

THE CITY OF
GREATER GEELONG

PLANNING COMMITTEE

TERMS OF REFERENCE

VERSION: 10.

| | |
|----------------------------|------------------------------------|
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| Responsible Officer | Executive Director, Placemaking |
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Introduction

BACKGROUND

1. By this Terms of Reference document, the Greater Geelong City Council establishes the Planning Committee as a delegated committee pursuant to section 63 of the Local Government Act 2020. The Committee is established to consider and decide planning permit applications which have been called in by a Councillor.
2. The committee has the powers, duties and functions of Council as set out in these Terms of Reference and its Instrument of Delegation. These Terms of Reference set out the structure and basis on which the Committee can make decisions for and on behalf of Council

PURPOSE

3. The Committee is established for the purpose of:
 - Considering and determining planning permit applications which have been called in by a Councillor under the Committee Terms of Reference.

OBJECTIVES

4. To broadly represent and involve the community in Council's decision-making processes.

DELEGATION OF POWERS, DUTIES AND FUNCTIONS

5. In order to fulfil and carry out its purposes and objectives Council has delegated to the Committee, pursuant to section 63 of the Local Government Act 2020, the powers, duties and functions set out in the Instrument of Delegation made by Council on 1 September 2020.
6. The powers, duties and functions of Council conferred on the Committee by these Terms of Reference and Instrument of Delegation must be exercised in accordance with any guidelines or policies that Council may from time to time adopt.

Definitions

Act

The *Local Government Act 2020*.

Applications of interest

Is the data base distributed by the Manager City Development on a fortnightly basis that provides all Councillors with a list of planning applications of interest, which could include those that:

- raise an issue of significant public interest, opportunity, concern or controversy, or are likely to do so. Such issues would normally involve an assessed high or extreme risk rating and are likely to impact on people and the places they live, work and play; or
- Councillors have made enquiries on a particular application.

Call in

The process of initiating a Council intervention in the consideration of a planning permit application through referral of the planning permit application to the Planning Committee.

CEO

The Chief Executive Officer of the City appointed by Council.

City

The administration of the Greater Geelong City Council, led by the Chief Executive Officer.

Council

The Greater Geelong City Council.

Councillor

Elected officials representing the City of Greater Geelong, including the Mayor.

Council officer

All staff of the City, including all contractors and volunteers engaged by the City, and the Executive Leadership Team.

Conflict of interest

Has the same meaning as defined in the Act.

Deemed to comply

The application meets all the required standards of Clause 54 and 55 (including any other deemed to comply clauses) of the planning scheme

Delegated Committee

Committee established by Council under section 63 of the Act.

Delegated Authority

Where Council has given its powers to act on behalf of Council. This can be to members of staff or to Delegated Committee's under the Act.

ELT

Executive Leadership Team consisting of the Directors of the City who all report to the Chief Executive Officer.

Planning Register

A list of all new planning permit applications, including requests to amend planning permits, received for that fortnight.

Terms of Reference

CREATION AND DISSOLUTION

7. By these Terms of Reference the:
 - i. Committee is established; and
 - ii. powers, duties and functions of the Committee, as set out in the Instrument of Delegation, are delegated.
8. These Terms of Reference and the Instrument of Delegation:
 - i. come into force immediately upon the resolution of Council; and
 - ii. remain in force until Council determines to vary or revoke both or either of them.
9. The Committee must be dissolved by a resolution of Council.

MEMBERSHIP

Make-up of the committee

10. The Committee shall consist of all Councillors.
11. Council Officers who attend the meetings of the Committee are to provide advice and support to the Committee and are not considered Committee members and do not have voting rights.
12. Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
13. The Chairperson will be appointed in accordance with section 63(2)(a) of the Act (generally the current portfolio holder).

Role and responsibilities of members

14. The role of the Committee is:
 - a. to exercise Council's powers and carry out Council's duties and functions, in accordance with these Terms of Reference and as permitted by the Instrument of Delegation, for planning matters.

MEETINGS

15. Unless Council resolves otherwise, Committee meetings must be conducted in accordance with:
 - i. Council's Governance Rules;
 - ii. Part 3, Division 2 of the Act; and
 - iii. the Committee's discretion, as exercised from time to time.

Frequency of meetings

16. Meetings will be held on a monthly basis as agreed by the Committee from time to time.

Minimum meeting attendees

17. A quorum of the Committee meeting for that meeting to proceed is at least one more than half of the appointed members.

Conflicts of interest

18. If a member has a conflict of interest in relation to an agenda item this must be declared, and the member must refrain from participating in the decision-making process.

Voting

19. Voting will be by a majority of votes by a show of hands. Only members in attendance are entitled to vote. The Chairperson shall have the casting vote in the event of an equality of votes.

Process at meeting

20. The process for submitters to be heard by the Committee:

- i. the officer to present the report;
- ii. the objectors/submitters to present submissions. A three minute time limit applies to each person addressing the meeting;
- iii. the applicant to present a submission. A ten minute time limit applies to the applicant addressing the meeting; and
- iv. at the discretion of the Chairperson, the applicant may be permitted to make points of clarification. A three minute time limit applies.

21. Sub Committees may be appointed by the Committee and meet between general meetings and as authorised by the full Committee. Sub Committees do not have any delegated powers.

REPORTING

22. The Manager City Development is responsible for taking proper minutes of all meetings and preparing reports for the Committee's consideration in accordance with:

- i. Council's Governance Rules;
- ii. Part 3, Division 2 of the Act; and
- iii. the Committee's discretion, as exercised from time to time.

23. Minutes of all Committee meetings will be published on the Geelong Australia website and must be forwarded to Council's Governance Services as soon as practicable after adoption by the Committee.

