

# **ATTACHMENT TO AGENDA ITEM**

**Ordinary Meeting**

**16 September 2014**

<b>Agenda Item 9.1</b>	<b>Development Hearings Panel - Seeking Permission to Proceed Prior to Appointing Independent Qualified Persons</b>
<b>Attachment 1</b>	<b>Guidelines for Development Hearings Panel -with IQP's removed (PDF Version)..... 212</b>

**GUIDELINES FOR  
DEVELOPMENT HEARINGS PANEL****Development Hearings Panel**Review Date: **[INSERT DATE]**

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;

**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 7 Members of the DHP are the:

- Director Sustainable Development,
- Manager Planning;
- Statutory Planning Team Leader;
- Strategic Planning Team Leader;
- Development Team Leader;
- Principal Strategic Planner;
- 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.
- 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 7 DHP members are required to form a quorum (that is 4) provided present at any DHP meeting must be:
  - not less than 3 Officer 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.