

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

17 June 2014

Agenda Item 9.4	Development Hearings Panel - process for appointing Independent Qualified Persons
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Development Hearings Panel – Independent Qualified Persons

The Council is calling for applications from interested professionals to fill two vacant positions on the Development Hearings Panel (DHP), as Independent Qualified Persons, for a two year term .

Written applications for appointment to the DHP will be received by the Council until 5pm on (tbc) 2014. Application forms are available on the Council's website at www.greatershepparton.com.au, the Council office at 90 Welsford Street, Shepparton or by contacting Braydon Aitken on 5832 9730.

Selection Criteria

To be eligible to nominate for an Independent Qualified Person position on the DHP you shall be:

- A qualified town planner with demonstrated extensive experience in government and/or the private sector; or
- A person from the private and/or public sector, with demonstrated extensive experience, in town planning or a related discipline such as:
 - a) Regional Development
 - b) Architecture or Draftsmen
 - c) Environmental Planning
 - d) Legal Services
 - e) Civil Engineering
 - f) Traffic Engineer
 - g) Building Surveyor
 - h) Agricultural Specialist
- Applicants must be able to demonstrate that they can remain independent or not have potential conflicts of interest.
- Applicants must not be a regular planning permit applicant of the Greater Shepparton City Council or a regular advocate of planning permit applicants of the Greater Shepparton City Council.

GREATER SHEPPARTON
GREATER FUTURE

Nomination Form for Appointment to Development Hearings Panel – Independent Qualified Person

1. Please provide your name, mail address and contact details below.			
Name			
Address			
Contact Telephone Number	BH :	AH:	Mobile No:
E-mail (if available)			

2. Please outline below any relevant qualifications, skills and experience that you could contribute to the Development Hearings Panel.

3. Please describe below details in support of your nomination for appointment to the Committee.

**Please return to the Greater Shepparton City Council marked
“Development Hearings Panel Nomination”,
Locked Bag 1000, Shepparton, 3632.**

By 5.00pm on (tbd) 2014

Privacy Statement

The personal information contained in this form is collected to provide information pertaining to the appointment of individuals to a Special Committee of Council. This information may be disclosed to other areas of Council or third parties for the purposes of appointment, and in accordance with the *Information Privacy Act 2000*. The names of the successful applicants will be included in the agenda and minutes of the Council Meeting at which they are appointed.

G R E A T E R S H E P P A R T O N
G R E A T E R F U T U R E



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GUIDELINES FOR DEVELOPMENT HEARINGS PANEL



Development Hearings Panel

Review Date: **tbc**

Responsible Officer: Manager Planning

Approval Date:

1. SUMMARY

The Development Hearings Panel (“DHP”) has been formed to consider and determine, as a delegate of Council, various matters under the Planning and Environment Act 1987, the Greater Shepparton Planning Scheme and other relevant regulations. In particular this includes:

- planning permit and permit amendment applications where up to 5 objections are received (*for 6 or more objections these must go to Council*);
- any permit or permit amendment application, secondary consent, request for extension of time or other determination of an officer (under a delegated authority) which is recommended for refusal by an officer;
- any relevant matter referred to the DHP by an officer.

The DHP is a special committee of the Council established under section 86 of the Local Government Act 1989 and exercises powers delegated to it by Council, from time to time.

2. OBJECTIVES

To establish policy and related processes for the DHP for its decision making as the delegate of Council in respect of various planning and development matters in order to:

- avoid delays in decision making where consideration by a Council meeting is not appropriate or as directed;
- create a body to consider applications where objections (up to 5) have been received, rather than under Officer delegation;
- provide a forum for presentation of views of relevant parties; as applicable (eg applicants, objectors, other government agencies);
- act as a check and review in respect of potential refusals by Council of applications and other decision making.

3. DEFINITIONS

“Responsible Authority” has the same meaning as Responsible Authority under the *Planning and Environment Act 1987*.

