



## Development Act Delegations Policy

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Review Frequency	Within 12 months of General Council Elections Or where a change in legislation requires Council to undertake a review.
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Next Review	July 2022 or as required
Document Number	POL202044424 (18.63.1.1)
Responsible Officer	Group Manager Planning, Environment and Regulatory Services
Policies Related	Nil
Applicable Legislation	Development Act (1993) Development Regulations (2008) Planning, Development and Infrastructure Act 2016

### 1. Preamble

In accordance with Section 34 (23) of the Development Act (1993), Council must delegate its powers and functions as a relevant planning authority with respect to determining whether or not to grant Development Plan Consent under the Act to either its Council Assessment Panel, or staff.

### 2. Purpose

In accordance with Section 34 (27) of the Development Act (1993), Council must establish a policy relating to the basis upon which it will delegate its powers, and ensure that a copy of that policy is available for inspection at the principal office of the Council during ordinary office hours, and for inspection on the Internet.

The purpose of this Policy is to satisfy Council's obligations in respect of Section 34 (27) of the Development Act (1993).

### 3. Policy Statement

The Council Assessment Panel will consider applications for the following classes of development:

1. Other than where the proposal deemed to be of a minor nature, the assessment of a development that is classified as a *non-complying* form of development (noting that assessment to proceed with the assessment of a non-complying application can be determined by the Manager of Planning and Environment);
2. Any Category 2 or 3 development application where notice of the application has been given pursuant to Section 38 of the Development Act (1993), and a person who was entitled to make a representation within the prescribed timeframe has submitted a representation and has indicated an interest in appearing personally or by representative in support of the representation;
3. Any development that constitutes a compromise proposal as a result of the lodgement of an appeal against a decision of the Council Development Assessment Panel in the Environment, Resources and Development Court;
4. Any development where conflicting information has been provided by at least two different experts in a technical field other than for urban and regional planning (including but not limited to traffic

engineering, arboriculture, or acoustics);

5. Any development that involves the introduction of a land use that is fundamentally different to that envisaged in the Development Plan (with specific reference to Desired Character Statements) for that part of the Township;
6. Any development relating to an education establishment which may result in an additional demand for parking;
7. Any development that involves the removal of a Regulated Tree that is situated on land that is either owned by the Council, or that is under the care, control or management of the Council, and where the purpose of removing the tree(s) is to facilitate development;
8. Any development where there is, or the potential for, a liquor licence application to Consumer and Business Affairs; or
9. Any development where the person holding for the time being the position of Manager Planning and Environment has determined (by notice to the Chief Executive Officer or General Manager) that the application is marginal, controversial or setting a precedent and requires the determination by the Council Assessment Panel. In order to assist in the making of these determinations, the Group Manager of Planning, Environment and Regulatory Services (Assessment Manager) shall consider the following criteria:

Whether the proposal:

- a) Is inconsistent with a prevailing heritage character in the locality;
- b) Involves the construction of a building on land that has a natural gradient steeper than 1 in 5;
- c) Involves the construction of a building or a change in the use of land on land that, by virtue of its location, is either visually, culturally or historically prominent within the Township (with particular reference to development proposed on land on Walkerville Terrace between its intersections with Smith Street and Stephens Terrace);
- d) Involves development that is likely to adversely impact on the amenity of the locality beyond the boundaries of the site. This may include (but is not limited to) adverse impacts resulting from the generation of excess noise, a greater demand for on-street parking, or operating hours for commercial premises that are likely to result in disturbance for nearby residents;
- e) Involves the construction of a building that is greater than two storeys in height (notwithstanding the number of internal levels within the building);
- f) Any development where the application includes the construction of three or more dwellings; or
- g) Involves the construction of a building that purports to exhibit characteristics relating to height, scale, bulk and mass that are fundamentally different to that exhibited by other buildings within the locality.