

# STATUTORY PLANNING DELEGATION POLICY



Directorate:	Infrastructure, Assets and Planning
Responsible Manager:	Manager Statutory Services
Review Due:	November 2029
Adoption:	Council
Date Adopted:	December 2025

## Acknowledgement

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Central Goldfields Shire Council acknowledges and extends appreciation for the Dja Dja Wurrung People, the Traditional Owners of the land that we are on.

We pay our respects to leaders and Elders past, present and emerging for they hold the memories, the traditions, the culture, and the hopes of all Dja Dja Wurrung People.

We express our gratitude in the sharing of this land, our sorrow for the personal, spiritual, and cultural costs of that sharing and our hope that we may walk forward together in harmony and in the spirit of healing.

## 1. Background

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The findings of Operation Sandon, handed down by the Independent Broad-based Anti-Corruption Commission (IBAC), exposed systemic vulnerabilities in Victoria's planning system. The report highlighted how planning decisions can be compromised by political donations, lobbying and personal relationships, undermining public confidence and the integrity of Local Government processes.

In response, IBAC made 34 recommendations aimed at strengthening transparency, accountability, and governance in planning. The recommendations reflect a broader push to reduce the risk of undue influence and improve decision-making integrity.

Central Goldfields Shire Council recognises the importance of aligning with these principles, whilst also enabling Councillor involvement in strategic decision-making, in line with their responsibilities in the *Local Government Act 2020* and *Planning and Environment Act 1987* (Act).

The absence of a formal Statutory Planning Delegation Policy (Policy) at Council presented a significant gap in Council's governance framework, particularly considering recent sector-wide scrutiny of planning decision-making processes, prompting the introduction of this Policy.

The development of this Policy is a proactive step towards:

- Strengthening governance by clearly defining roles and responsibilities in planning decisions;
- Enhancing transparency in how planning matters are assessed and determined by Council; and
- Promoting probity and reducing the risk of perceived or actual conflicts of interest.

This Policy provides a clear framework for delegating planning powers, ensuring that decisions are made consistently, fairly and in the public interest.

## **2. Purpose**

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The purpose of this Policy is to provide clear guidelines regarding the exercise of delegated planning powers, duties, and functions.

This Policy ensures that decision-making regarding planning matters is transparent, consistent, and compliant with all relevant legislation and policies.

This Policy provides clarity and certainty to Councillors, Council staff and the community regarding Council's planning processes, promoting effective communication and engagement throughout the planning process.

## **3. Scope**

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This Policy applies to Councillors and Delegated Officers holding planning powers, duties, and functions pursuant to an Instrument of Delegation. These powers include the consideration and determination of planning permit applications and other decisions required by Council as the Responsible Authority under the Act.

This Policy supports a commensurate approach to the delegation of planning decisions within Council by ensuring that Councillors are engaged in applications of significant importance or major public interest, whilst providing Delegated Officers with the ability to determine all other planning permit applications, in accordance with the Instruments of Delegation.

This structure enables Councillors to focus on strategic planning policy decisions and direction for the municipality.

This Policy details the criteria that will be used to decide who can determine a planning permit application within Council.

## 4. Policy Objectives

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The objectives of this Policy are to:

- **Increase certainty through applying a consistent approach** within an established Policy framework for the exercise of delegated authority in matters concerning statutory planning, whilst recognising the key role of Councillors in determining the strategic direction of the municipality.
- **Clearly define when Council will be called on** to determine a planning permit application and when an application can be determined by an officer acting under delegation.
- **Reduce delays in the planning process** by using delegation which facilitates efficient, consistent, and transparent decision-making.
- **Enable Councillors and officers** to fulfil their respective roles.
- **Enable adequate involvement of all stakeholders** in decision-making, including, Councillors, officers, applicants, referral authorities, objectors, and the broader community.

## 5. Policy Authorities

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The Policy establishes authorities and identifies who bears responsibility for determining planning permit applications. The criteria are based on an assessment of risk and consider the value of the project, public response, and the potential sensitivity of the project.

