

Policy Status: Approved

Document Type: Policy
Primary Keyword: Information Management
Secondary Keyword: Council Policies
Tertiary Keyword: Policy register update

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Precis: Committee Meetings-Planning Review

Responsible Officer: Policy Coordinator

Document:

TITLE:	Charter and Procedures of the Planning Review Committee
AUTHORITY:	Council
DATE OF ADOPTION/AMENDMENT:	16 September 1998
REPORT NO:	DES 1381/1998
MINUTE NO:	915
POLICY NO:	C6.1
POSITION RESPONSIBLE:	
RELEVANT LEGISLATION:	
PREVIOUS POLICY NO:	
DATE LAST REVIEWED:	

OBJECTIVE

The purpose of this policy is to set out the charter and procedures of the Planning Review Committee (PRC).

POLICY

1. Matters Referred to the Planning Review Committee

Matters referred to the Planning Review Committee (PRC) will generally relate to those development matters where the applicant is not satisfied with the decision made by Council. Such matters would normally include particular conditions of consent.

2. Process

- i) Applicants dissatisfied with Council's determination can lodge an application seeking a *review* (S.82A of the Environmental Planning & Assessment Act, 1979, as amended) or a Modification (S.96 of the Act) to Council's determination.
- ii) Such applications will be dealt with by Council staff in accordance with internal management procedures. Such processes will involve an officer independent to the original processing officer of the application assessing any reviews under Section 82A of the Act and modifications, other than minor modifications where the original processing officer may assess the minor modification, under S96 of the Act.
- iii) If a review or modification request to an application dealt with under delegated authority is not supported by the Development Services Manager, an "*Intention to Refuse*" notice will be sent to the applicant giving a fourteen (14) day period to lodge an appeal to the PRC.
- iv) If an appeal is lodged within this period a meeting of the PRC will be set.
- v) The applicant and the Development Services Manager will then submit reports to the committee and each other seven (7) days prior to the meeting date.
- vi) The meeting will then be held in accordance with Sections 3, 6 and 7 of this policy.
- vii) The decision of the committee, subject to delegations, will be final.

3. Meetings

Planning Review Committee hearings are to be generally held as required on a Wednesday when Council meetings are not scheduled, commencing at 6.30 pm.

4. Delegations

Council has delegated the powers under Section 102 of the Environmental Planning & Assessment Act, 1979 to the Planning Review Committee to modify any consent, the powers under Section 82A of the Environmental Planning & Assessment Amendment Bill, 1997 to review any determination, and the powers under Section 96 of the Environmental Planning & Assessment Act, 1997 to modify any development consent.

5. PRC Rules

The following procedural rules apply to all PRC meetings.

1. The applicant and the Development Services Manager are to provide written submissions for the Committee's consideration substantiating their case at least seven days prior to the PRC meeting. Failure to provide written submissions in accordance with this rule and the PRC hearing will be abandoned.
2. The applicant, or their professional adviser, is to appear before the Committee. No legal representation will be allowed unless there is a question of law relating to the matter, in which case Council's solicitor may also be in attendance.
3. The Committee is to be made up of full Council and the Mayor is to Chair the meetings.
4. The Committee may call upon Council's solicitor for legal advice.
5. No additional matters to those set out in the applicant's submission and Planning Officer's report can be raised at the meeting.
6. The format of the meeting will be:
 - i) the applicant puts forward his/her case;
 - ii) relevant Council Officer makes his/her submission;
 - iii) the applicant has a right of reply which must be limited to those matters addressed by the Council

Officer.

- iv) committee members can then ask questions of either the applicant or DSM; and
- v) the committee deliberates on the matter and makes its recommendation.

7. The meetings are open to the public.
8. Submissions by the applicant and Council Officers shall be limited to ten (10) minutes each and applicant right of reply limited to five (5) minutes.
9. An extension of time may be granted subject to the approval of the majority of the Committee.
10. A quorum for a meeting of the Committee is a majority of the Councillors or the Council, who hold office for the time being and are not suspended.
11. The Committee is to provide a written justification for its decision.
12. Minutes of the PRC are to be reported to Council at the next available Council meeting for determination. Reports to Council must include the applicants and the Council Officer's submissions and the Committee's justification for the recommendation.
13. The General Manager and the Director Strategic & Community Services are to be available to the Committee in an advisory capacity.