



Planning Authority Committee

Terms of Reference



City of **HOBART**

Terms of Reference Planning Authority Committee

The Planning Authority Committee (**Committee**) is established pursuant to section 23 of the *Local Government Act 1993* (Tas) (**Local Government Act**) to assist the Council in carrying out its functions.

PART 1 – Preliminary

1. Definitions

1.1 The definitions in Regulation 3 of the *Local Government (Meeting Procedures) Regulations 2015* (Tas) (**Meeting Procedures**) are adopted in these terms of reference.

1.2 In these terms of reference:

- (a) **“Absent Appointed Member”** means an Appointed Member who has not been granted a leave of absence for the relevant meeting and who is not present at a meeting:
 - (i) immediately prior to the scheduled commencement time of the meeting; or
 - (ii) due to the Appointed Member leaving a meeting, resulting in the Chair adjourning the meeting due to the required quorum no longer being present;
- (b) **“Appointed Member”** means a member of the Committee appointed by the Council pursuant to section 23 of the Local Government Act;
- (c) **“Chief Executive Officer”** means the Council's General Manager appointed by the Council pursuant to section 61 of the Local Government Act;
- (d) **“Committee”** means the Planning Authority Committee;
- (e) **“Elected Member”** means a councillor as defined in section 3 of the Local Government Act;
- (f) **“Future Hobart Council Committee”** means the Future Hobart Council Committee, established by the Council pursuant to section 23 of the Local Government Act;
- (g) **“Local Government Act”** means the *Local Government Act 1993* (Tas);
- (h) **“meeting”** means a meeting of the Committee;
- (i) **“Meeting Procedures”** means the *Local Government (Meeting Procedures) Regulations 2015* (Tas); and
- (j) **“Nominee Member”** means an Elected Member who is not an Appointed Member who may be appointed to be a member of the Committee for a meeting by the Council or the Committee in accordance with clause 4.3 or by the Chief Executive Officer or their delegate in accordance with clauses 4.6 or 5.3.

PART 2 – Functions of the Committee

2. Committee Functions and Powers

2.1 The Committee's function is to assist the Council to carry out all of its functions and powers under the *Land Use Planning and Approvals Act 1993* (Tas) as the planning authority.

PART 3 – Committee Membership

3. Membership

3.1 The Committee is to comprise:

- (a) seven (7) Elected Members appointed by the Council as members of the Committee by resolution (**Appointed Members**);
- (b) any Nominee Member who is appointed by the Council or the Committee to replace an Appointed Member for a meeting in accordance with clause 4.3; and
- (c) any Nominee Member who is appointed by the Chief Executive Officer or their delegate as a member of the Committee for a meeting in accordance with clause 4.6 or 5.3.

3.2 The membership of the Committee will be reviewed by the Council following each ordinary election.

4. Leave and Vacancies

4.1 Appointed Members are encouraged to and are expected to attend all meetings unless a leave of absence has been obtained and approved by the Council.

4.2 If an Appointed Member wishes to take a leave of absence in respect of one or more meetings of the Committee, they may request that leave of absence in advance in accordance with the Meeting Procedures.

4.3 If an Appointed Member is granted a leave of absence in accordance with clause 4.2 then the Council or the Committee is to appoint a Nominee Member as an Appointed Member to fill the vacancy, for the meeting or meetings for which the leave of absence has been granted.

4.4 If an Appointed Member is absent without leave from three consecutive meetings of the Committee, their office as a member of the Committee is vacated.

4.5 If:

- (a) an Appointed Member is not present at a meeting immediately prior to its scheduled commencement time; or
- (b) an Appointed Member leaves a meeting and the required quorum is no longer present, resulting in the Chair adjourning the meeting,

(collectively "**Absent Appointed Member**"),

and

(c) the Appointed Member has not been granted a leave of absence for the meeting by the Council or the Committee; and

(d) one or more Nominee Members:

- (i) are present when the Appointed Member becomes an Absent Appointed Member in accordance with sub-clause (a) or (b); and
- (ii) indicate to the Chief Executive Officer their wish to be appointed as a member of the Committee for that meeting,

then subject to clause 4.7, the Absent Appointed Member ceases to be an Appointed Member for that meeting or for such part of the meeting during which they are absent.

4.6 If an Absent Appointed Member ceases to be a member for a meeting in accordance with clause 4.5, the Chief Executive Officer or their delegate is to appoint a Nominee Member who:

- (a) is present at the meeting; and
- (b) indicates to the Chief Executive Officer their wish to be appointed as a member of the Committee for that meeting,

to fill that vacancy as a member for that meeting.