**Table 1: Planning authority decision table**

Application	Criteria	Determination
Planning Permit or Amended Planning Permit	Value of development up to \$5 Million; or  Between 1-3 eligible objections have been received.	Delegated Officers
Planning Permit, or Amended Planning Permit	Value of development above \$5 Million; or  4 or more eligible objections have been received; or  Planning application is called in by a Councillor in line with Section 7.3 of this Policy.	Council

Application	Criteria	Determination
Planning Permit or Amended Planning Permit	The CEO determines that the application is of Significant Importance in line with this Policy; or has Major Public Interest or is likely to be of Major Public Interest.  The CEO, General Manager Infrastructure Assets and Planning, and/or Manager Statutory Services is satisfied that the application: <ul style="list-style-type: none"> <li>• raises an issue of policy or process not covered by existing Council policies, processes, or practices.</li> </ul> OR <ul style="list-style-type: none"> <li>• is affected by two or more Council policies that appear to be inconsistent, conflicting, or ambiguous, or the parameters for decision are unclear.</li> </ul>	Council
VicSmart Applications	All applications	Delegated Officers

## 6. Policy Tests

For an application to be considered of **Significant Importance**, it must meet one or more of the following criteria:

### (a) Strategic Policy Impact

The consideration of the proposal involves various policies which may conflict or be unclear on application which may set a precedent or influence future planning decisions. The proposal raises issues beyond the immediate site, affecting the municipality’s strategic direction.

### (b) Scale and Complexity

The proposal concerns a large-scale development (for example, multi-dwelling projects, major commercial or industrial proposals). High-value developments or those outside the Urban Growth Boundary often trigger significance tests.

### (c) Long-Term Impacts

The proposal raises potential for long-term environmental, economic, or social effects on the municipal community.

For an application to be considered of **Major Public Interest**, it must meet the following criteria:

#### **(d) Major Public Interest**

Significant objections or submissions indicating strong community concern have or are reasonably expected to be received. Media attention or controversy beyond the immediate neighbourhood is or is reasonably expected to be generated.

## **7. Exercise of Planning Decisions**

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This part outlines how the Council will determine planning permit applications.

### **7.1 Delegated Officers determination of Planning Permits**

Subject to Section 5, Table 1, Delegated Officers will determine planning permits in accordance with the provisions of section 60 of the Act.

Council's *S6 Instrument of Delegation – Members of Staff* sets out the titles of those Council officers to whom planning powers, duties and functions are delegated. Council's delegation applies to three senior positions:

- Coordinator Statutory Planning;
- Manager Statutory Services; and
- General Manager Infrastructure, Assets and Planning.

### **7.2 Councillor requests for Planning Permit information**

Councillors may request information or a briefing on planning permit applications at any time. Requests can be made to the Chief Executive Officer or General Manager Infrastructure Assets and Planning. Information on individual planning permit applications should be made available to all Councillors, to ensure Councillors have access to the same information. Once a request for information has been made, officers will provide an update to all Councillors at the next available Councillor briefing session.

### **7.3 Councillor powers to call-in Planning Permits**

Councillor call-in of a planning permit refers to a process where Councillors may request a planning permit application (which would normally be decided by Council officers under Delegated Authority), be brought before the full Council for determination.

Councillors can call in planning permits of a value less than \$5m and that have less than 4 objections (for example, permits delegated to officers for decision) provided they can justify the call-in based on the *Significant Importance and/or Major Public Interest* test outlined in section 6 of this Policy.

Once a valid call-in request is received, the application cannot be determined under officer delegation. The application will be brought to a Council meeting for determination once the assessment process for the permit application has been completed by officers.

At least two Councillors must request the call-in for a planning permit application. The request must be in writing to the Chief Executive Officer and include:

- details of the application;
- reasons for calling in the application (how the call-in request aligns with section 6 Policy Test requirements of *Strategic Importance* and *Major Public Interest*); and
- signatures of the supporting Councillors.

All call-ins requested by Councillors, including the reasons why it was called in and why the matter should not be decided under delegation, will be recorded in the Register of Councillor call-ins.

