

TERMS OF REFERENCE

City Planning Committee

The City Planning Committee is established by the Council pursuant to Section 23 of the *Local Government Act 1993*, to assist the Council in carrying out its functions.

1. Membership

- 1.1 Membership of the Committee is in accordance with the resolution passed by the Council at its meeting on 10 March 2020, being six (6) Aldermen.
- 1.2. Following each quadrennial election, Aldermen are appointed to the Committee by the Council. A mid-term review of the Committee membership and Terms of Reference will be undertaken in November 2016. Where a resignation may be accepted by the Council or an Alderman may be removed by resolution of the Council, the Council will appoint an Alderman to fill the vacant position.
- 1.3 In the event of a vacancy occurring at a meeting, the Committee may co-opt another Alderman to fill the vacancy pursuant to Section 23 (2) of the *Local Government Act 1993*, Regulation 10 (4) of the *Local Government (Meeting Procedures) Regulations 2015* and in accordance with Council Policy “Council and Council Committees – Meetings: Procedures and Guidelines”.

2. Appointment of Chairman

- 2.1 In accordance with the Regulation 10 (3) (a) of the *Local Government (Meeting Procedures) Regulations 2015*, and Council Policy “Council and Council Committees – Meetings: Procedures and Guidelines”, the election of the chairman of each of the Council’s committees is reserved to the Council.
- 2.2 Where an appointed chairman may be absent from a Council Committee meeting, the provisions of Council Policy “Council and Council Committees – Meetings: Procedures and Guidelines” and Regulation 10 (4) of the *Local Government (Meeting Procedures) Regulations 2015*, apply to appointing the chairman for the meeting.

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3. Quorum

- 3.1 A quorum is a simple majority obtained by the attendance of a majority of the membership of the Committee.
- 3.2 In accordance with Council Policy “Council and Council Committees – Meetings: Procedures and Guidelines”, unless already an appointed member, an Alderman who is in attendance at a Council committee meeting will be an ex-officio member of that committee for that meeting for the purpose of establishing and maintaining a quorum at that meeting.

4. Conduct of Meetings

- 4.1 Meetings are conducted in accordance with the provisions of the *Local Government Act 1993, Local Government (Meeting Procedures) Regulations 2015* and Council Policy “Council and Council Committees – Meetings: Procedures and Guidelines”.

5. Frequency and Location of Meetings

- 5.1 Meetings of the Committee are conducted twice monthly in the Lady Osborne Room at the Town Hall on those dates as adopted by the Council as part of its annual [schedule of meetings](#).
- 5.2 Meetings are also advertised in The Mercury newspaper, in accordance with Regulation 7 of the *Local Government (Meeting Procedures) Regulations 2015*, a minimum of four (4) days and a maximum of fourteen (14) days prior to the scheduled date of the meeting.
- 5.3 Where special meetings may be convened, these are advertised a minimum of two (2) days prior to the meeting date.
- 5.4 Meetings are open to the public, except when the meeting is closed pursuant to Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

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6. Committee Functions

6.1 To consider and make recommendations to the Council in respect to the following matters:

- (i) City and Regional Planning:
 - (a) structure planning and scheme review;
 - (b) strategic land use planning for the development of the municipal area and region, including urban design and cultural heritage issues;
 - (c) heritage & conservation;
 - (d) environmental planning; and
 - (e) urban design.
- (ii) Environmental Health:
 - (a) environmental monitoring services; and
 - (b) public health services.
- (iii) Development Appraisals:
 - (a) applications for planning permits.
- (iv) Development Compliance & Permits.
- (v) First consideration of all comments referred to the Council by the Battery Point Advisory Committee.
- (vi) The awarding of tenders and contracts (where the contract sum exceeds the General Manager's delegation).
- (vii) Proposals for changes or additions to existing legislation or by-laws, or the drafting of new documentation.
- (viii) Animal Management.

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6.2 Functions primarily within the responsibility of the committee pertaining to:

- (i) Asset management;
- (ii) Fees and charges;
- (iii) Budgets and financial reporting;
- (iv) Projects;
- (v) Community consultation;
- (vi) Grants;
- (vii) Management of property under the functional auspice of the committee including buying, selling, acquiring and leasing of land or buildings and the ongoing use and maintenance of land and buildings;
- (viii) Receiving/considering reports from special committees, sub-committees or other groups; other than the Audit Panel;
- (ix) Legislation, by-laws or new documents; and
- (x) Tenders and contracts in accordance with Council delegation.

Note:

The Council, at its meeting held on 27 August 2012, acknowledged that an elected member may call in any delegated matter, including development applications, before the matter is determined under delegated authority by either a Council committee or a Council officer, provided there is sufficient statutory time to do so.

7. Committee Delegations

7.1 As provided under delegated authority from the Council, pursuant to Section 22 of the *Local Government Act 1993*, to determine issues relating to the following matters:

- (i) the power to expend monies on Council's behalf as Delegation Classification 2 items in the Council's Annual Plan;
- (ii) to consider and formally approve variations to the operating hours of the Hellenic Hall situated at 67 – 69 Federal Street, North Hobart.

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- (iii) to approve the following classes of applications made under Sections 57 and 58 of the *Land Use Planning and Approvals Act 1993* not delegated to the Director Development and Environmental Services, Manager Development Appraisal, Manager City Planning or the Senior Statutory Planner:
1. Where between three and five statutory objections have been received;
 2. The building development proposed does not exceed 2,000m² in floor area or 3 storeys in height;
 - 3A. Where the Council is the applicant, except where there is a representation opposing the proposal.
 - 3B Where the application relates to a road reservation which is administered by the Council, unless recommended for refusal.
 4. The Council is not being requested to make or take a financial contribution to or from the development (excluding cash in lieu contributions);
 5. In the case of applications for subdivision, the proposal would create not more than one additional lot;
 6. The decision of Committee would not overturn the recommendation of the Council officers assessing the application; and
 7. The application is one that Council officers are not prepared to exercise their delegation on.
- (iv) To determine applications made under Sections 57 and 58 of the *Land Use and Approvals Act 1993*, not delegated to the Director Development and Environmental Services, Manager Development Appraisal, Manager City Planning or the Senior Statutory Planner where the Council does not have a quorum to determine the application, subject to:
- (a) The Council being unlikely to ever achieve a quorum on the matter; or
 - (b) Where the delay incurred in re-submitting the matter to a future meeting of the Council would exceed the statutory 42 day application period and the applicant has declined to provide an extension of time to allow the matter to be considered at such a future meeting of the Council.

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- (v) To determine all planning permit applications which would otherwise be determined by the Council, between 10 December 2019 and the first ordinary scheduled Council meeting in January 2020, in circumstances where it would not otherwise be possible to determine the application within the statutory time period required under Sections 57(6), 57(6A), 58(2) or 58(2A) of the *Land Use Planning and Approvals Act 1993*, and an extension of time cannot be obtained, unless an Elected Member has requested the convening of a special meeting or meetings to determine the application.
 - (a) In respect to the above committee meetings, any non-committee members who may attend, be deemed ex-officio Committee members for those particular meetings, in order to allow Aldermen the opportunity to vote on agenda items.
- (vi) Determination of matters falling within the Committee's Terms of Reference, for which a Council officer has been granted delegated authority, where such officer chooses not to exercise such authority.

8. Review of Terms of Reference

- 8.1 The Terms of Reference for Council committees are reviewed following each quadrennial election, and mid-term into the four year period of office of the Council.

9. View ([Agendas and minutes for the Committee.](#))

10. Last Updated: 27 July 2020