4.7 If:

- (a) a Nominee Member is appointed to fill a vacancy in accordance with clause 4.6; and
 - (b) the Absent Appointed Member whose vacant office was filled arrives at the meeting,
- then:
- (c) the Absent Appointed Member is to resume their office as an Appointed Member; and
 - (d) the Nominee Member appointed in accordance with clause 4.6 continues to be a member of the Committee for that meeting.

5. Nominee Members

5.1 Elected Members who are not Appointed Members (**Nominee Members**) are encouraged to attend all meetings.

5.2 Nominee Members who are present at a meeting may be appointed as a member of the Committee by the Chief Executive Officer or their delegate in accordance with clause 4.6 or 5.3.

5.3 If:

- (a) a Nominee Member is present at a meeting immediately prior to the commencement of a meeting of the Committee;
- (b) the Nominee Member is not appointed to fill a vacancy resulting from an Absent Appointed Member in accordance with clause 4.6; and
- (c) the Nominee Member indicates to the Chief Executive Officer their wish to be appointed as a member of the Committee for that meeting,

then the Chief Executive Officer or their delegate may appoint them as a member of the Committee for the duration of that meeting.

6. Quorum

6.1 Subject to clause 6.2, a quorum is four (4) members of the Committee.

6.2 Where one or more Nominee Members are appointed in accordance with clause 5.3, then the quorum at the meeting is to be the majority of the members of the Committee at the time of that meeting.

7. Chair

7.1 The Chair of the Committee is to be appointed by the Council.

- 7.2 If the Chair is not present, a new Chair will be appointed in accordance with the *Local Government (Meeting Procedures) Regulations 2015*.

PART 4 – Committee Meetings

8. Conduct of Meetings

- 8.1 Committee meetings are to be conducted in accordance with the Meeting Procedures and Council Policy “Meetings: Procedures and Guidelines.”

9. Frequency and Location of Meetings

- 9.1 Meetings of the Committee are conducted as adopted by the Council as part of its annual schedule of meetings.
- 9.2 Where special meetings may be convened, these are advertised a minimum of two days prior to the meeting date.
- 9.3 Meetings are open to the public, except when the meeting is closed pursuant to Regulation 15 of the Meeting Procedures.

10. Agendas

- 10.1 The agenda and any associated reports and documents for a meeting of the Committee will be provided to each Elected Member (both Appointed Members and Nominee Members) in accordance with the Meeting Procedures.
- 10.2 The agenda is to provide for, but is not limited to, the following items:
- (a) Attendance and apologies;
 - (b) Confirmation of the minutes;
 - (c) Applications for leave of absence;
 - (d) Declarations of any pecuniary interest of a member or close associate;
 - (e) Any reports to be received; and
 - (f) Any matter to be discussed at the meeting.

PART 5 – Additional matters

11. Deferral of an agenda item

- 11.1 A matter on the agenda for a meeting of the Committee will be automatically deferred to the next available ordinary meeting of the Council or the Future Hobart Council Committee as determined by the Chief Executive Officer if:
- (a) there is a tied vote at the meeting which results in a failure by the Committee to make a decision on the matter; or
 - (b) there is an adjournment of the meeting due to a lack of quorum; or
 - (c) where, after the debate on a matter:
 - (i) the Committee decides to defer a matter; and
 - (ii) there is sufficient statutory time for the matter to be deferred.

12. Delegations

- 12.1 The Council delegates all of its functions and powers as the planning authority under the *Land Use Planning and Approvals Act 1993* (Tas) to the Committee, other than its power of delegation. The Committee has full power to make planning decisions on behalf of the Council.
- 12.2 Notwithstanding the delegation in clause 12.1:
- (a) the Council may delegate some or all of its functions or powers as the planning authority to the Chief Executive Officer or Council employee from time to time; and
 - (b) the Council may continue to perform and exercise all or any of its delegated functions and powers as the planning authority.
- 12.3 The Council delegates to the Committee its functions and powers under section 23(2) of the Local Government Act to appoint members of the Committee in accordance with clause 4.3.
- 12.4 The Council delegates to the Chief Executive Officer its functions and powers under section 23(2) of the Local Government Act to appoint members of the Committee in accordance with clauses 4.6 and 5.3.
- 12.5 The Council authorises the Chief Executive Officer to delegate the functions and powers delegated pursuant to clause 12.4 to an employee of the Council.

13. Review of Terms of Reference

- 13.1 The Terms of Reference for Council Committees are reviewed following each ordinary election.