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1. Introduction

It is essential and in the interests of effective governance to ensure that all planning decisions are transparent and open to the community. This will ensure that elected Councillors and officers, make fair and lawful planning decisions.

This policy applies to the Macedon Ranges Shire 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.

2. Objectives of this Protocol

The objective of this policy is to:

- 2.1. Reinforce Council's role as Planning Authority (development of policy and strategy and changes to the Macedon Ranges Planning Scheme via Planning Scheme Amendments) and Responsible Authority (considering planning permit applications against the policies and controls within the Macedon Ranges Planning Scheme).
- 2.2. 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'.
- 2.3. Provide Council with instruction and guidance on their important roles as Planning Authority and Responsible Authority.
- 2.4. Ensure that advice provided to proponents, applicants, objectors or submitters is done through consistent, transparent and accountable processes.
- 2.5. 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.

3. Definitions

<u>Key term</u>	<u>Definition</u>
Council	Macedon Ranges Shire Council, being a body corporate constituted as a municipal Council under the <i>Local Government Act 2020</i> .
Councillors	The individuals elected to hold office as a member of Macedon Ranges Shire Council.
Council officer	The Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.

Parties Includes but is not limited to, individuals, groups and entities. Such as submitters, applicants, developers and community groups.

Planning Authority Macedon Ranges Shire 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 Macedon Ranges 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.

Responsible Authority Macedon Ranges Shire 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 permit applications (and amendments to Planning Permits, Secondary Consents and Extension of Time) that have been lodged with the council to deliver at a small or larger scale the policy outcomes articulated in the Macedon Ranges Planning Scheme. Most planning permit 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 Macedon Ranges Shire Council.

Land Use Planning For the purposes of this policy, Land Use Planning includes:

- Strategic planning matters, including preparation of policy and strategy that will change or influence what landowners can and cannot do on their land.
- Planning scheme amendments processes, including adoption, exhibition, consideration of submissions, panel recommendations and requests to the Minister for Planning to change the Macedon Ranges Planning Scheme.
- Planning permit applications
- Secondary consents and amendments (s.72) to planning permits.
- Requirements of any Development Contributions Plan or other incorporated document (e.g. Development Plan) as part of the planning application and permit process.

Planning and Environment Directorate Responsible for statutory and strategic planning throughout the Shire. Planning compliance across the entire municipality

4. Requests for Advice and Information from Parties on planning matters

In considering any land use planning matters Councillors should:

- 4.1. Refer parties seeking information or advice to Customer Service. Council provides a planner on roster service who manages phone and counter visitor enquiries during business hours.
- 4.2. Refer parties seeking a planning scheme amendment to Council's strategic planning unit.
- 4.3. Direct parties to Council's website for information.
- 4.4. Not provide or purport to provide land use planning advice.
- 4.5. 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.
- 4.6. 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.
- 4.7. Communicate to parties that there are formal processes in place to consider their views.

5. Requests for meetings, correspondence and phone calls

In considering any land use planning matters Councillors should:

- 5.1. 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.
- 5.2. Refer meeting requests to the Councillor Portal, the Director Planning and Environment, the Manager Statutory Planning or the Manager Strategic Planning and Environment as relevant. If required, a meeting will then be organised by an appropriate officer between the Councillor/s that requested the meeting, the party and an appropriate Council officer.
- 5.3. Where meetings, phone calls and other correspondence with parties occur, a record of the discussion is required. If Officers are present, records are the responsibility of Council Officers. If this occurs in the absence of a Council Officer, then a full disclosure is required of any interaction on the relevant planning matter at the time when the matter is discussed or a decision is made. A copy of all relevant and related records must then be provided to the Executive Administration Officer to be saved in Council's corporate records. If the only response given by a Councilor is, to contact the relevant Planning Department, then no record is required. 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.

5.4. Do not express a view that demonstrates a bias or pre-conceived view.

6. Receiving submissions and hearing from the community

In considering any land use planning matters Councillors should:

- 6.1. Request that the submitter refer any objection or submission as soon as possible to mrsc@mrsc.vic.gov.au and mark for the attention of the relevant Manager within the Planning & Environment Department for registration and acknowledgement.
- 6.2. Advise the objector or submitter that their submission will be considered via a standard process and that they will be advised of Council's decision.
- 6.3. 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, either Statutory Planning or Strategic Planning.
- 6.4. Provide an equal opportunity for both the applicant/proponent and objector and submitters to be heard.
- 6.5. Note this is not part of the statutory role in determining planning permit 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.

7. Decision Making as Planning Authority

In considering any land use planning matters Councillors should:

- 7.1. 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.
- 7.2. 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.
- 7.3. Have regard to previously endorsed Strategic Planning Strategies and Council Plan when considering requests for amendments to the Macedon Ranges

Planning Scheme. Deviation from adopted strategies or the Council plan 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.

8. Decision Making as Responsible Authority

In considering any land use planning matters Councillors should:

- 8.1. Review information circulated advising of planning permit applications submitted and contact the relevant manager to discuss further.
- 8.2. Take interest in reviewing any application and ensuring the relevant matters are clearly understood.
- 8.3. Make decisions with a clear and open mind and in accordance with the requirements of the Macedon Ranges Planning Scheme and setting aside any personal views
- 8.4. Contain deliberations and debate to the planning merits of the application under consideration.