

Development Delegations

Classification:	Council Policy
Policy Name:	Development Delegations
First Issued / Approved:	December 2006
Last Reviewed:	25 September 2012, C8877 24 September 2013, C9410 27 September 2016, C10857 12 December 2017, C11537 29 April 2021, C290421/12811
Next Review:	April 2025
ECM tracking number:	986467
Responsible Officer:	Director Corporate and Development
Relevant Legislation:	<i>Development Act 1993</i> <i>Planning, Development and Infrastructure Act 2016</i>
Related Policies:	NA

1. Introduction

- 1.1 The purpose of this Policy is to set out the types of Development Applications that will be determined by the Council Assessment Panel to the extent they are lodged under the *Development Act 1993*. Applications lodged under the *Planning Development and Infrastructure Act 2016* will come before the CAP in accordance with Section 93 of the Act and Regulations.

2. Strategic Plan Desired outcomes

- Principle:* 4. Governing with Integrity
Themes: Spans across all Strategic Plan Themes
Goals: Spans across all Strategic Plan Goals
Priorities: Spans across all Strategic Plan Priorities

3. Our Approach

Council will seek

- 3.1 The highest quality of development of the City having regard to the Development Plan or Planning and Design Code, as relevant.

4. Legislative Requirements and Corporate Policy Context

- 4.1 Section 83 of the *Planning, Development and Infrastructure Act 2016* requires the Council to establish a Council 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.
- 4.2 The Council is also required to adopt a policy setting out the basis upon which the delegations relating to development assessment are made (Section 34(27) of the *Development Act 1993*).
- 4.3 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 CAP in accordance with Section 93 of the *Planning, Development and Infrastructure Act*, (and Regulations) obviating the need for a Policy.

5. Interpretation

Council adopts the following definitions for this policy:

- 5.1 “**the Panel**” means the Council Assessment Panel.
- 5.2 “**application**” means a Development Application made under the *Development Act 1993*.

6. Policy Objectives/Scope/Actions

- 6.1 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 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 6.2 of this Policy.

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

- 6.2 The Panel will undertake the role of the relevant authority in relation to the following types of Development Application:
 - 6.2.1 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).
 - 6.2.2 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.
 - 6.2.3 Any application in relation to a Local Heritage place, 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.

- 6.2.4 Any application for the total demolition of a contributory item in a Historic Conservation Zone, a Local Heritage place or a State Heritage place.
- 6.2.5 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.
- 6.2.6 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.
- 6.2.7 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.
- 6.2.8 Any application where the Group Manager City Development and Safety or Director Corporate Services has determined that the application warrants assessment by the Panel due to its significant, contentious or controversial nature.

Applications to be assessed by the Administration

- 6.3 All applications other than applications set out in section 6.2 of this Policy will be determined by the Administration or the Assessment Manager.

7. Review and Authority

- 7.1 This Policy will be reviewed in accordance with Council's Policy and Procedure Framework.

8. Availability

- 8.1 The Policy is available to be downloaded, free of charge, from Council's website www.burnside.sa.gov.au
- 8.2 The Policy will be available for inspection free of charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee set annually by Council.
 - 8.2.1 City of Burnside Civic Centre; 401 Greenhill Road, Tusmore SA 5065
Telephone; 8366 4200; Email; burnside@burnside.sa.gov.au Office hours:
Monday to Friday, 8.30am to 5.00pm (except public holidays)

9. Further information

- 9.1 For further information about this Policy please contact:

City of Burnside Civic Centre; 401 Greenhill Road, Tusmore SA 5065
Telephone; 8366 4200; Email; burnside@burnside.sa.gov.au