

Statutory Planning Applications – Referral to Council

Department/Unit	Planning and Environment	First Implemented	20 October 2015	Review Date	19 February 2022
Origin	Manager Planning and Environment	Reviewed	18 February 2020	Version	04
Authorising Officer	Chief Executive Officer	Effective From	15 February 2022	TRIM Reference	E522/E3328

Purpose/Objective

The purpose of this Policy is to outline appropriate processes for referring Development Plan applications and/or planning permit applications to the Council for determination.

Council, as a Responsible Authority, has powers under the *Planning and Environment Act 1987* to grant, refuse or amend applications for planning permits under the Mansfield Planning Scheme.

Policy Statement

This Policy confirms Council endorsement that only planning matters with the following triggers will result in a report to Council:

Planning Permit Applications

- Where the application is outside of the delegation thresholds specified in the S6 Instrument of Delegation under Section 61(1) of the *Planning and Environment Act 1987* (as amended from time to time); and/or
- Where the application is 'called in' by written request of a Councillor; and/or
- Where officers consider that it is appropriate for the proposal to be determined by Council rather than under delegation.

Development Plan Applications

- Applications to approve or amend an approved Development Plan:
 - Which proposes to develop land for eight (8) or more lots; and/or

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- Where officers recommend Refusal of an application.

Definitions

Trigger: Make cause to forward a Planning Application to the Council for determination.

Call in: Request by a Councillor for a Planning Application to be referred to a Council meeting for decision.

Scope

Delegation is an essential tool utilised by councils to ensure that decision making occurs in a timely fashion, while still allowing for direct involvement of the Council where matters of significant community interest or major policy implications are raised. Consistent with many other municipalities, Council has delegated the majority of its statutory planning powers under the *Planning and Environment Act 1987* to grant, refuse or amend applications for planning permits under the Mansfield Planning Scheme to Council officers.

Responsibilities

This policy applies to Council officers delegated under the *Planning and Environment Act 1987*.

Adherence to the 'Statutory Planning Applications – Referral to Council Policy' will be overseen by the Manager Planning and Environment with any associated procedures implemented by the Manager Planning and Environment.

Management and appropriate employees are to be familiar with, and competent in, the application of this Policy, and are accountable for the delivery of that policy within their areas of responsibility.

The Manager Planning and Environment is the owner of this policy. Any reviews of this Policy must be made in consultation with the Manager Planning and Environment.

References / Related Policies

- *Planning and Environment Act 1987*
- Mansfield Shire Council Instrument of Appointment and Authorisation – *Planning and Environment Act 1987* (Schedule 11A)
- Mansfield Shire Council Instrument of Delegation – Council to Members of Staff (S6)

Implementation

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This Policy is effective from 15 February 2022 and remains in force until it is varied, revoked or superseded by Council.

Review Date

This Policy is to be reviewed no later than 15 February 2024.

Authorisation to Implement Policy

Please choose one or the other signatory options.

Signed: _____

Councillor

Witnessed: _____

Chief Executive Officer

Approval dated: XXX

Mansfield Shire Council reserves the right to review, vary or revoke this Policy at any time.