

# Development Act Delegations Policy



## 1. Policy Statement

The purpose of this policy is to meet Council's obligation under Section 34 (27) of the Development Act 1993 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 Development 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. 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 Development Assessment Panel** is a panel established in accordance with Section 56A of the Development Act 1993 comprising Councillors and Independent Members.

**Development Plan Consent** means a consent granted under section 33(1)(a) of the Development Act 1994

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

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

## 4. Legislation and References

The following legislation and references apply to this policy:

- Development Act 1993
- Development Regulations 2008
- Delegations Register

	Policy No.:	Leave blank for future use	Version No.:	1.0
	ECM Document Set No.:	2158548	Initial Date of Adoption:	10 April 2015
	Authorised by:	General Manager – Planning, Strategy and Compliance (Refer Email Approval ECM Set No. 2129344)	Date of Current Version:	10 April 2015
	Document Maintained by:	Planning Assurance	Next Review Date:	April 2019

## 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 Council's Development Assessment Panel and officers of Council in accordance with Sections 34(23) and (27) of the Act, based on the following principles:

1. The Development 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 for land division which creates 200 or more allotments; or
  - c. 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 relevant practice manager considers that the application does not need to be considered by the CDAP; or
  - d. 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
  - e. any application determined by the relevant Practice Manager to require assessment by the CDAP.
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 Practice Manager - Planning Assurance is accountable for maintenance and review of the policy in accordance with the Development Act 1993.

## 7. Relevance to Strategic Plan

### Strategy 2 - Securing Playford's future and building value

Outcomes:


- 2.1 Well planned and sustainable City
- 2.2 Diversified and expanding economic base

	Policy No.:	Leave blank for future use	Version No.:	1.0
	ECM Document Set No.:	2158548	Initial Date of Adoption:	10 April 2015
	Authorised by:	General Manager – Planning, Strategy and Compliance (Refer Email Approval ECM Set No. 2129344)	Date of Current Version:	10 April 2015
	Document Maintained by:	Planning Assurance	Next Review Date:	April 2019

*Electronic version is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.*

## 8. 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

	Policy No.:	Leave blank for future use	Version No.:	1.0
	ECM Document Set No.:	2158548	Initial Date of Adoption:	10 April 2015
	Authorised by:	General Manager – Planning, Strategy and Compliance (Refer Email Approval ECM Set No. 2129344)	Date of Current Version:	10 April 2015
	Document Maintained by:	Planning Assurance	Next Review Date:	April 2019

*Electronic version is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.*