

C5. Instrument of Delegation (Council to Planning Committee)

Surf Coast Shire Council Instrument of Delegation - Surf Coast Planning Committee

The Surf Coast Shire Council (**Council**) delegates to the committee 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 on 23 May 2017;
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.

Executed by the Chief Executive Officer on behalf of the Surf Coast Shire Council, pursuant to the Council resolution dated 23 May 2017.

Signed on behalf of the Surf Coast Shire Council)
 by the Chief Executive Officer)
 pursuant to the instrument of delegation)
 dated 23 May 2017 in the presence of:)

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Witness

Dated:



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.60(1B) | duty to consider the number of objectors in considering whether use or development may have significant social effect | 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 | |



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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(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 | |
| 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 | |



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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(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 | |
| 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 | |