

Terms of Reference – Planning Delegated Committee

The Planning Delegated Committee (Committee) is a delegated committee of Council in accordance with section 63 of the *Local Government Act 2020* to hear from applicants/land owners and objectors/submitters (all hence forth know as speakers) on statutory and strategic planning matters including planning applications and to determine planning matters.

The committee comprises all nine Macedon Ranges Shire Councillors.

Introduction

Council receives written submissions on a variety of planning matters which need to be considered by Council during the decision-making process. The Committee provides people who have made a submission with a specific opportunity to appear in person to expand on their submission, if they wish to do so, for the nominated matters as outlined in the instrument of delegation.

Privacy

In accordance with Council's Governance Rules, the agenda for each meeting of the Committee will be published on Council's website at least five (5) days before a meeting is scheduled. Written submissions received by the deadline will be included as attachments to the agenda and will therefore be publicly available.

Prior to publication, contact details of individuals (such as email addresses, postal/home addresses and telephone numbers) will be redacted from written submissions in order to protect the privacy of submitters. However, the names of submitters and the content of their submissions will be published in the meeting agenda and may also be reproduced in the meeting minutes.

Speakers who elect to present in person at a Committee meeting in support of their written submission should also note that meetings will be recorded and streamed live on the internet in accordance with Council's Livestreaming and Publishing Recording of Meetings Protocol, which can be viewed on Council's website. By electing to present to the Committee, it is assumed consent is given by submitters if their image is inadvertently broadcast, as per the protocol.

1. Making a submission

- 1.1 Submissions must be provided by the deadline specified in the public notice/advertisement. A submission may comprise a submission made by an individual, two or more persons, a company or organisation or the organiser of a petition. The acceptance of late submissions will be at the discretion of the Chairperson.
- 1.2 Submissions should be lodged in the prescribed format where possible.
- 1.3 Only a speaker who has made a submission and indicated in their submission that they wish to appear in person, will be permitted to address the Committee, unless they have nominated a representative to appear on their behalf.
- 1.4 Reference to the making of submissions at Section 1.1 - 1.3 of these guidelines relates to those speakers who wish to be heard at the relevant Committee meeting only. It is acknowledged that submissions (including objections) may be made to Council regarding a planning application after the notice period has finished, up until a decision is made on the application.

2. Late Speakers

- 2.1 For submissions made in relation to matters being considered by the Committee, requests to speak to a submission not identified at the time of making the submission may be accepted up to 5pm on the day prior to the Committee meeting (the meeting).
- 2.2 Where speakers have not requested to speak either via their formal submission or via the late speakers process outlined in 2.1 they will only be heard at the meeting at the discretion of the Chairperson.
- 2.3 Requests for speakers who have not complied with deadline to speak will only be considered by the Committee at the conclusion of all other scheduled speakers.

3. Time Limits

- 3.1 Speakers will be allocated a maximum of three (3) minutes to speak.
- 3.2 In the case of joint submissions, a maximum of three (3) minutes will be allocated and one person should be nominated to speak on behalf of the submitters.
- 3.3 In the case where multiple individual submitters/objectors designate a single representative to present on their behalf the representative will be allocated a maximum of five (5) minutes.
- 3.4 Where a person (i.e., the “head petitioner”) has organised a petition comprising more than 500 signatures, a maximum of five (5) minutes will be allocated to the head petitioner, or the representative, to speak to the Committee if they wish.
- 3.5 In circumstance/s which the Chairperson considers to be ‘special’, a speaker will be given more than three (3) minutes to speak up to a maximum of five (5)

minutes.

- 3.6 Where there are more than 25 speakers who wish to speak at the meeting, the Chairperson may reduce the time allocated to speakers in order to achieve an efficient and timely meeting.

4. Attendance

- 4.1 A speaker (or their nominated representative) needs to appear in person to speak to their submission.

- 4.2 If a speaker on the RSVP List for the meeting, is no longer able to attend they can provide a written statement, for circulation via email to Councillors, which will not be read out at the meeting or be recorded in the meeting minutes.

4.2.1 This written statement should seek to provide further supporting information that expands upon issues raised in the original submission.

- 4.3 Where the meeting is held electronically speakers can attend via online video call or by telephone call.

- 4.4 If connection is lost by the speaker during an online video call, they may reconnect to the meeting via telephone call.

4.4.1 In order to maintain the efficiency of the meeting while they are reconnecting the Committee may hear from other speakers with the reconnected speaker heard at the conclusion of all the speakers on the matter.

5. Addressing the Committee

- 5.1 Recognising that all Committee members will have already received the complete written submission, submitters should seek to provide further supporting information and comment in a manner that expands upon issues raised in the written submission or enables this to be conveyed in a more personalised manner.

- 5.2 A PowerPoint presentation or other form of digital media is permitted, if previously arranged with a member of Council staff. Such arrangements must be made at least two (2) business days in advance of the meeting.

- 5.3 Additional supporting documentation may be tabled at the meeting for circulation to Councillors via email, these documents will not be recorded in the minutes.

- 5.4 A speaker's comments will not be recorded in the minutes of the meeting.

- 5.5 Members of the Committee may ask questions of the speaker at the end of each presentation. The speaker's responses should be brief and to the point.

- 5.6 Questions by members of the Committee and corresponding responses by the speaker or their representative will not be recorded in the minutes of the meeting.

- 5.7 Other than 5.5, no speaker has a right of reply unless the Chairperson asks questions or expressly invites further comment. Such answers or comments are

to be brief and to the point and will not be recorded in the minutes.

6. Representatives

- 6.1 A speaker may request to be represented by a nominated person (who is not a member of Council staff or a Councillor) at the meeting in accordance with these guidelines.
- 6.2 A representative assumes the opportunity to speak on behalf of, and in place of, the submitter or applicant and must adhere to the time limit.
- 6.3 A representative must speak to the specific issues relevant to the submission they are representing.

7. Timing of decision making

- 7.1 The Committee will not hear from speakers to a planning matter and decide that planning matter at the same Committee meeting, unless there is a compelling reason (such as a timeframe required by VCAT) to do so. The decision will occur at a subsequent meeting of Council or the Committee.

8. Public Behaviour

- 8.1 Any speaker addressing the Committee must extend courtesy and respect to the Committee and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.
- 8.2 The Chairperson, may ask for the removal from the meeting room any person who acts in breach of these guidelines or the Governance Rules.
- 8.3 Each speaker has the right to an uninterrupted presentation and no interjections will be tolerated from the gallery.

9. Application Generally

- 9.1 Rule 69 of the Governance Rules outlined the rules applicable to Delegated Committees.
- 9.2 As the purpose of the Planning Delegated Committee is to hear from community members, the Committee should, where possible operate without undue formality.
- 9.3 Requests for variations to the process outlined above in clauses 1 to 7 shall be decided by the Chairperson to ensure efficient and effective meetings.