



Council Assessment Panel Delegations Policy

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This policy is set by Council for use by the community and council administration

ECM Document Set No.: 3371276

Version No.: 2.0

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Responsible Team Planning Services

Other Key Internal Stakeholders N/A

Initial Date of Adoption 10 April 2015

Last Reviewed 22 January 2019

Authorised By Ordinary Council

Resolution No.: 3379

Legal Requirement Section 34(27) of *Development Act 1993*

Date of Next Review Annually

1. Purpose

The purpose of this policy is to meet Council's obligation under Section 34 (27) of the Development Act 1993 (the Act) whereby Council must establish a policy relating to the basis upon which it will delegate its powers and functions as a relevant authority with respect to determining whether or not to grant development plan consent under the Act.

2. Scope

Under the Act, Council must delegate all its powers and duties to make decisions on development application to either its Council Assessment Panel or staff. The Act requires Councils to develop a policy in relation to the basis of its delegations under the Act, and make the policy available for public inspection.

3. Legislation and References

The following legislation and references apply to this policy:

- Planning, Development and Infrastructure Act 2016
- Development Act 1993
- Development Regulations 2008
- Delegations Register

4. Definitions

Councillor is a person appointed or elected by the electors of a particular ward, as a representative of the ward in the City of Playford.

Council Assessment Panel is a panel established in accordance with Section 83 of the Planning, Development and Infrastructure Act 2016 comprising Councillors and Independent Members.

Development Plan Consent means a consent granted under section 33(1)(a) of the Development Act 1993.

Independent Members are members on a committee or panel who are not elected but have been appointment by the Council to undertake a similar role as Councillors on Council's Section 41 Committees or the Council Assessment Panel. They are external appointees.

Staff includes Council staff, contractors, volunteers and all others who perform work on behalf of Council.

5. Policy

The powers and functions of Council with respect to determining whether or not to grant Development Plan Consent under the Development Act 1993 are delegated to the Council Assessment Panel and officers of Council in accordance with Sections 34 (23) and (27) of the Act, based on the following principles:

1. The Council Assessment Panel is responsible for assessing and determining whether or not to issue Development Plan Consent arising under Part 4 of the Development Act 1993 and the Development Regulations 2008 in the form of the following:-
 - a. any development where notice of the application has been given pursuant to Sections 38 (4) or 38 (5) of the Act and a person who has made a representation has indicated an interest in appearing before the authority personally or by a representative in support of the representation; or
 - b. any development application that is of a kind described as a non-complying development under the Development Plan and requires the Minister and the Council to concur in the granting of that consent (Section 35 (3)(a) of the Act) except where the decision is a determine to proceed to an assessment in accordance with Regulation 17 (3)(b), or the relevant Assessment Manager considers that the application does not need to be considered by the CAP; or
 - c. any application where staff have recommended refusal to issue Development Plan Consent except for refusals pursuant to section 39(3)(b) of the Act; or
 - d. any application determined by the Assessment Manager to require assessment by the CAP.
2. Any development applications which do not fall within the categories described in Paragraph 1 above may be determined by the Chief Executive Officer of the Council with a power to sub-delegate to staff.

6. Responsibilities

The Assessment Manager is accountable for maintenance and review of the policy in accordance with the Development Act 1993.

7. Relevance to Strategic Plan

2: Smart Living Program

Outcome 2.1 Smart development and urban renewal

8. Accessibility

This Policy and supporting documentation can be found on the Playford Council Website.

9. Feedback

We invite your feedback on this policy which can be directed to Assessment Manager at playford@playford.sa.gov.au. Or in writing to City of Playford, 12 Bishopstone Road, Davoren Park SA 5113.

10. Approval and Change History

Version	Approval Date	Approval by	Change
1.0	10/04/2015	General Manager – Planning, Strategy and Compliance (In accordance with Delegations Register – (Refer ECM Set No. 2129344)	New Policy
2.0	22/01/2019	Ordinary Council	Updates to reflect current practice and changing references from CDAP to CAP and position title of Assessment Manager.