

PLANNING STANDING COMMITTEE CHARTER

November 2024

**PREPARED BY:
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SUTHERLAND SHIRE



1. NAME

Planning Standing Committee.

2. PURPOSE

The Planning Standing Committee has been established to make decisions and / or recommendations to Council in relation to matters falling within the responsibility of the Committee.

The Committee supports the success of Council's Integrated Planning and Reporting Framework goals and objectives through the provision of strategic direction and informed decision making.

3. RESPONSIBILITIES

The Committee shall have responsibility for consideration of matters related to all functions that fall within the Planning Directorate of Council, being:

- Strategic Planning
- Development Services
- Environmental Science
- Health and Building Regulation
- Traffic and Public Domain Services

4. MEMBERSHIP

Committee membership shall consist of:

4.1. Voting Members

- Chairperson (Councillor appointed by Council)
- Deputy Chairperson (Councillor appointed by Council)
- 13 Councillors as appointed by Council

4.2. Chairperson

A Voting Member elected by the majority of Voting Members.

4.3. Deputy Chairperson

A Voting Member elected by the majority of Voting Members.

5. MEMBER COMPLIANCE

All Committee members shall be bound by the provisions of this Charter, Code of Conduct for Councillors and Code of Meeting Practice.

6. AUTHORITY

The Planning Standing Committee has been established on the authority of Council at its Meeting held 21 October 2024 Minute No. 237 and is a Standing Committee of Council.

7. MEETINGS

Meetings of the Planning Standing Committee must be conducted in accordance with the Code of Meeting Practice, including but not limited to the following:

7.1. Agenda, Minutes and Webcasting

The agenda shall be determined by the Chief Executive Officer and the Business Paper published to Council's website.

Minutes of all meetings are to be recorded accurately, approved by the Chairperson and published to Council's website.

A Webcast of the meeting will be published to Council's website.

7.2. Meeting Frequency

Meetings of the Planning Standing Committee shall be held according to the Meeting Schedule adopted by Council, and at other times when required to meet with all Councillors or at other times when determined by the Chief Executive Officer in consultation with the Committee Chairperson.

7.3. Quorum

The quorum of this Committee shall be eight Councillors.

A meeting of the Committee must be adjourned if a quorum is not present: The meeting must be adjourned to a time, date and place fixed:

- (a) by the chairperson, or
- (b) in the chairperson's absence, by the majority of the Councillors present, or
- (c) failing that, by the Chief Executive Officer.

7.4. Voting

Each Voting Member shall be entitled to one (1) vote in respect of any matter and the decision of the Planning Standing Committee shall be by the majority of votes cast in favour. The Chairperson shall have a casting vote.

Decisions requiring a vote shall not be made at any meeting unless a quorum is present.

7.5. Venue

The venue shall be at Council Chambers or at a meeting place determined by Council (unless a natural disaster or public health emergency prevent this).

7.6. Staff Attending

Staff, as determined by the Chief Executive Officer, will attend when required.

7.7. Procedural Matters

In relation to any procedural matter, the ruling of the Chairperson shall be final.



8. TERM AND TENURE OF COMMITTEE

8.1 Term of Standing Committee

As adopted by Council.

8.2 Tenure of Office

Voting Members shall hold office as determined by Council.

8.3 Vacancies

A vacancy on the Standing Committee shall be filled in the same manner as the original appointment was made.

9. VARIATION OF THE CHARTER

This Charter may be added to, repealed, or amended by resolution of the Council in consultation with or upon the recommendation of the Standing Committee.

10. DELEGATION

In accordance with [section 377](#) of the Local Government Act 1993, the Council delegates (other than the legislative delegation exclusions and Council delegation limitations listed below) to the Planning Standing Committee to exercise, of their own accord, all of the Council's powers, authorities, duties and functions in relation to such matters as the Chief Executive Officer, or their delegate, shall from time to time refer to that Committee for consideration.

Legislative Delegation Exclusions:

The following functions are not delegated to the Committee:

- (a) the appointment of a general manager,
- (b) the making of a rate,
- (c) a determination under [section 549](#) as to the levying of a rate,
- (d) the making of a charge,
- (e) the fixing of a fee,
- (f) the borrowing of money,
- (g) the voting of money for expenditure on its works, services or operations,
- (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
- (i) the acceptance of tenders to provide services currently provided by members of the staff of the council,
- (j) the adoption of an operational plan under [section 405](#),
- (k) the adoption of a financial statement included in an annual financial report,
- (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
- (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
- (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,

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- (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#),¹
- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under [section 194](#),
- (q) a decision under [section 356](#) to contribute money or otherwise grant financial assistance to persons, (unless:
 - (i) the financial assistance is part of a specified program, and
 - (ii) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - (iii) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (iv) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area).
- (r) a decision under [section 234](#) to grant leave of absence to the holder of a civic office,
- (s) the making of an application, or the giving of a notice, to the Governor or Minister,
- (t) this power of delegation,
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council (*including decisions to use Council's Common Seal*)

Council Delegation Limitations:

1. The Committee shall not make any decision under delegated authority that would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, unless it identifies the source of funding for the expenditure that is the subject of the decision. If the decision does not identify a funding source, the Committee must defer consideration of the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the decision.
2. If any three duly elected Councillors advise the Chief Executive Officer in writing of their intention to rescind a decision, and less than three months has elapsed since the decision was passed, the decision shall not take effect and the recommendation giving rise to the decision will be referred to the next Ordinary Meeting of the Council as a Committee recommendation. If, in the opinion of the Chief Executive Officer, substantive action has been commenced to put the decision into effect, a motion to rescind or alter that decision cannot be accepted.

End Document

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¹ As per s4.8(2) of the *Environmental Planning and Assessment Act 1979*, because Sutherland Shire Council has a local planning panel, the functions of a council as a development consent authority are not exercisable by councillors. Therefore, s377(1)(o) of the *Local Government Act 1993* is not applicable to Sutherland Shire Council.

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