



Development Plan Consent Delegations Policy

Responsible Officer	Chief Executive Officer
Relevant Delegations	Manager Development & Community Services
Legislation and References	Local Government Act 1999 Development Act 1993

1 PROCEDURE

This policy is to establish the basis on which Council will delegate its powers and functions with respect to determining whether or not to grant development plan consent. The policy is to also comply with the requirements of Section 34(27) of the Act.

2. SCOPE

Section 34(23) of the Act requires that a Council must delegate its powers and functions as a relevant authority with respect to determining whether or not to grant development plan consent to:

- (a) Members of the Clare & Gilbert Valleys Council Assessment Panel; or
- (b) Staff who are involved with the assessment of development applications on behalf of the Clare & Gilbert Valleys Council; or
- (c) a Regional Assessment Panel (if one exists for the region).

Section 34(27) of the Act requires Council to establish a policy upon which it will make the various delegations under Section 34(23). This policy satisfies this requirement.

3. 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 in 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 requirements (immediate neighbours) and Category 3 requires full public notifications (and provides subsequent appeal rights). Development that is designated as "non-complying" is development that undergoes a higher level of assessment.

File Path	Last review	Next review	Page
W:\Council Policies\CURRENT COUNCIL POLICIES\2018 Policies\Development Plan Consent Delgations Policy.Docx	July 2018	July 2020	Page 1 of 3

*Electronic version on the Intranet is the controlled version. Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version*



Development Plan Consent Delegations Policy

Delegation to the 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 the following kinds of applications:

- Category 2 applications where representations have been made, and a representor or representors wish to address the CAP in support of their representation.
- Category 3 applications where representations have been made, and a representor, or representors wish to address the CAP in support of their representation.
- Non-complying applications which proceed with an assessment, and in respect of which representations have been made, and a representor, or representors wish to address the CAP in support of their representation.
- Other such development applications, which do not meet the above requirements, but in respect of which the Chief Executive Officer believes determination by the CAP is warranted.

Delegation to Chief Executive Officer

Council will delegate to the Chief Executive Officer its powers and functions in respect to determining whether or not to grant development plan consent for all applications.

Council acknowledges that the above powers and functions may be further delegated by the Chief Executive Officer. The sub-delegate must not make a decision on the following types of proposal and in the following circumstances must be referred to the panel:

- Category 2 applications where representations have been made, and a representor or representors wish to address the CAP in support of their representation.
- Category 3 applications where representations have been made, and a representor, or representors wish to address the CAP in support of their representation.
- Non-complying applications which proceed with an assessment, and in respect of which representations have been made, and a representor, or representors wish to address the CAP in support of their representation.

File Path	Last review	Next review	Page
W:\Council Policies\CURRENT COUNCIL POLICIES\2018 Policies\Development Plan Consent Delgations Policy.Docx	July 2018	July 2020	Page 2 of 3

*Electronic version on the Intranet is the controlled version. Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version*



Development Plan Consent Delegations Policy

To avoid doubt, it is confirmed that Council has delegated other powers and functions under Section 20 of the Development Act 1993 to the Chief Executive Officer who in turn may make further delegations subject to conditions and limitations.

4. REVIEW

This policy will be reviewed biennially in line with Council's policy reviews and every two years in line with the term of office of the Panel. This policy will also be reviewed more frequently if legislation or Council needs change.

The public may inspect a copy of this policy without charge at the Council offices during office hours and may obtain a copy for a fee fixed by Council

The policy is also available on Council's website www.claregilbertvalleys.sa.gov.au

5. REFERENCES

Local Government Act 1999

Development Act 1993

6. DOCUMENT HISTORY

Approved by	Issue Date	Minute Reference – Details of Review
CGVC	27/04/15	282-14/15 Adopted by Council
CGVC	16/07/18	Reviewed by Council
CGVC		

SIGNED:

CEO

Date: ____/____/____

File Path	Last review	Next review	Page
W:\Council Policies\CURRENT COUNCIL POLICIES\2018 Policies\Development Plan Consent Delgations Policy.Docx	July 2018	July 2020	Page 3 of 3

*Electronic version on the Intranet is the controlled version. Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version*