



# COUNCIL POLICY

## Development Assessment Panel Delegations Policy

<b>Policy Number:</b>	PO 127		
<b>Strategic Plan Objective</b>	Key Theme: Sustainable Communities Progressive and Sustainable Development Objective 2.2 Streamlined Development Assessment Process		
<b>Policy Owner:</b>	Development Services	<b>File Number:</b>	3.63.1
<b>Responsible Officer:</b>	Director Development Services	<b>Minute Reference:</b>	017/2015 (21/01/2015)
<b>Date Adopted:</b>	21 <sup>st</sup> January 2015	<b>Next Review Date:</b>	2 years

### 1. POLICY OBJECTIVES

Section 56A of the Development Act 1993 requires the Council to establish a Development Assessment Panel ("the Panel") to undertake development assessment functions under that Act on its behalf. Section 34(23) 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 Act to the Panel and/or Council's Administration. This delegation is made pursuant to Section 20 of the Act.

The Council is also required to adopt a policy setting out the basis upon which the delegations relating to the development assessment are made (Section 34(27)).

This policy outlines the functions and activities that have been delegated to members of the Development Assessment Panel.

### 2. SCOPE

This Code applies to:

- (i) All Members of the Development Assessment Panel and Staff who are involved with assessment of Development Applications on behalf of the Yorke Peninsula Council;

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

### 3. DEFINITIONS

Development Assessment Panel	Panel established by Council under Section 56A of the Development Act.
Administration	Staff who have direct responsibility and appropriate delegations in place for assessment and approval 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.
Development Assessment Commission	Statutory body established by State Government for approval of some classes of development.

#### **4. POLICY STATEMENT**

The Council has made delegations to the Panel and Council's Administration. This has been based on both the category of development as set out by the Act (Category 1, 2 and 3) and in some instances the nature of the development (non-complying). Categorisation relates to the level of public notification of the application: Category 1 developments require no notification, Category 2 has limited notification (immediate neighbours) and Category 3 requires full public notification (and provides subsequent appeal rights). Development that is designated as "non-complying" is development that undergoes a higher level of assessment.

##### Panel

The Panel will undertake the role of the relevant authority to decide whether or not to grant the development plan consent on behalf of the Council with respect to applications:

- involving Category 2 development where representations have been made and those representations have not subsequently been withdrawn by the representor;
- involving non-complying Category 3 development;
- involving 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 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 authority to provide comment to the Development Assessment Commission ("Commission") in relation to applications where the Commission is the relevant authority for the application where, in the opinion of the said Director, the development proposal concerned is one of a minor nature.

##### Administration

The Administration will undertake the role of the relevant authority to decide whether or not to grant development plan consent on behalf of the Council with respect to applications:

- involving Category 1 development;
- involving Category 2 development where either no representations have been received or where any representations received have been withdrawn by the representor;
- involving 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.

The Administration is also responsible for determining all applications for building rules consent that are not privately certified and applications for land division consent where the Administration is delegated the authority to grant development plan consent.

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 Panel Members decisions or conduct under this policy must be in writing to the CEO, (including any person acting as CEO).

It will be essential to supply evidence of the complaint in relation to this policy.  
 The Chief Executive Officer is responsible for investigating and managing complaints in relation to 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

## 10. COMMITMENT OF PANEL MEMBERS

We the members of the Yorke Peninsula Development Assessment Panel will be bound by the rules and delegations contained within this policy.

## 11. COUNCIL DELEGATION

<b>Delegate:</b>	Chief Executive Officer
<b>Sub Delegate:</b>	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