#### **7.4 Decide to call in permit applications early**

Councillors must ensure that it is clear to the Chief Executive Officer if there is an intention to call-in an application as soon as is practicable. It is the responsibility of Council's Delegated Officers to inform the permit applicant if an application has been called in.

#### **7.5 Provide reasons for Council decisions**

Where a Council decision differs from the Council officer recommendation, clear reasons for the decision must be included in the resolution of Council and documented in Council Meeting minutes.

## **8. Responsibilities**

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The following responsibilities form part of this Policy:

### **8.1 General Responsibilities**

Councillors and Delegated Officers work in partnership as different arms in the same organisation.

The common goals are:

- informing the community;
- resolving differences between objectors/submitters and applicants, where appropriate;
- achieving quality outcomes in planning decisions;
- ensuring transparency in the planning process; and
- ensuring consistency in decision-making.

Where possible, Council will seek consensus between objectors, submitters, and applicants with a view to obviating the need to apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of planning decisions.

By building consensus and reaching a mutually acceptable outcome, stakeholders can avoid the delays, costs and frustration that can be associated with formal VCAT processes.

### **8.2 Role of Councillors**

Council is the Responsible Authority for planning permits under the Act. Councillors play a key role in determining the strategic direction and planning policy position of the municipality.

Councillors can participate in planning decision-making processes as outlined in this Policy, as representatives of the community and by participating in Council Meetings.

Under section 28 of the *Local Government Act 2020*, the role of a Councillor is strategic, not operational. Councillors must:

- ensure Councillor decisions on planning permits occur only at Council meetings, based on policy and evidence;
- avoid pre-determination, lobbying, or private discussions with developers;
- adhere to Council's Governance Rules; and
- consider the IBAC recommendations from Operation Sandon and related reports to maintain integrity and public trust.

### 8.3 Councillor interaction with planning applicants

Outside of Council Meetings, Councillors perform important representative functions by liaising with residents of the Shire. Community engagement is essential to ensure Councillors have a sound understanding of local issues and are best positioned to consider the needs and interests of the broader community.

Council acknowledges that from time to time, Councillors may be approached by applicants regarding their planning permit for various reasons. In these circumstances, Councillors should not provide advice or engage in discussions about the application. Instead, they should refer the matter to the Chief Executive Officer to ensure it is managed in accordance with statutory processes.

### 8.4 The Council

Subject to this policy, the Council's role in the planning process is to consider all factors relating to a planning permit application, including officer recommendations. The broad range of issues considered by Council as part of its decision-making process includes:

- the purpose and vision of the Planning Scheme;
- objectives of the Planning Policy Framework;
- the purpose of the applicable zone and/or overlay;
- decision guidelines set out in the Planning Scheme;
- objections lodged;
- outcomes (if any) reached at a mediation;
- the likely impacts on neighbouring land and the neighbourhood; and
- any relevant State and/or local policies included in the Planning Scheme.

### 8.5 Role of Delegated Officers

The role of Delegated Officers is divided into two distinct areas:

#### (a) Before a decision is made

Before a decision is made on an application, it is the role of Delegated Officers to engage with applicants, objectors, referral authorities, and other residents clearly, impartially, and professionally to ensure that Council's planning processes and requirements are understood.

Delegated Officers must ensure that applications and supporting documents are in the best form to ensure the full concept is easily understood and able to be properly considered.

Council is obliged by law to consider all applications. This allows all applications to be the subject of an appeal, which is an underlying principle in the Victorian planning system. Delegated Officers must formally consider all applications that are received.

### **(b) Provide advice and determine applications**

Delegated Officers provide professional and technical advice to applicants, residents, and the Council on a range of issues.

Delegated Officers are empowered to determine planning permit applications under section 60 of the Act subject to the criteria in Section 5, Table 1 of this Policy.

## **9. VCAT**

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### **9.1 Delegation to Council Officers at VCAT**

The CEO or their delegate has authority to:

- Represent Council at VCAT hearings, mediations, and compulsory conferences;
- Negotiate and settle matters with all parties during VCAT proceedings;
- Form a position on any amended plans or proposals filed with VCAT;
- Prepare, file, and serve amended grounds for review under sections 77, 79, or 82 of the Planning and Environment Act 1987;
- Negotiate and agree to minor changes to permit conditions or plans, provided:
  - Changes do not alter the fundamental intent of Council's decision; and
  - Changes do not introduce new uses or developments of greater impact.

