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|  | <h1>District Council of Cooper Pedy</h1> <h2>Development Delegations Policy</h2> | <p>Issued: 3/05/2018</p> <p>Next Review:</p> |
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Policy Name: **Development Delegations Policy**

1. Introduction

The purpose of this Policy is to set out the types of Development Applications that will be determined by the Council Assessment Panel.

2. Legislative Requirements and Corporate Policy Context

- 2.1 Section 83 of the *Planning, Development and Infrastructure Act 2016* requires the Council to establish a Council Assessment Panel to undertake development assessment functions on its behalf. Section 34(23) of the *Development Act 1993* requires the Council to delegate its powers and functions as a relevant authority with respect to determining whether or not to grant Development Plan consent under the *Development Act 1993* to the Council Assessment Panel and/or Council's Administration.
- 2.2 The Council is also required to adopt a policy setting out the basis upon which the delegations relating to development assessment are made (Section 34(27) of the *Development Act 1993*).
- 2.3 For the efficient operation of the powers of development assessment under the *Development Act 1993* effective decision making must be delegated to the personnel actively involved in day-to-day operations of the Council Assessment Panel.
- 2.4 By virtue of this Policy Council has determined that only the more complex development assessment matters, and those involving public notification issues where applicants or respondents wish to be heard, shall be dealt with by the Council Assessment Panel.

3. Interpretation

For the purpose of this Policy:

- 3.1 "the Panel" means the Council Assessment Panel.
- 3.2 "application" means a Development Application.
- 3.3 "Administration" means:
 - the Chief Executive Officer of the Council; or
 - an employee of the Council; or
 - an employee of the Council for the time being occupying a particular office or position; or
 - an authorised person or authorised officer,
but does not include the:

- Council; or
- the Panel.

4. Policy Scope and Implementation

4.1 Objective

This Policy sets out below the types of Development Applications that will be determined by the Panel.

4.2 Applications to be determined by the Council Assessment Panel

- The Panel will undertake the role of the relevant authority in relation to the following types of Development Applications:
 - Non-complying applications where the decision has previously been made by the Administration to proceed with an assessment of the application (the Panel will decide to refuse the application or seek the concurrence of the State Planning Assessment Commission to approve the application).
 - Any 'merit' application that has undergone Category 2, Category 2A or Category 3 public notification where representations have been made and at least one representor has indicated a desire to be heard by the Panel. (For the avoidance of doubt, this does not include an application where the request of that one representor to be heard by the Panel has been withdrawn).
 - Any application in relation to a Local Heritage place or a State Heritage place where the Council's Heritage Adviser or the State Government Department responsible for State Heritage have recommended that approval should not be granted.
 - Any application for the total demolition of a contributory item, a Local Heritage place or a State Heritage place.
 - Any application involving development by the Council where the Minister has declined a request by the Council that the State Planning Assessment Commission be appointed as the relevant authority.
 - Any application where an appeal has been made to the Environment, Resources and Development Court, and the Chief Executive Officer has referred to the Panel a proposed compromise made by the appellant.
 - Any application where the Chief Executive Officer has determined that the application warrants assessment by the Panel due to its significant, contentious or controversial nature.

4.3 Applications to be Assessed by the Administration

- 4.3.1 All applications other than applications set out in section 4.2 of this Policy will be determined by the Administration.

4.3.2 Administration must keep an adequate record of the circumstances leading to the use of the delegated powers and the decision made.

4.4 **Court compromise proposals**

Where the Panel makes a decision that is appealed to the Environment, Resources and Development Court the Panel will consider support for any compromise proposal put forward by the Applicant/Appellant.

5. **Review and Evaluate**

This Policy will be reviewed within two years and as required.

6. **Availability**

The Policy is available to be downloaded, free of charge, from Council's website www.cooperpedy.sa.gov.au.

The Policy will be available for inspection without charge at the Council's offices during ordinary business hours and a copy may be purchased at a fee set annually by Council.

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