



COUNCIL POLICY

Council Assessment Panel Delegations Policy

Policy Number:	PO 127		
Strategic Plan Objective	Key Theme: Sustainable Communities Progressive and Sustainable Development Objective 2.2 Streamlined Development Assessment Process		
Policy Owner:	Development Services	File Number:	16/14203[v5]
Responsible Officer:	Director Development Services	Minute Reference:	146/2018(13/06/2018)
Date Adopted:	13/06/2018	Next Review Date:	2 years

1. POLICY OBJECTIVES

Section 83 of the *Planning, Development and Infrastructure Act 2016* requires the Council to appoint an assessment panel whose functions include undertaking development assessment under the *Development Act 1993* on its behalf (**Council Assessment Panel**). 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 or to Council's Administration.

The Council is also required to establish a policy relating to the basis upon which it will make delegations with respect to determining whether or not to grant Development Plan consent to a development (Section 34(27) *Development Act 1993*).

This policy outlines the powers and functions that have been delegated to the Council Assessment Panel and Council's Administration

2. SCOPE

This policy applies to:

- (i) All members of the Council Assessment Panel; and
- (ii) Council staff whose role includes assessing development applications under the *Development Act 1993* on behalf of the Council.

Action under this policy will not be taken where other legislation determines how a matter is to be handled.

3. DEFINITIONS

Council Assessment Panel	Panel appointed by the Council pursuant to Section 83 of the <i>Planning, Development and Infrastructure Act 2016</i> .
Council Administration	A person for the time being occupying a particular office or position who has direct responsibility and appropriate delegations are in place for the assessment and

	determination of development applications.
Representations	An opportunity is provided for members of the public who may be affected by some development to put forward their views for consideration via a formal process.
State Planning Commission	Statutory body established under the <i>Planning, Development and Infrastructure Act 2016</i> whose powers and functions include determining prescribed development

4. POLICY STATEMENT

The Council has made delegations to the Council Assessment Panel and to Council’s Administration which are based on the category of the development as set out in either the Council’s Development Plan or the *Development Act 1993* (i.e. Category 1, 2 and 3) and, in some instances, the nature of the development (in particular, whether or not the development is non-complying). Categorisation relates to the level of public notification that is required to be undertaken in relation to a development application: Category 1 development requires no public notification to be undertaken, Category 2 development requires limited public notification to be undertaken (adjacent land owners or occupiers only) and Category 3 development requires public notification to be undertaken to the public generally, adjacent land owners or occupiers, and to any other owner or occupier of land which the Council determines would be directly affected to a significant degree by the development if it were to proceed. Development that is designated as “non-complying” is development that is *generally* not envisaged in the relevant area in which it is proposed to be undertaken, and so there are a number of additional procedural requirements that must be followed under the *Development Act 1993* in relation to such kinds of development.

Council Assessment Panel (Panel)

The Panel will undertake the role of the relevant authority to determine whether or not to grant Development Plan consent to a development on behalf of the Council with respect to the following development applications concerning:

- Category 2 development, where representations have been made and those representations have not subsequently been withdrawn by the representor;
- non-complying, Category 3 development;
- Category 3 development, where representations have been made and those representations have not subsequently been withdrawn by the representor.

The Panel shall, in addition to the above, also assess and determine applications where the Director Development Services has determined that the application warrants consideration by the Panel because it is contentious, controversial or otherwise of significance.

The Panel is also delegated the power to provide a report to the State Planning Commission (**Commission**) concerning applications involving development proposed to be undertaken in the Council area where the Commission is the relevant authority, unless, in the opinion of the Director Development Services, the development is of a minor nature only.

Council Administration (Administration)

The Administration will undertake the role of the relevant authority to determine whether or not to grant Development Plan consent to a development on behalf of the Council with respect to the following development applications concerning:

- Category 1 development;
- Category 2 development, where either no representations have been received or where any representations received have been withdrawn by the representor;
- Category 3 development, that is not non-complying, and where either no representations have been received or where any representations received have been withdrawn by the representor.

In addition, where the Commission is the relevant authority concerning an application involving development proposed to be undertaken in the Council area and where in the opinion of the Director Development Services, the development is of a minor nature only, the Administration is delegated the power to provide a report to the Commission in relation to the development.

The Administration is also responsible for determining all applications seeking Building Rules consent, (that are not privately certified) and applications seeking land division consent where the Administration is delegated the power to grant Development Plan consent to such applications.

The Administration is not required to exercise the delegation in every instance and may refer an application to the Panel for determination where the Chief Executive Officer (Council CEO)/Director has determined that the application warrants consideration by the Panel because it is contentious, controversial or otherwise of significance.

5. COMPLAINTS

Complaints about a contravention of the code of conduct by a member of the Panel must be made in accordance with the requirements of Regulation 11 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Complaints about a failure of a member of the Panel or Administration to comply with the requirements of this policy, must be made in writing to the CEO, (including any person acting as CEO) In order for a complaint to be investigated, it will be essential that evidence is supplied in relation to the alleged failure to comply with this policy. The Chief Executive Officer is responsible for investigating and managing complaints in relation to an alleged failure to comply with this policy.

6. REVIEW

This policy will be reviewed every two years in line with the term of office of the Panel. The policy will also be reviewed as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines.

7. TRAINING

Council is committed to supporting members of the Panel in complying with this policy.

All Panel Members will be provided with appropriate training to ensure they can effectively carry out their duties as a panel member.

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

8. RELATED COUNCIL POLICIES AND DOCUMENTS

Mandatory Elected Members Code of Conduct
 Gifts and Benefits Policy
 Fraud and Corruption Prevention Policy
 Confidentiality Policy (under development)
 Elected Member Legal Advice Policy (under development)
 Process for Managing Complaints and Breaches under the Mandatory Code of Conduct for Elected Members

9. REFERENCES AND LEGISLATION

Local Government Act 1999 and associated Regulations
 Criminal Law Consolidation Act 1935
 Independent Commissioner Against Corruption Act 2012
 Development Act 1993 and associated Regulations
 Planning, Development and Infrastructure Act 2016 and associated Regulations

10. COUNCIL DELEGATION

Delegate:	Chief Executive Officer
Sub Delegate:	Director Development Services

12. VERSION HISTORY

Archived Policy Name	Policy Number	Date Adopted	Last Reviewed
Development Assessment Panel Delegations Policy	PO127	13/02/2007	19/01/2011
Development Assessment Panel Delegations Policy	PO127	13/03/2013	15/01/2015
Development Assessment Panel Delegations Policy V(4)	PO127	18/01/2017	13/06/2018
Council Assessment Panel Delegations Policy [V5]	PO127	13/06/2018	