

	<p style="text-align: center;"><b><i>Development Delegations Policy</i></b> Policy No. ENVPOL 14</p>	Version No:	1.0
		Responsible Officer/s	Director of Environmental Services
		Classification:	Council
		Issued:	19 February 2007
		Next Review:	May 2024

## 1. Purpose

Council seeks the highest quality of development having regard to the Planning, Development and Infrastructure Act 2016 and/or the Planning and Design Code, as relevant.

The purpose of this Policy is to set out the types of Development Applications that will be determined by the Limestone Coast Southern Regional Assessment Panel (RAP) to the extent that they are lodged under the *Development Act 1993*. Applications lodged under the *Planning Development and Infrastructure Act 2016* (the PDI Act) will be heard by RAP in accordance with Section 93 of the PDI Act and associated Regulations.

## 2. Legislative Requirements and Corporate Policy Context

Section 83 of the *Planning, Development and Infrastructure Act 2016* requires the Council to establish an Assessment Panel (the Panel) to undertake development assessment functions on its behalf. 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 Panel and/or Council's Administration.

The Council is also required to adopt a policy setting out the basis upon which the delegations relating to development assessment are made pursuant to Section 34(27) of the *Development Act 1993*.

This Policy will be redundant once all applications made under the *Development Act 1993* have been assessed. At this time, all applications lodged will be assessed by the RAP in accordance with Section 93 of the *Planning, Development and Infrastructure Act*, (and Regulations) obviating the need for a Policy.

## 3. Interpretation

Council adopts the following definitions for this policy:

**the Panel** means the Council Assessment Panel or Regional Assessment Panel.

**Application** means a Development Application made under the *Development Act 1993* or the *Planning, Development and Infrastructure Act 2016*.

**AM** means Assessment Manager (Level 1 Accredited Planning Professional).

**CEO** means Council's Chief Executive Officer (including their delegate).

## 4. Policy

This Policy sets out below the types of Development Applications lodged under the *Development Act 1993* that will be determined by the Panel. Applications made under

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the *Planning Development and Infrastructure Act 2016* will be assessed by the Panel in accordance with that Act and associated Regulations, and without reference to 4.1 of this Policy.

#### **4.1 Applications made under the *Development Act 1993* to be Determined by the Panel**

The Panel will undertake the role of the relevant authority in relation to the following types of Development Application:

- Non-complying applications where the decision has previously been made by the Administration to proceed with an assessment of the application (the Panel will decide to refuse the application or seek the concurrence of the Development Assessment Commission to approve the application).
- Any 'merit' application that has undergone Category 2 or Category 3 public notification where representations have been made and at least one representor has indicated a desire to be heard by the council.
- Any application in relation to a State Heritage Place, or a Historic Conservation Zone where the Council's Heritage Adviser or the State Government Department responsible for State Heritage have recommended that approval should not be granted.
- Any application for the total demolition of a contributory item in a Historic Conservation Zone, or a State Heritage Place.
- Any application for land division that proposes the creation of four or more additional allotments where one or more of the proposed allotments is below the minimum allotment size recommended by relevant Zone/Policy Area of the Development Plan. Any application for four or more additional dwellings where one or more sites is below the minimum allotment size recommended by the relevant Zone/Policy Area of the Development Plan.
- Any application involving development by the Council where the Minister has declined a request by the Council that the Development Assessment Commission be appointed as the relevant authority.
- Any application where an appeal has been made to the Environment, Resources and Development Court, and the Chief Executive Officer has referred to the Panel a proposed compromise made by the appellant.
- Any application where the Director of Environmental Services has determined that the application warrants assessment by the Panel due to its significant, contentious or controversial nature.

#### **4.2 Applications to be assessed by the Administration**

All applications other than applications set out in section 4.1 of this Policy will be determined by the Administration or the Assessment Manager.

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## 5. Further Information

This Policy is available on the Council's website at [www.dcgrant.sa.gov.au](http://www.dcgrant.sa.gov.au)  
For further information contact the Council Offices – Telephone (08) 87210444.

## 6. Responsibilities

The Director of Environmental Services and/or the Assessment Manager are responsible for ensuring the requirements of this policy are met.

## 7. References:

### State Legislation

Development Act 1993

Development Regulations 2008

Planning Development and Infrastructure Act 2016

Planning Development and Infrastructure Regulations 2017

## 8. Review

This Policy shall be reviewed by the District Council of Grant at a minimum, once within every four (4) year Council term (or on significant change to legislation or other matters which could affect this policy)..

Action	Date	Minute Reference
Adopted by Council	19 February 2007	07030.3
Amended	7 October 2015	15127.7.4
Amended	15 August 2022	22228.2