



# Consideration of Planning Applications Policy

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## 1. PURPOSE

- 1.1 This policy guides how planning applications will be considered and determined.

## 2. SCOPE

- 2.1 This policy applies to statutory planning applications lodged with council under the *Planning and Environment Act 1987* (the Act).

## 3. POLICY STATEMENT

- 3.1 The Act requires that council:

- 3.1.1 Deal with applications for use and development that are not as of right or prohibited by the Golden Plains Shire Planning Scheme.
- 3.1.2 Determine if further information is required to enable council to assess and make a decision on a proposal.
- 3.1.3 Determine if a proposal is likely to cause material detriment to a third party (in a planning sense) and, if so, require that the application be advertised.
- 3.1.4 Determine applications that are exempt from being advertised pursuant to the provisions of the zone/overlay/particular provision controls of the scheme.
- 3.1.5 Assess a proposal against the Golden Plains Shire Planning Scheme, consider any objections/submissions and make a determination within specified timelines.

- 3.2 If either the applicant or an objector is dissatisfied with council's decision there is an opportunity for the matter to be reviewed by the Victorian Civil and Administrative Tribunal (VCAT).

~~3.3 Given the volume of applications considered, decisions are delegated by council to planning officers.~~

~~3.4 Previous practice has been for all applications that receive one or more objections to be referred to an Ordinary Council meeting for a decision, other than two lot subdivisions which receive 3 or less submissions, which are considered under delegation.~~

~~3.5 Previous practice saw only the following applications able to be considered under delegation: applications which lack the required information to make a decision; applications which seek to vary a restrictive covenant which has received submissions or when a determining authority objects to an application.~~

3.63.3 ~~Given the changes to the Planning and Environment Act delegations,~~ This policy seeks to provide guidance on how-when a decision should be referred to a Council meeting.

3.3.1 A matter may be “called in” by Councillors, if done in accordance with policy and procedure and there are ~~23~~ or more objections, and the objections are received from different addresses.-

3.3.2 A matter may be “called in” by Councillors, if done in accordance with policy and procedure and the application is recommended to be refused by officers.

3.3.3 A matter must be decided by council whereby Statutory and Strategic Planning officers, Senior Officers and Councillors who have a financial interest in a property and the application.

3.6.1—Once a matter has been called in, in accordance with policy and procedure, then it must be decided by council and cannot be delegated back to officers unless all objections are withdrawn.

~~3.7—Given the improved delegations provided to officers, it is also proposed to improve the reporting to Council on decisions made under delegation and to also ensure that applications whereby Statutory and Strategic Planning officers, Senior Officers and Councillors who have a financial interest in a property is also forwarded to Council for a decision.~~

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## 4. PROCEDURES

4.1 Consideration of Planning Applications Procedures.

4.2 Consultation Meeting Procedure and Policy.

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## 5. RESPONSIBILITIES

### Compliance, monitoring and review

5.1 The Manager ~~Planning Development and Regulatory Services~~ is responsible for all aspects of compliance with this procedure.

### Reporting

5.2 The procedure is clear in terms of the additional reporting required as part of the adoption of this policy.

### Records Management

5.3 Council is required to maintain a call-in register as part of this policy

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## 6. DEFINITIONS OF TERMS OR ABBREVIATIONS USED

### Terms and definitions

Term	Definition
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<i>Call-in</i>	<i>A process to request an application to be called-in to the Chamber to enable Council to determine the matter. Must be in accordance with Consideration of Planning Applications Policy and Procedure.</i>
<i>CEO</i>	<i>Chief Executive Officer</i>
<i>Council</i>	<i>Golden Plains Shire Council</i>
<i>Councillor</i>	<i>Councillor means a person who holds the office of a member of a Council.</i>
<i>Senior Officer</i>	<i>Senior officer means -  (a) the Chief Executive Officer; (b) persons with the title of Director, reporting to the Chief Executive Officer; and (c) persons with the title of Manager, reporting to a person with the title of Director.</i>
<i>VCAT</i>	<i>Victorian Civil and Administrative Tribunal</i>

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## 7. RELATED LEGISLATION AND DOCUMENTS

### 7.1 Strategic Documents, Policies or Procedures

Consideration of Planning Applications Procedure

Consultation Meeting Policy and Procedure

#### **Legislation**

Local Government Act 2020

Planning and Environment Act 1987

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## 8. APPENDICES

### 8.1 Flow chart for the call-in procedure

## 9. HUMAN RIGHTS STATEMENT OF COMPATIBILITY

- 9.1 It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

## 10. POLICY OWNER

- |      |  |
|------|--|
| 10.1 | The owner of this policy is the Manager <u>Planning, Development and Regulatory Services.</u>  |
| 10.2 | The policy owner is the individual who is given the responsibility to review, edit and maintain this policy and associated procedure. The policy owner is also the point of contact for any questions regarding this policy. |
| 10.3 | The policy owner will review Consideration of Planning Applications Policy and Procedure in conjunction with Consultation Meeting Policy and Procedure every two (2) years.  |

## 11. FEEDBACK

- 11.1 You may provide feedback about this document by emailing [enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au)

## 12. DOCUMENT INFORMATION

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NOTES:	<p>Procedure documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult Council's Procedure page on the Golden Plains Shire Council website to ensure that the version you are using is up to date. Available at:</p> <p><a href="https://intranet.goldenplains.vic.gov.au/t">https://intranet.goldenplains.vic.gov.au/t</a></p>

## Appendices 1

### “Call-in” Process

Each Friday, Councillors are notified via email of applications which have received objections/submissions, and that are proposed to be refused.

A minimum of two Councillors are required to agree to call-in an application which has 2 ~~3~~ or more objections and must not have a conflict of interest

Within 5 business days of circulation of *Applications to be Considered Under Delegation Unless Call In*, Councillors are required to notify the Manager ~~Development and Regulatory Services~~ Planning via email of a call-in.

A call in must contain the following information:  
Application number  
Application address  
Planning reason/s for call-in  
Nominating Councillor name and  
Declaration that they have no conflict of interest

Seconding Councillor – as above using the email from initiating Councillor.

The planning officer notifies the permit applicant and objectors that the matter will be forwarded to an Ordinary Council meeting for a decision. Invitations to a Council meeting will be provided in the usual manner.

The planning application proceeds to a Council meeting for a decision.

Once an application is called in to Council, it must be decided by Council and cannot be delegated back to officers, unless all objections are withdrawn.

If all objections are withdrawn prior to the Council meeting, Councillors may withdraw their call in by emailing the Manager Planning and all other Councillors that they wish to withdraw their call in.

Councillors will be provided the status of applications called in by weekly email.