“The DHP” means the Development Hearing Panel, the Special Committee of Council established by Council, as described in these Guidelines;

“Officer” means a member of Council Staff;

“Nominated Councillor” means the Councillor nominated by Council resolution, from time to time, as the Councillor member on the DHP;

“Alternate Councillor” means the Councillor nominated by Council resolution, from time to time, as the alternate (to the Nominated Councillor) Councillor member on the DHP;

“Independent Qualified Person” means the independent qualified person nominated by Council resolution for a two year term as Independently Qualified Person 1 or Independently Qualified Person 2 member on the DHP.

**GUIDELINES FOR
DEVELOPMENT HEARINGS PANEL**



4. TERMS OF REFERENCE

4.1 Expected / Definite life of the Committee

- The DHP established by the Council is intended to continue until its existence is discontinued by the Council.

4.2 Members of the Special Committee

The 9 Members of the DHP are the:

- Director Sustainable Development,
- Manager Planning;
- Team Leader Statutory Planning;
- Team Leader Strategic Planning;
- Team Leader Development Engineering;
- Principal Strategic Planner;
- Independent Qualified Person 1;
- Independent Qualified Person 2;
- Nominated Councillor or Alternate Councillor, appointed.

A meeting of the DHP will also be validly constituted at the time of the meeting by:

- the attendance of an Officer “acting” in one of the officer position descriptions above;
- failing the attendance of the Nominated Councillor, the Alternate Councillor attending.

4.3 Meeting Attendance

- **The Chair of the DHP is the Nominated Councillor or Alternate Councillor if the Nominated Councillor is absent.**
- The Nominated Councillor is principally responsible to attend the DHP. The Alternate Councillor will only be called on to attend if the Nominated Councillor is unable to attend a meeting.
- A majority of the 9 DHP members are required to form a quorum (that is 5) provided present at any DHP meeting must be:
 - **not less than 4 non Councillor appointees;** and
 - the Nominated Councillor or the Alternate Councillor.
- Meetings are open to the public other than in circumstances where the DHP resolves to close the meeting in accordance with section 89 of the *Local Government Act 1989*.

**GUIDELINES FOR
DEVELOPMENT HEARINGS PANEL****4.4 Authority of the Committee**

- The DHP is a special committee of the Council established under section 86 of the *Local Government Act 1989*.
- The DHP exercises power delegated to it, including under the *Planning and Environment Act 1987*, pursuant to an Instrument of Delegation adopted by resolution of the Council from time to time.

4.5 Meetings

- The DHP operates under Local Law No 2, with such modifications and adaptations as the DHP deems necessary for the orderly conduct of meetings.
- The Chair will give reasonable notice of any proposed meeting to the public, which must not be less than 7 days.
- All DHP members have 1 vote at a meeting.
- Decisions of the DHP are by ordinary majority resolution. If a vote is tied the Chair of the DHP has the casting vote.
- The process for submitters to be heard by the Panel shall be:
 - the officer to present the report
 - referral authority to present a submission as relevant
 - the objectors to present a submission
 - the applicant to present submissionsunless otherwise directed by the Chair.
- Applicants and objectors are to be limited to three minutes per person unless otherwise directed by the Chair.

4.6 Secretariat

- The Chair of the DHP is responsible for the convening of meetings, ensuring written minutes are kept and implementation of decisions of the DHP.

4.7 DHP Decision Options

The DHP may:

- determine a matter; or
- decide (whether before, during or after the hearing and consideration of a matter at a DHP meeting) to refer the matter to a Council meeting for determination.

**GUIDELINES FOR
DEVELOPMENT HEARINGS PANEL**



4.8 Information to Councillors

- On a quarterly basis all Councillors must be provided with a list of matters considered by the Panel.
- Where objections are lodged, the Council officers will often hold mediation meetings with applicants and objectors in an attempt to resolve differences or reach compromise, subject to Council's decision. Where an objection is withdrawn it will no longer be considered (or counted) as an objection provided that if it is withdrawn subject to condition(s) it will require a decision in accordance with such condition(s) to constitute a withdrawn objection.