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MOUNT ALEXANDER
SHIRE COUNCIL

Policy Category:	Planning Procedures Manual			
Title:	**Applicant Objector Meeting Procedure**			
Adoption Method:	☐ CEO	☒ Council	**Date Adopted:**	27 November 2007
Review Period:	☐ Annually	☒ Other	**Date Last Reviewed:**	
Responsible Officer:	Manager Sustainable Development		**Next Review Date:**	
CEO Signature:			**Date:**	27 November 2007

Purpose / Objective:

To define when an applicant/objector meeting should occur.

To establish the roles and responsibilities of each meeting attendee.

To ensure applicant/objector meetings are conducted in a structured and orderly manner.

To define the type of outcomes that may be expected from an applicant/objector meeting.

Who is Affected by this Policy?

Councillors, Council Staff, Planning Permit Applicants and Objectors, Residents of the Shire.

Background / Reasons for Policy:

There is no requirement under the Planning and Environment Act 1987 for the Responsible Authority to conduct applicant/objector meetings to resolve objections in response to a planning permit application. It is very common, however, for municipalities to conduct such meetings to resolve identified issues and potentially reduce the number of applications going before VCAT, but also to increase community awareness and understanding of planning matters and the planning process.

The decision to hold an applicant/objector meeting can impact on the time taken to process an application in a number of ways. All applications with outstanding objections are required to be determined by Council. Where an applicant/objector meeting results in the withdrawal of all objections the application will be able to be determined by planning officers under delegation resulting in a lesser time to process the application. Alternatively, where a meeting is held and all objections are not withdrawn the application is required to be referred to an Ordinary Meeting of Council for determination and this is likely to result in an increase in time taken to process the application. The impact on statutory time frames must also be weighed against the potential time and costs involved in an appeal of a decision to VCAT, and the benefits in better community understanding of planning matters.

A clear direction is required in determining when these meetings are held, how they are structured, the purpose of the meeting and the role of both Councillors and planning officers.

Scope:

This procedure applies to the consideration and assessment of planning permit applications.

Policy Content:

When a meeting should occur

It is beneficial to have an applicant/objector meeting where there is a potential for a resolution between parties. Where there is no potential for a resolution between parties to an application, no applicant/objector meeting should occur and the application should proceed directly to Council for a decision. In these circumstances, applicants and objectors will still have an opportunity to speak at an Ordinary Meeting of Council before a decision is made.

Whether or not to hold an applicant/objector meeting is at the discretion of the Planning Officer, in consultation with Council's Senior Planner, who will consider the likelihood of objections being resolved and withdrawn and the benefits of information sharing about the application and planning process. If the officer is of the opinion that an applicant objector meeting is not required they will advise the Ward Councillor before proceeding with assessment of the application.

The number of objections is not a trigger for an applicant/objector meeting, although this is an option that can be considered when the procedure is next reviewed.

The purpose of the meeting

The purpose of an applicant/objector meeting is to enable a better understanding about what is being proposed in the application, and to resolve the issues identified in written objections to an application. The meeting allows the responsible authority to explain to all parties what can and cannot be considered in determining planning permit applications. The meeting allows the permit applicant to provide more information about the proposal in response to objections, and to discuss any changes that could be made to address them. The meeting allows objectors to better understand the proposal, ask questions and elaborate upon their concerns. Any agreement reached is recorded via withdrawal forms, by letter, and by file notes made by the Planning Officer.

Structure / Role

There needs to be a structured form to the meetings so that the meetings are consistent and transparent. The following structure is suggested:

1. Introduction (Chair)
   - Introduce all parties present.
   - Explain the purpose of the meeting and how it will be conducted.
2. Technical/factual overview of the application and the Planning Scheme requirements (Planning Officer)
3. Explanation of the application (Applicant)
4. Objectors concerns (Objectors)
5. Discussion

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- Applicant may respond to the issues raised, objectors may suggest changes or conditions. Planning Officer to provide technical advice, Chair to manage the discussion towards an agreed outcome, where possible.

6. Conclusion (Chair)
   - Summary of any indicative agreement reached and information about the process from this point forward.
   - Confirmation of matters which may be addressed through appropriate planning controls, including conditions, and of the status of those which may not be subject to any planning controls.

The meetings should be informal, with no tape recordings permitted by any individual. The Planning Officer will take notes of the meeting, including names of attendees, for the file in a standard format however formal minutes will not be distributed. Any indicative or tentative agreement reached is to be recorded via withdrawal forms, by letter, and in the file meeting notes.

Roles, Responsibility and Expectations of Councillors, Applicants, Objectors and Planning Officers

Councillors:

- Each meeting will be chaired by a Councillor.
- The role of the Chair (Councillor) is to ensure the meeting is conducted in an orderly manner.
- In single member wards the Chair will be the Ward Councillor.
- In multi members wards, such as Castlemaine, the Chair for each meeting will be selected in a sequential order through the elected Councillors for that ward.
- If, after the meeting has been arranged, a Councillor is unable to attend it is their responsibility to organise another Councillor to attend in their place.

Planning Officer:

- The Planning Officer is to provide technical advice on the proposal including:
- Description of the provisions of the Planning Scheme applicable to the assessment of the proposal;
- Description of the matters the responsible authority can consider, and is restricted to, in its decision making process and
- Explanation of the planning permit assessment process, and particularly what will happen after the meeting.
- The Planning Officer is responsible for recording notes of the meeting in a standard format for retention in the application file. The notes should record any action that needs follow up.

Applicants:

- Applicants should provide an overview of the proposal and respond to the issues raised.

Objectors:

- Objectors will have an opportunity to raise their concerns about the proposal and/or ask questions in relation to the proposal to either the applicant or the Planning Officer.

Definitions:

Nil

Related Policies:

Nil

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Related Legislation:

Planning and Environment Act 1987

Subdivision Act

Heritage Act

References:

Nil

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