
Planning Delegation Policy



November 2023







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Planning Delegation Policy



Council Policy

Responsible director
Responsible officer
Functional area
Date adopted by Council
Review date

Director Infrastructure and Amenity
Coordinator Sustainable Development
Community Safety and Amenity
6 November 2023
1 November 2027

Purpose

The purpose of this policy is to set guidelines for the making of delegated decisions about planning applications.

Background

The *Planning and Environment Act 1987* establishes the duties and function of councils as the Responsible Authority. Under Section 188 of the *Planning and Environment Act 1987* provides that certain power, duties and function of Council can be delegated to a Committee of Council or Council staff.

For the purposes of efficiency, all councils have a system of delegation in place that allows officers of a council to make formal decisions on components of planning permit applications. Having an appropriate system of delegation in place offers the council a number of significant advantages.

Council Planning Officers are delegated directly by Council powers under the *Planning and Environment Act 1987* as set out in the S6 Instrument of Delegation. This means that officers have the authority to approve and refuse planning applications consistent with the policy or strategy.

Requirements to report to Council on planning applications that do not have policy implications can be inefficient and may develop inconsistent and potentially a non-planning scheme-based approach to decision making. The report of the Auditor General No 62. Land Use and Development in Victoria, The State's Planning System December 1999 recommended that councils should embark on a process that assesses risk issues in delegating responsibilities, and then determine the appropriate involvement of councillors in planning applications. MAV has reported that best practice amongst councils would suggest that in excess of 95 per cent of applications are dealt with by officers under delegated authority. This includes both applications that are approved and refused. The criteria contained within the Delegated authority decision table (Table 1) are consistent with MAV findings.

Scope

This policy details the criteria used to decide who can determine a planning permit application. The Delegated authority decision table (Table 1) clearly stipulates who can determine a planning permit application. The criteria is based on an assessment of risk and takes into account the size of the project, public response and the potential sensitivity of the project from a Councillor perspective.

Table 1: Delegated authority decision table

Application	Criteria	Determination
Planning Permit Amended Planning Permit	<ul style="list-style-type: none"> Value of development up to \$15 Million; or Between 1-4 objections have been received 	Delegated Planners
Planning Permit Amended Planning Permit	<ul style="list-style-type: none"> Value of work above \$15 Million; or 5 or more objections have been received; or Planning application is called in by a Councillor 	Council
VicSmart Applications	<ul style="list-style-type: none"> All applications 	Delegated Planners

Policy Objective

This policy aligns with the Council Plan 2021-25:

- Boost Economic Growth:
 - Build More Housing
 - Ensure Land Use Policy enables housing investment
 - Growing Local Business
 - Attract new rural industries
 - Ensure Land Use Policy enables commercial investment
 - Encourage commercial investment in the region
- Improve Organisational Effectiveness
 - Being a better Council

Legislation and Standards

Planning and Environment Act 1987

Responsibilities

Responsible line supervisor – Coordinator Sustainable Development

Responsible officers – Principal Statutory Planner, Statutory Planning Officer, Graduate Planning Officer

Review

Assessment of the policy will be undertaken every four years to align with the Council term to ensure it remains current with the Council’s goals, processes, aims and requirements and as a means by which to reduce Council’s exposure to risk. Triggers for an earlier assessment include legislative changes and introduction of new systems or procedures.

Communication and implementation

This policy will be adopted by the Council and circulated to staff through Council’s Electronic Document & Records Management System.

References

Auditor General No 62. Land Use and Development in Victoria, The State’s Planning System December 1999.
Municipal Association of Victoria, Planning Delegation Report, 2014

Compliance

[Select the checkboxes that this policy requires relevant State Government legislative compliance with.]

- Local Government Act 2020*
- Local Government Act 1989*
- Gender Equality Act 2020*

- Child Safety Act 2015*
- Privacy and Data Protection Act 2014*
- Equal Opportunity Act 2010*
- Fair Work Act 2009*
- Charter of Human Rights and Responsibilities Act 2006*
- Health Records Act 2001*
- Freedom of Information Act 1982*
- Planning and Environment Act 1987*
- Other

Privacy and Data Protection compliance

[All Council policies must consider the *Privacy and Data Protection Act 2014* and the *Victorian Protective Data Security (VPDSS) Framework* which adopts a risk-based approach to protective data security. Policies must include, where relevant, identified security risks and governance arrangements in place to protect security across the domains of information, personnel, ICT and physical.]

Gender Equality Act 2020

Not applicable.

Charter of Human Rights compliance

It is considered that this policy does not impact on any [human rights](#) identified in the *Charter of Human Rights & Responsibilities Act 2006*.

Definitions

Policy: What we will do and why (eg legislation governs Council actions)

Procedure: Step by step instructions as to how we will complete Council actions

Review history

Date	Review details	Action
05.12.2016	Council	Adoption
07.12.2020	Council	Policy reviewed and adopted
6.11.2023	Council	Policy reviewed and adopted