

C5. Instrument of Delegation (Planning Committees)**Surf Coast Shire Council
Instrument of Delegation
Surf Coast Planning Committee**

The Surf Coast Shire Council (**Council**) delegates to the committee established by resolution of Council passed on 28 January 2014 and known as the "Surf Coast Planning Committee"(SCPC) (**the Committee**), the powers, discretions and authorities set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed onJune 2016;
2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council resolves to vary or revoke it; and
 - 2.3 is to be exercised in accordance with the exceptions, conditions and limitations set out in the Schedule and with the guidelines or policies which Council from time to time adopts; and
3. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the Surf Coast Planning Committee (SCPC).
4. all members of the Committee have voting rights.



SCHEDULE

Purpose

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

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. Carry out any function beyond the terms of reference as amended from time to time by a resolution of the Council.
2. Exercise the powers which, under section 86 of the *Local Government Act 1989* or section 188 of the *Planning and Environment Act 1987*, cannot be delegated to the Committee.

The COMMON SEAL of the SURF COAST SHIRE COUNCIL
was affixed hereto with the authority of the Council
in the presence of:

.....
Mayor

Dated: June 2016

.....
Chief Executive Officer

Dated: June 2016



Maddocks

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	SCPC	
s.58	duty to consider every application for a permit	SCPC	
s.60	duty to consider certain matters	SCPC	
s60(1A)	power to consider certain matters before deciding on application	SCPC	
s.61(1)	power to determine permit application to decide to grant a permit, to decide to grant a permit with conditions where there are no objections	SCPC	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
s.61(1)	power to determine permit application to decide to grant a permit, to decide to grant a permit with conditions where there are objections	SCPC	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
s.61(1)	power to determine permit application to decide to refuse a permit application	SCPC	
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	SCPC	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	SCPC	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	SCPC	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	SCPC	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	SCPC	
s.62(1)	duty to include certain conditions in deciding to grant a permit	SCPC	
s.62(2)	power to include other conditions	SCPC	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	SCPC	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	SCPC	
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	SCPC	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	SCPC	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with section 62(5) or section 46N	SCPC	



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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.62(6)(b)	duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in section 62(1)(a)	SCPC	
-	power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	SCPC	
	power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	SCPC	
	power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	SCPC	
-	power to give written authorisation in accordance with a provision of a planning scheme	SCPC	