

# Protocols for Councillors – Land Use Planning

<b>Approval Body:</b>	Council
<b>Endorsement Date:</b>	20 April 2021
<b>Council Plan Reference:</b>	A High Performing Organisation
<b>Current Version:</b>	2.0 <i>Council policy documents change from time to time and it is recommended that you consult the electronic reference copy on Casey Council's Website to ensure that you have the current version. Alternatively, you may contact Customer Service on 9705 5200.</i>
<b>Compulsory Review Cycle:</b>	4 years
<b>Review Date:</b>	20 April 2025 <i>It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively.</i> <i>Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.</i>
<b>Responsible Department:</b>	Planning and Building/Growth and Investment
<b>Relevant Legislation:</b>	Planning and Environment Act 1987 Subdivision Act 1988 Local Government Act 2020
<b>Relevant Council Documents:</b>	Casey Planning Scheme, including Incorporated Documents and Reference Documents.
<b>Breaches:</b>	Nil
<b>ECM ID:</b>	13834922

## 1. Purpose and Intent

The purpose of this policy is to:

- Reinforce Council’s role as Planning Authority (development of policy and strategy and changes to the Casey Planning Scheme via Planning Scheme Amendments) and Responsible Authority (considering planning applications against the policies and controls within the Casey Planning Scheme).
- To articulate the separation of power between the role of council in ‘setting the vision, policy and direction’ and the ‘implementation of policy and making of decisions on planning applications’.
- Provide Council with instruction and guidance on their important roles as Planning Authority and Responsible Authority.
- Ensure decisions are not compromised by premature or ill-informed advice provided to proponents, applicants, objectors or submitters through consistent, transparent and accountable processes.
- Create greater certainty and transparency to the community about Council’s role and decision-making processes as well as opportunity to engage with Council as part of this.

## 2. Scope

This policy applies to the City of Casey Council in its capacity and role in decision making as Planning Authority and Responsible Authority primarily under the Planning and Environment Act 1987.

It articulates the decision-making processes, including opportunity for the community to be engaged through this.

## 3. Definitions

<b>Key term</b>	<b>Definition</b>
<b>Council</b>	means Casey City Council, being a body corporate constituted as a municipal Council under the Local Government Act 2020.
<b>Councillors</b>	means the individuals holding the office of a member of Casey City Council
<b>Council officer</b>	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
<b>Planning Authority</b>	means Casey City Council in its role as Planning Authority under the Planning and Environment Act 1987. This is the role of Council when making decisions to change the Casey Planning Scheme at a policy or broad or specific control level such as introducing an overlay to a geographic area to deliver a certain outcome.
<b>Responsible Authority</b>	means Casey City Council in its role as Responsible Authority under the Planning and Environment Act 1987. This is the role of Council when making decisions on planning applications that have been lodged with the council to deliver at a small or larger scale the policy outcomes articulated in the Casey Planning Scheme. Most planning applications are determined by Council officers under the delegation afforded to them by Council. This policy articulates the justification for the setting of delegations at the City of Casey.

<p><b>Land Use Planning</b></p>	<p>For the purposes of this policy, Land Use Planning includes:</p> <ul style="list-style-type: none"> <li>- Strategic planning matters, including preparation of policy and strategy that will change or influence what landowners can and cannot do on their land.</li> <li>- Planning scheme amendments processes, including adoption, exhibition, consideration of submissions, panel recommendations and requests to the Minister for Planning to change the Casey Planning Scheme.</li> <li>- Planning applications that cannot be considered under delegation by Council officers.</li> <li>- Secondary consents to planning permits.</li> <li>- Requirements of any Development Contributions Plan or other incorporated document as part of the planning application and permit process.</li> </ul>
<p><b>Planning and Building Department</b></p>	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>- Statutory and strategic planning in established areas.</li> </ul> <p>Planning compliance across the entire municipality</p>
<p><b>Growth and Investment Department</b></p>	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>- Statutory and strategic planning in growth area and where major investment opportunities exist such as town centres</li> <li>- Subdivision and engineering approvals across the entire municipality</li> </ul> <p>Development contributions management</p>

#### 4. Policy

In considering any land use planning matters Councillors should:

##### 4.1. Requests for Advice and Information from Parties

- Refer parties seeking information or advice to Customer Service. Council provides a *planner on roster service* which manages phone and counter visitor enquiries (at Bunjil Place) during business hours.
- Refer parties seeking a planning scheme amendment to Council's strategic planning teams and the Proponent Requested Planning Scheme Amendment Policy. The Policy guides the prioritisation of proponent requested proposals and provides avenues to consider all eligible proposals.
- Direct parties to Council's website for information.
- Not purport to provide land use planning advice.
- Not place themselves in a compromised position by appearing to be an advocate for or against any proposal that may come before the Council for a decision.
- Guard from future allegations of pre-judging a matter by retaining an open mind (being open to be persuaded), avoiding making fixed statements of support or opposition and maintaining impartiality.
- Communicate to parties that there are formal processes in place to consider their views.

