

Delegation Policy for Planning Applications

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2. Title of Policy

This policy shall be known as the **Delegation Policy for Planning Applications**. It is a Local policy.

2.1 Background

Clarity around the decision making process and the ability for Officers and Councillors to refer planning applications to Future Melbourne Committee (FMC) or Council for decision making provides transparency whilst ensuring decision timeliness and quality.

2.2 Purpose

The purpose of this policy is to provide clarity around the procedure to identify those planning application which may be suitable for consideration by FMC and Council. This policy will:

- 2.2.1 enable Councillors to concentrate on strategic direction and policy development.
- 2.2.2 ensure efficient, consistent decision making.
- 2.2.3 provide transparency of process.
- 2.2.4 ensure Councillors, applicants and objectors are kept regularly informed about the planning process including those applications against which objections are lodged.

2.2.5 enable adequate involvement by all stakeholders in decision making.

2.3 Scope

The policy applies to all planning applications (including any site-specific planning scheme amendments) within the City of Melbourne, whether or not the City of Melbourne is the responsible authority.

2.4 Policy

It is the policy of the City of Melbourne that the criteria to select planning applications to be decided by FMC include any application:

2.4.1 That is recommended to be approved and which:

2.4.1.1 Raises an issue of significant public interest, concern or controversy or is likely to do so.

2.4.1.2 Has given rise to substantial public objection denoted by there being a quantity of 16 or more objections.

2.4.1.3 Provides for a development which is contrary to a proposed 'seriously entertained amendment to the Melbourne Planning Scheme.

2.4.1.4 Proposes the substantial demolition or significant redevelopment of a heritage building graded 'significant' (or equivalent).

2.4.2 That is a Ministerial application (including any site-specific planning scheme amendments) related to development proposals with gross floor area exceeding 25,000 m².

2.4.3 Which would be or could reasonably appear to be inconsistent with a previous decision or decisions by the Council.

2.4.4 Where the City of Melbourne is the applicant, with the exception of applications by the City of Melbourne for permits for subdivision or the creation, variation or removal of an easement(s) on Council owned land.

2.4.5 Where any two Councillors have indicated in writing, before the deadline set out in weekly notifications referred to in section 2.5, that the proposal has been called in for decision.

Where a delegate deems that an application falls within criteria 2.4.1 – 2.4.4 above, the delegate will refer it to FMC without a requirement for Councillors to call the application in.

For matters before the Victorian Civil and Administrative Tribunal (VCAT), delegates are empowered to negotiate and settle with all parties; or prepare, file and serve amended grounds in any proceeding after forming a position on any formally amended application; or change a position of refusal to one of support on any amended plans or proposal filed with VCAT. However, all such decisions should be reported in accordance with the procedure at 2.5, and in the case of changing a position of refusal to one of support, such a decision may be referred to FMC on the judgment of the delegate, or may be called-in by two Councillors. In circumstances where such a matter is referred to FMC and there is insufficient time before the listed hearing for FMC to consider the matter, it will be deemed that no settlement or change in position can be formed and Council's original position remains.

2.5 Procedure

Delegates will ensure that:

2.5.1 All Councillors are notified on a weekly basis of the following:

2.5.1.1 Matters which are able to be called in, being:

2.5.1.1.1 All recommended refusals which are not proposed to be referred to the FMC by the delegate;

2.5.1.1.2 All recommended approvals on applications that received at least one objection and which are not proposed to be referred to FMC by the delegate;

2.5.1.1.3 VCAT related matters described in 2.4 that are able to be called in;

2.5.1.1.4 All recommended proposals to name a road or place;

2.5.1.2 Matters which are for information only, being:

2.5.1.2.1 Positions on development proposals that fall outside the planning permit framework (e.g. social housing, education and transport development facilitated by the Particular Provisions);

2.5.1.2.2 All refusals and support positions for late night trading on liquor licence referrals;

2.5.1.2.3 VCAT related matters described in 2.4 that are not able to be called in;

2.5.1.2.4 Decisions made by the Minister or by VCAT on matters previously considered by FMC or Council;

2.5.1.2.5 A list of 'applications of interest' (being any application that the delegate considers is likely to fall within criteria 2.4.1 – 2.4.4 or where there have been requests from Councillors to track progress) and an indication of which stage each of these applications is at in the statutory process and how many objections have been received to date.

2.5.2 Delegates will put in place a structured monitoring process to: ensure that the purpose of this Policy is being met; monitor the implications of this Policy on the decision timeframe for applications; track the number of planning related items on the FMC agendas; and record the reason for items being referred and called-in to FMC. Delegates will undertake this analysis at least annually and report relevant findings to Council as required.

2.6 Governance

Policy Owner: Director Planning and Building

Docs Number: 16442182 (formally 7792353)

Last Revised Date: 28 March 2023

Next Review Date: 28 March 2024

2.7 Document Approvals

Name	Title	Version	Date	Signature
NA	NA	NA	NA	NA

2.8 Version Control and Change History

Version No.	Approval Date	Approved by	Amendment
2	30 April 2013	Council resolution	Section 2.6: replaced 'and' with 'or' at end of criteria 7 and added new paragraph under criteria 8.
3	25 March 2014	Council resolution	Section 2.6: additions to criterion 3, insertion of two new criteria (8 and 9) and various editorial amendments made so policy complies with style guide.
4	28 February 2017	Council resolution	Bullet points changed to numbering under paragraph 2.2. Removal of paragraphs 2.4 (Definitions), 2.5 (Legislative context) and 2.8 (Supporting material). Additions/deletions to criteria in 2.4 and 2.5 (Procedure).
5	29 October 2019	Council resolution	Policy owner changed to Director Planning and Building
6	17 March 2020	Council resolution	Amended delegation policies to respond to emergencies and/or extraordinary circumstances.
7	25 May 2021	Council resolution	Amended clause 2.4.1.7
8	28 March 2023	Council Resolution	Amended section 2.3. Amended section 2.4. Amended section 2.5. Deleted section 2.6.