The above powers will apply irrespective of whether the decision was made by the Council or by a Delegated Officer.

### **9.2 VCAT Powers and Council's Authority**

A decision made by Council or a Delegated Officer may be reviewed in VCAT. These proceedings are subject to certain limitations.

VCAT cannot hear matters involving federal legislation or cases where parties are from different states. VCAT cannot award compensation for non-monetary loss beyond a small amount for personal injury, and it cannot make non-monetary orders. Status reports of Council VCAT cases must be provided to Councillors to keep them informed as to the progress of hearings.

When VCAT conducts a merits review, it takes a fresh look at the application and is not bound by the Council's or the Delegated Officer's decision.

VCAT can:

- affirm the Council decision;
- vary conditions;

- set aside the decision and substitute its own;
- issue a consent order; or
- cancel or grant a permit.

Once an application is lodged at VCAT, Council becomes a party to the proceeding, not the decision-maker. It must:

- present its position (which may differ from its original decision if circumstances change); and
- comply with Model Litigant Guidelines and VCAT Practice Notes.

### 9.3 Matters Requiring Council Resolution

The following actions arising from a VCAT proceeding must be referred to Council for a decision:

- settlement or consent orders that materially alter Council's original decision (for example, changing a refusal to an approval or approving additional storeys or dwellings);
- withdrawal of Council's position or abandonment of grounds of refusal; or
- any agreement that significantly changes the scope or impact of the proposal beyond what was considered by Council.

VCAT expects Councils to provide a fair and balanced assessment, even those which are contrary to the Council decision. Independent advocates are skilled at framing these arguments without undermining Council's position. Council will appoint independent representation when:

- the decision is politically sensitive or high-profile;
- the decision opposes the Delegated Officers recommendation; or
- the matter involves complex planning policy or legal issues.

### 9.5 Councillor status reports

Councillors will be provided with a weekly report in the Councillor Bulletin which will provide the following information:

- list of all planning permit applications lodged in the past seven days, including indications about:
  - relevant previous applications on the property; and
  - applications that are or are likely to be of Significant Importance or of Major Public Interest.
- list of planning decisions made under delegation in the past seven days.
- VCAT matters to be heard; and
- VCAT decisions made in the past seven days.

## 10. Planning Hearings

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A Council Planning Hearing provides an independent, transparent forum for assessing planning matters. A Planning Hearing can help Councils meet community expectations for integrity and align with state reforms aimed at reducing corruption risks and streamlining planning processes.

A Planning hearing presents an opportunity for the applicant, referral authorities, and objectors to make submissions before Councillors in attendance.

Planning hearings are not a mandatory requirement under the Act but are used to give Councillors an opportunity to gain further insight into objections and a better understanding of the application in addition to reports presented through regular Council briefings and Council Meetings.

As it is not a mandatory requirement, Planning Hearings will not form part of all planning permit application processes. The criteria used by Council to determine whether a Planning Hearing should be conducted is outlined in the Planning Hearing Eligibility table below (Table 2).

**Table 2. Planning Hearing Eligibility**

Application Type	Criteria	Determination
Planning Permit Amended Planning Permit	Value of development up to \$5 Million;  OR  Between 1-3 objections have been received	<b><u>No hearing provided</u></b>
Planning Permit or Amended Planning Permit	Value of work above \$5 Million;  OR  4 or more objections have been received;  OR  Planning application is called in by a Councillor in line with Section 7.3 of this Policy	<b><u>Hearing offered</u></b>  Upon request of Council;  OR  The applicant;  OR  Where the CEO, General Manager Infrastructure Assets and Planning and/or Manager Statutory Services are satisfied that the application is of Significant Importance or Major Public Interest.
VicSmart	All applications	No hearing

Councillors can request a planning hearing in line with the communications protocols outlined in the *Councillor and Staff Interaction Policy*.