#### **4.2. Requests for meetings, correspondence and phone calls**

- Consider whether there is merit in meeting with a party over and above the consideration of written or presented submissions as part of the decision-making process.
- Refer meeting requests to the Council Support Officer for coordination and these will be held in the presence of a senior member of the Planning and Building Department or Growth and Investment Department and the Director City Planning and Infrastructure.
- Not compromise themselves by having meetings, phone calls or other correspondence with parties without council officers or other parties being present.
- Where communication does occur, a record of the discussion is required. If this occurs in absence of a council officer, then a copy of any record of any interaction must be provided to the Council Support Officer to be placed on file. This is in the interests of transparency and places the active onus on the Councillor to maintain the integrity during the course of any planning process.
- Do not express a view that demonstrates a bias or pre-conceived view.

#### **4.3. On receiving submissions**

- Refer any objection or submission as soon as possible to the Councillor Support Officer or relevant Manager for registration and acknowledgement.
- Advise the objector or submitter that their submission will be considered and that they will be advised of Council's decision and any review rights or rights to be heard (such as to the Victorian Civil and Administrative Tribunal or Planning Panels Victoria).

#### **4.4. Hear from the community**

- Take the opportunity to hear verbal submissions or presentations by parties in advance of determining significant land use planning matters at a Council Meeting. This may include at a meeting or other assembly of Council on a day prior to the matter being determined by the Council. This is to provide for a fair and reasonable timeframe for Council to contemplate the matter before making a decision. This will be coordinated by the relevant department.
- Provide an equal opportunity for both the applicant/proponent and objector and submitters to be heard.
- Note this is not part of the statutory role in determining planning applications or considering strategic planning matters, but aims to increase the opportunity for the community to engage with the planning system and increase dialogue with all parties to help inform any decision making processes.

#### **4.5. Decision Making as Planning Authority**

- Make all efforts to attend briefings, read background reports and ask questions about strategic policy development and planning scheme amendments to be well informed about what is proposed, the implications and opportunities, challenges and risks.
- Make decisions with a clear and open mind with a view to set the vision and policy direction with the long term community benefit and outlook over and above a short term need.
- Have regard to the Proponent Requested Planning Scheme Amendment Policy and endorsed Strategic Land Use Planning Work Plan when considering requests for amendments to the Casey Planning Scheme. Deviation from this Policy should occur only where there are exceptional circumstances that demonstrate net community benefit and justification for Council to prioritise resource allocation to that project over its established commitments.

#### 4.6. Decision Making as Responsible Authority

- Review information circulated advising of planning applications submitted and contact the relevant manager to discuss further.
- Take interest in reviewing any application and ensuring the relevant matters are clearly understood. Only applications that are of significant community interest with a high number of objections are considered by Council, with the majority of applications considered by officers under delegation and in accordance with the requirements of the Casey Planning Scheme.
- Where required 'call in' any application to be considered by Council. Requests to have matters determined by Council at a Council meeting should be made carefully as to not give rise to any perceived or actual conflict of interest by Council and to make sure matters are called in for the reasons of there being a broader community interest, with the support of the Mayor. Decisions in line with policy and the Casey Planning Scheme should be determined by operational part of the organisation and includes refusals of applications and determining applications with up to twenty (20) objections.
- Broader community interest is defined as matters which impact the state, south east Melbourne region or the Casey municipality. It does not include matters that have a discreet, localised or neighbourhood catchment, where there is clear direction and guidance in the Casey Planning Scheme and/or Victorian Civil and Administrative Tribunal (VCAT).
- Make decisions with a clear and open mind and in accordance with the requirements of the Casey Planning Scheme and setting aside any personal views
- Contain deliberations and debate to the planning merits of the application under consideration.

#### 4.7. Responsibilities

Who	What
Planning and Building Department and Growth and Investment Department	Communicate policy direction to parties involved in planning processes.
Governance	Embed and reiterate policy to Council

#### 5. Breaches

NA

#### 6. Relevant Forms

NA

#### 7. Document History

Date approved	Change Type	Version	Next Review Date
20 April 2021	Document Amendment	2.0	21 April 2025
7 April 2020	Document Initiation	1.0	30 April 2024