



PLANNING COMMITTEE

TERMS OF REFERENCE

Planning Committee Terms of Reference

1. Establishment of the Committee

- 1.1. The Planning Committee (Committee) is established by Council as a delegated committee under section 63 of the *Local Government Act 2020*.
- 1.2. The Committee will exercise the powers, functions and duties delegated to it by Council in the Instrument of Delegation included in the Annexure to these Terms of Reference.
- 1.3. These Terms of Reference set out the structure and basis on which the Committee can make decisions for and on behalf of Council.

2. Purpose

The Committee has delegated authority to exercise Council's powers, discretions and authorities and to perform Council's functions under the *Planning and Environment Act 1987* in accordance with relevant policies and guidelines of Council and to do all things necessary or convenient to be done for or in connection with the performance those functions, duties and powers.

3. Functions and powers

- 3.1. To carry out its purpose the Committee may exercise the following powers and functions:
 - 3.1.1. to function in accordance with the Planning Committee Terms of Reference;
 - 3.1.2. to assess and determine any applications for planning permits that are referred to it as the responsible authority under the *Planning and Environment Act 1987*;
 - 3.1.3. in relation to strategic planning matters, the power to:
 - (a) consider strategic planning matters;
 - (b) hear from submitters;
 - (c) seek authorisation from the Minister for Planning to proceed with a proposed Planning Scheme amendment;
 - (d) refer the submissions to a panel under Part 8 of the *Planning and Environment Act 1987*; and
 - (e) make recommendations to Council in respect of strategic planning issues;
 - 3.1.4. to refer any submissions to Council for further consideration and decision; and
 - 3.1.5. to do all things necessary or convenient to be done for or in connection with the performance these functions, duties and powers.

4. Objectives

- 4.1. The objectives of the Committee are to:
 - 4.1.1. assess and determine all applications for planning permits that are referred to it by Council's planning staff, in accordance with:

- (a) the *Planning and Environment Act 1987*;
 - (b) the Wyndham Planning Scheme;
 - (c) any relevant State Government policies;
 - (d) any relevant Council policies and guidelines; and
 - (e) the Committee's delegated authority;
- 4.1.2. consider and make recommendations to Council on matters relating to strategic planning, having regard to:
- (a) the *Planning and Environment Act 1987*;
 - (b) any relevant State Government policies;
 - (c) any relevant Council policies and guidelines, including strategic plans such as the Community Vision and Council Plan adopted by Council;
 - (d) the Committee's delegated authority; and
 - (e) submissions received in relation to the matter.

5. Scope and matters for consideration

- 5.1. The scope and matters for consideration that will be referred to the Committee include assess and determine any applications for planning permit that are referred to it as the responsible authority under the *Planning and Environment Act 1987*.
- 5.2. The Committee will have the power to consider strategic planning matters, hear from submitters, seek authorisation from the Minister for Planning to proceed with a Planning Scheme Amendment, refer submissions to a Planning Scheme Amendment to a panel and make recommendation to Council in respect of strategic planning issues.

6. Call-in procedures

- 6.1. Any member of the Committee may call-in an application for planning permit to be assessed and determined by the Committee.
- 6.1.1. The Committee will receive a weekly report on planning permit applications that have been received. This report will include all information as available in the Planning Register.
- 6.1.2. A request to call-in an application must be in writing to the Director, Planning & Liveability (with a copy to all Councillors) within 14 days of the date the report was received.
- 6.1.3. As detailed in the "Planning Committee – Call-In Request Form" as provided in the Annexure to these Terms of Reference, the request must clearly outline the following:
- (a) The application reference number and address.
 - (b) Reasons why the broader interest of the community is served by the proposal being considered by the Committee.

- (c) Acknowledge discussions with Director Planning & Liveability and demonstrate an understanding of what the application proposes and the issues to be considered are relevant beyond the immediately adjoining properties.

7. Delegations

- 7.1. The Committee will exercise the powers, functions and duties delegated to it by Council in the Instrument of Delegation included in the Annexure to these Terms of Reference.
- 7.2. Council may, at any time, review and vary the delegations to the Committee and will notify any variations to the Committee by providing an updated schedule, which will take effect and be incorporated into these Terms of Reference, on the date specified in the new schedule.

8. Composition of the Committee

- 8.1. The Committee shall consist of all Councillors.
- 8.2. Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 8.3. Council Officers who attend meetings of the Committee are to provide advice and support to the Committee and are not considered Committee members and do not have voting rights.
- 8.4. The Chairperson is to be a Councillor member and appointed annually by Council resolution or the Mayor.
- 8.5. If the Chairperson appointed by Council resolution or the Mayor is not present at a meeting, the members who are present at the meeting must appoint one of their number to preside at the meeting, provided always that it is a Councillor who is appointed.

9. Meetings of the Committee

- 9.1. Committee meetings must be conducted in accordance with:
 - 9.1.1. Council's Governance Rules;
 - 9.1.2. Division 2 of Part 3 of the *Local Government Act 2020*; and
 - 9.1.3. the Committee's discretion, subject to Council's Governance Rules.
- 9.2. The Committee will meet on a monthly basis, at the time and place agreed by the Committee from time to time.
- 9.3. The Director, Planning & Liveability is responsible for preparing and delivering the meeting agenda items, ensuring planning officer attendance and providing advice at meetings, recording of minutes and implementation of decisions of the Committee.
- 9.4. The Director, Planning & Liveability will:
 - 9.4.1. prepare and distribute a Committee meeting agenda to Committee members;
 - 9.4.2. give public notice of the relevant Committee meeting; and

9.4.3. cause the public notice and Committee meeting agenda to be published on Council's website,

at least four (4) days prior to the relevant Committee meeting.

9.5. Committee meetings will be held in a place that is open to the public, although the Committee may resolve to exclude members of the public from any part of a Committee meeting on any of the grounds prescribed by section 66 of the *Local Government Act 2020*.

9.6. The process for submitters to be heard by the Committee is as follows:

9.6.1. An opportunity to present a submission to the Committee will be available for all parties to each planning application or amendment. Parties will be required to register their intention to present to the Committee no later than 1 week from the meeting. A maximum of 5 minutes per submission will be allowed to enable all parties an opportunity to be heard.

10. Confidential Information

10.1. Committee members will, from time to time, have access to confidential information, as defined in section 3 of the *Local Government Act 2020*.

10.2. All Committee members are required to comply with their obligations under the *Local Government Act 2020* with respect to confidential information.