## 11. Planning Definitions

Term	Definition
Act	Planning and Environment Act 1987
Amendment	<p>A permit or details in a permit can be changed using the following mechanisms under the Act:</p> <ul style="list-style-type: none"> <li>• Section 72 – a person who is entitled to use or develop land in accordance with a permit may apply to the Council for an amendment to the permit.</li> <li>• Secondary Consent – under a permit Council may consent to changes to, or amend matters regulated by a permit condition if this is authorised by the condition.</li> <li>• Section 87 – amendment under section 87 is a remedy available in limited circumstances to specified people exercisable by VCAT.</li> <li>• Section 87A – amendment under section 87A is a broad power of amendment only exercisable by VCAT at the request of the owner, occupier, or developer of land in respect of a permit issued at the direction of the Tribunal.</li> </ul> <p>The powers to amend a permit under sections 72, 87 and 87A are statutory powers conferred by the Act. An application under section 72 can be made to Council. An application under sections 87 and 87A must be made to VCAT. Secondary consent powers arise under the permit itself.</p> <p>An application or request for consent to change something under the permit must be made to Council or other specified body named in the condition. Changes under a secondary consent provision in a permit condition change the matter or detail regulated by the condition.</p> <p>The permit itself is not changed, unlike an amendment under sections 72, 87 or 87A which amends the permit.</p>
Councillor call in	Councillor call-in of a planning permit refers to a process where Councillors request that a planning application, which would normally be decided by Delegated Officers, be brought before the full Council for determination
Planning Hearing	A closed meeting arranged to allow applicants, objectors, and referral authorities to put their case to Councillors and Delegated Officers. Information is presented to inform a later decision and are closed to the public.
Delegated Officer	A member of Council staff that has been delegated a power, duty, or function under the relevant Instrument of Delegation (S6, S6A, S13, S14, S16)
Eligible objections	<p>An objection to an application that:</p> <ul style="list-style-type: none"> <li>• is submitted as a proforma (content and format)</li> <li>• is the only objection received from an objector at that address (for example, more than one objection received from the same property will be counted as a single objection)</li> <li>• is not unrelated to the permit trigger/s of the particular application</li> <li>• relates to a relevant planning consideration (for example, it does not concern matters that Council cannot consider when</li> </ul>

		determining an application, such as precedent, devaluation of property, construction noise, etc)
		NOTE: All objections will still receive written notification of Council's decision in accordance with the Act. This definition only relates to the counting of objections for the purposes of assessing the thresholds for the exercise of delegated authority under this Policy.
Instrument Delegation	of	Refers to the S6 and S6A Instrument of Delegation – To Members of Council Staff, as adopted by Council from time to time.

## 12. Review

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This Policy must be reviewed a minimum of once every 4 years.

## 13. Human Rights Statement

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It is considered that this policy does not impact negatively on any rights identified in the Charter of *Human Rights and Responsibilities Act 2006*.

## 14. Gender Equality Act

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Gender equity is applied to this Policy by ensuring that decision-making processes are fair, inclusive, and reflect the diverse needs and experiences of all genders, often through a gender impact assessment. Council will use data to understand how different genders are impacted, promoting diverse representation within delegated roles, implementing inclusive engagement strategies for community input, and ensuring that policies and resource allocation do not reinforce existing gender inequalities.

## 15. Relevant Legislation and Council Policies

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- Auditor General No 62. Land Use and Development in Victoria, The State's Planning System December 1999.
- Municipal Association of Victoria, Planning Delegation Report, 2014
- Local Government Act 2020
- Planning and Environment Act 1987
- S6 Instrument of Delegation – Members of Staff
- S6A Instrument of Delegation – Members of Staff under the Planning and Environment Act 1987
- S13 Instrument of Delegation of CEO powers, duties, and functions
- S14 Instrument of Delegation by CEO for VicSmart Applications and Future Homes Applications under the Planning and Environment Act 1987
- S16 Instrument of Delegation for Bushfire Reconstruction Applications under the Planning and Environment Act 1987
- Councillor and Staff Interactions Policy
- Governance Rules