24. The Manager City Development must prepare and present to Council a report of the Planning Committee's activities at least once per year.

SECRETARIAT

25. The Manager Council and Executive Services is responsible for convening meetings in consultation with the Manager City Development and ensuring a quorum of Councillors is achieved.

26. The Manager City Development is responsible for maintaining the call in register, preparing and delivering meeting agendas, ensuring planning officer attendance and providing advice at meetings, recording of minutes and implementation of decisions of the Committee.

INFORMATION TO COUNCILLORS

27. On a fortnightly basis, the Manager City Development will provide all Councillors with a list of Applications of Interest and the Planning Register.

28. On a weekly basis, the Manager City Development will provide all Councillors with a list of applications to be reviewed by the Decision Making Committee that week. The list will include the officer's recommendation for planning applications with 10 or more objections/submissions or applications recommended for refusal. It will not include applications that are 'deemed to comply'.

CALLING IN APPLICATIONS TO THE PLANNING COMMITTEE

29. A Councillor may only request to call in planning applications which have 10 or more objections/submissions lodged or applications recommended for refusal. Where a proposal is deemed under the planning scheme to comply with the relevant clause(s), (including where deemed to have met all relevant objectives, by meeting all corresponding standards) and there are no overlays or other permit triggers applicable, the application cannot be referred to a Planning Committee.

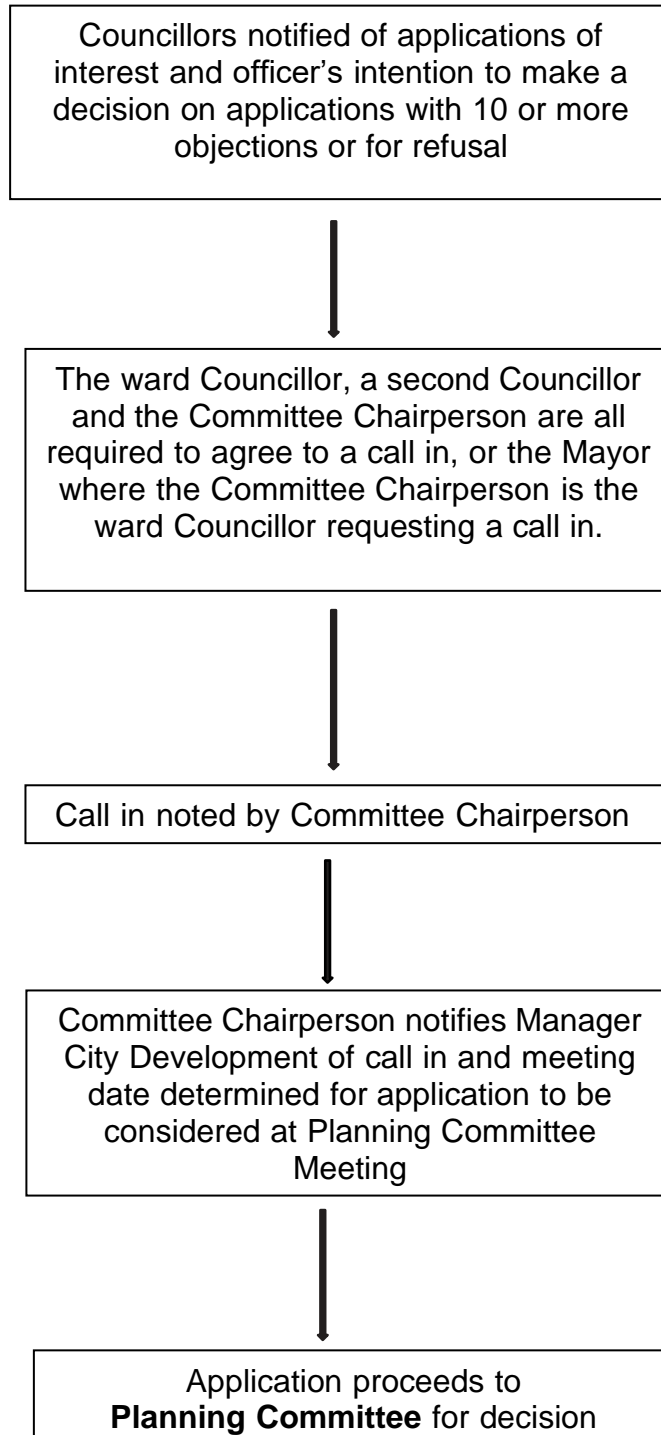
30. The process for a Councillor to call in a matter to be heard by the Committee is as follows (see attached flowchart):

- i. Councillors requesting call in notify of intention to call in an application and the reason for doing so. This information will be recorded in the publicly available register for call ins;
- ii. The ward Councillor, a second Councillor and the Committee Chairperson are all required to agree to a call in, or the Mayor where the Committee Chairperson is one of the ward Councillor requesting a call in;
- iii. Committee Chairperson advises Manager City Development; and
- iv. Officers will contact applicants and objectors to notify them of the meeting and details.

REVIEW

31. The Terms of Reference for this Committee will be reviewed every year as part of the report of the Planning Committee's activities.

CALL IN PROCESS FLOWCHART



Records

Records shall be retained for at least the periods shown below.

Table 1: Record retention and disposal schedule

| Record | Retention / Disposal Authority | Retention Period | Location |
|--|--------------------------------|------------------|---|
| Records relating to the agenda and minutes for the committee meeting. | Retention | Permanent | In Rex under the relevant planning permit number. |
| Records of the Applications of Interest Register and Call in Register. | | | In Rex under General reports for City Development |

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