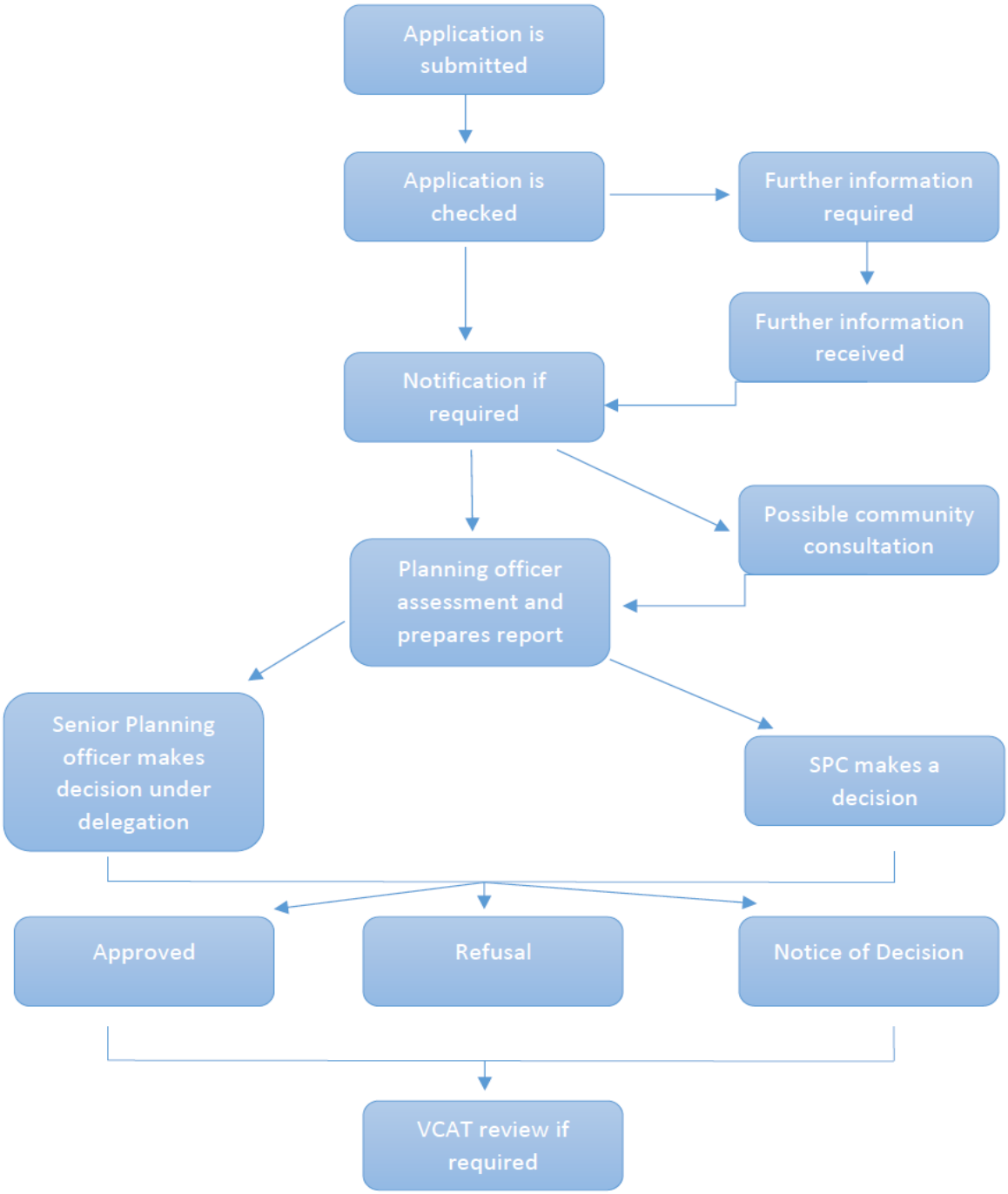
Introduction

The Special Planning Committee (SPC) has been in operation since the formation of Hobsons Bay City Council and has played an important role in facilitating decision making on planning issues. The Committee has delegated powers with respect to the determination of planning permit applications, under Section 86 of the *Local Government Act 1989.*

The primary role of SPC is to determine planning permit applications which had attracted significant third party objections, or which raised major policy issues. The Committee provides these important decisions to be made at a higher level of delegation and includes the opportunity for applicants and objectors to present their views on planning matters before SPC.

This paper outlines the structure, terms of reference and operating procedure for SPC.

The Statutory Planning Process



Terms of Reference for the Special Planning Committee (SPC)

The primary role of the SPC is to determine applications for planning permits which have attracted a significant number of third party objections where these have not been resolved through normal consultation and mediation processes.

The SPC also provides the opportunity for parties involved in planning disputes to present their arguments as part of the Committee's deliberations on the application.

Matters which would be referred to SPC are:

- applications which attract more than 10 objections and where the objections haven't been resolved

Other applications that may be referred to SPC by the Director Strategic Development irrespective of the amount of objections received:

- applications with an estimated cost of works greater than $10 million
- applications that are three or more storeys high and more than four dwellings on a lot
- applications which raise significant policy issues

The SPC comprises of three Councillors which includes a chairperson and two members who are nominated via a roster that is established annually and revised from time to time.

Operational procedure for SPC

- the Chairperson has primary responsibility for chairing the meeting, and should not normally move or second a motion, however can do so in cases of split decisions
- other Councillors may attend, however attendance is limited to being an observer and they cannot vote
- a quorum of three Councillors is required
- the Committee meets on the specified day at 6pm although officers are available from 5.30pm as an additional opportunity for Councillors to seek advice
- questions of officers by SPC Councillors are confined to matters raised by the application
- questions of substance from SPC Councillors on matters raised by the application should be submitted to the Manager Planning, Building and Health Services by 3pm on the day of the SPC meeting
- SPC Councillors will determine the Grounds of Refusal
- the SPC exercises delegated powers as a responsible authority under the *Planning and Environment Act 1987*, in accordance with the Schedule of Delegation attached to this document.

Referral of matters to Council for Determination

While the Committee has delegated powers to determine applications it has discretion to refer certain matters to the Council for determination. The criteria for referring matters to the Council are as follows:

- applications which are of a sensitive or controversial nature
- applications which are of a major nature
- applications which raise major policy issues
- applications where the Council is the Responsible Authority

In these circumstances, the merits of a particular issue would be considered by the Committee which would present a recommendation to the Council.

Procedure for Submissions to Special Planning Committee

Council provides the opportunity for objectors and applicants to address the Special Planning Committee. The following procedures have been prepared to assist members of the public in presenting submissions at these forums.

- submissions are to be limited to a maximum of five minutes
- where there is a common group of people wishing to make a submission on the same matter, a representative speaker must be nominated to present the views of the group
- all submissions will be heard at the commencement of the meeting prior to a decision being made by the Committee
- any submitter accepting the Chairperson's invitation to address the meeting shall confine themselves to the subject under consideration
- the Chairperson may allow SPC members to ask questions to submitters
- the provisions of these guidelines shall be made known to all intending submitters and members of the public prior to the commencement of each SPC meeting