COUNCIL ASSESSMENT PANEL POLICY

Review of a Decision of the Assessment Manager

Policy Number:	PO179		
Strategic Plan Objective:	5. Responsible Governance and Leadership		
Policy Owner:	Council Assessment Panel	**Record Number:**	20/50024
Responsible Officer:	Assessment Manager	**Minute Reference:**	CAP 004/2025 (22/07/2025)
Date Adopted:	22/07/2025	**Next Review Date:**	July 2029

1. POLICY OBJECTIVES

This policy provides for the process to apply for and the hearing of a review of a decision of the Assessment Manager.

2. SCOPE

This Policy applies in addition to the statutory requirements for the review by the Council Assessment Panel (Panel) of a decision of an Assessment Manager as set out in Part 16, Division 1 of the *Planning, Development and Infrastructure Act 2016* (Act).

3. POLICY STATEMENT

Commencing A Review

An application for review of a decision of an Assessment Manager must be in relation to:

- Any assessment, request, decision, direction or act of the Assessment Manager under the Act that is relevant to any aspect of the determination of the development application or to the granting of development authorisation;
- A decision to refuse to grant the development authorisation; or
- The imposition of conditions in relation to the development authorisation; or
- subject to any exclusion prescribed by the regulations, any other assessment, request, decision, direction or act of a relevant authority under this Act in relation to the authorisation

An application for review must be:

- Made using the Application to Assessment Panel for Review of Assessment Manager's Decision (the Form);
- Lodged in a manner identified on the Form and with the payment of the statutory fee; and

- Lodged within one month of the applicant receiving notice of the decision of the Assessment Manager, unless, the Presiding Member of the Panel in his or her discretion grants an extension of time.

In determining whether to grant an extension of time, the Presiding Member may consider:

- The reason for the delay;
- The length of the delay;
- Whether any rights or interests of other parties would be affected by allowing the review to be commenced out of time;
- The interests of justice;
- Whether the applicant has, or is within time to, appeal the decision to the Environment, Resources and Development Court; and
- Any other matters they consider relevant.

Materials for Review Hearing

The Assessment Manager shall collate for the Panel:

- All materials which were before the Assessment Manager, or delegate at the time of the decision, including, but not limited to:
    - Application documents, reports, submissions, plans, specifications or other documents submitted by the applicant;
    - Internal and external referral responses;
    - Any report from Council staff or an external planning consultant written for the Assessment Manger;
    - Any assessment report or checklist used by the Assessment Manager or delegate;

The Assessment Manager, or delegate must prepare a report to the Panel setting out the details of the relevant development application, the nature of the review being sought, and the reasons for the decision.

The Assessment Manager must advise the applicant at least 5 business days prior to the meeting:

- Of the time and date of the Panel meeting at which the review application will be heard; and
- Inform the applicant of their right to appear in person or through a representative in support of their review application at the Panel meeting; and
- Invite the applicant to confirm in writing at least 2 business days prior to the meeting whether he or she wishes to be heard.

Review Hearing

On review, the Panel will consider the decision in question afresh.

The applicant, or their representative will have five minutes to address the Panel in support of their review application, after which Panel Members may ask questions or seek clarification.

The Assessment Manager or their delegate will be present at the meeting to respond to any questions or requests for clarification from Members.

The Presiding Member will invite all Panel members to speak on any matters relevant to the review.

Outcome of Review Hearing

The Panel may resolve to:

- Affirm the Assessment Manager's decision;
- Vary the Assessment Manager's decision;
- Set aside the Assessment Manager's decision and substitute its own decision; or
- Defer its decision if it considers it requires additional time or information to make its decision.

The applicant will be advised in writing of the Panel's decision by the Assessment Manager or delegate.

4. COMPLAINTS

Complaints about the failure to comply with requirements of this policy, must be made in writing to the Yorke Peninsula Council's Chief Executive Officer and will be managed in accordance with Council's Complaints Policy PO147.

5. REVIEW

This policy will be reviewed every four years or in line with legislative changes, relevant standards, codes, guidelines and audit findings.

6. TRAINING

Council is committed to supporting members of the CAP and the Assessment Manager and delegates in complying with this policy and will provide appropriate training to ensure they can effectively carry out their duties.

Training needs will be identified through recruitment processes, performance reviews, audit results and training needs analysis.

Training needs will be reviewed as necessary in consideration of any changes to legislation and relevant standards, codes, and guidelines and audit findings.

7. RECORDS

Records shall be maintained as required by Council's Records Management Policy (PO063) and relevant legislation.

8. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS

Council Assessment Panel Terms of Reference

9. REFERENCES AND LEGISLATION

Planning, Development and Infrastructure Act 2016

Planning, Development and Infrastructure (General) Regulations 2017

10. COUNCIL DELEGATION

Any applicable delegations are available on Councils website via the Delegations register via https://yorke.sa.gov.au/about-us/forms-plans-and-publications/registers/

11. VERSION HISTORY

Version No	Issue Date	Description of Change
V1	2020	New Policy
V2	22/07/2025	Legislative Update.

ATTACHMENT 1: DEFINITIONS

Term/Reference	Definition
Assessment Manager	Appointed to make decisions on Development Applications