

	<b><i>Development Delegations Policy</i></b> <i>Policy No. ENVPOL 14</i>	<b>Version No:</b>	1.0
		<b>Responsible Officer/s</b>	Director of Environmental Services
		<b>Issued:</b>	19 Feb 2007
		<b>Next Review:</b>	Jan 2019

### 1. Purpose

This policy is established pursuant to Section 34(27) of the Development Act 1993 (“the Act”).

### 2. Scope

Under the Act and the Development Regulations 2008 (“the Regulations”), the District Council of Grant (“the Council”) is responsible for the management of most development within its area.

Section 56A of the Act requires the Council to establish a Development Assessment Panel (CDAP) to undertake development assessment functions under the Act on behalf of the Council.

Under Section 34(23) of the Act the Council is *required* to delegate all of its powers and functions as a “relevant authority” with respect to determining whether or not to grant development plan consent. That means, the Council’s *development assessment* functions must be exercised by a person or body that has been given delegated authority by the Council, rather than the Council itself.

In addition, the Council has various other duties and functions under the Act and Regulations which it is both impractical and administratively difficult to expect the Council sitting as a whole, to always perform.

The Council therefore delegates its powers and functions under the Act and Regulations to other persons or bodies.

This policy explains how the Council will make the various delegations required by Section 34(23) of the Act.

The Council’s power to delegate its powers and functions under the Act is in Section 20 of the Act.

### 3. Definitions

For the purposes of this policy the following definitions apply:

**Council** – District Council of Grant

**Act** – Development Act 1993

**Regulations** – Development Regulations 2008

**Application** – Development Application

**CDAP** – Council’s Development Assessment Panel

**CEO** – Council’s Chief Executive Officer (including their delegate)

	<b>Development Delegations Policy</b> <i>Policy No. ENVPOL 14</i>	<b>Version No:</b>	1.0
		<b>Responsible Officer/s</b>	Director of Environmental Services
		<b>Issued:</b>	19 Feb 2007
		<b>Next Review:</b>	Jan 2019

#### 4. Policy

The Council delegates *all* of its powers and functions under the Act and Regulations to the CEO of the Council.

The Council also empowers the CEO to sub-delegate those powers and functions to other Council Officers.

The Council also delegates its powers and functions as a relevant authority with respect to determining whether or not to grant development plan consent (“the development assessment powers and functions”) to the Grant District Council Development Assessment Panel (CDAP). However, the CDAP shall only exercise those development assessment powers and functions in the following circumstances:

- an Application has been publicly notified and representations received and at least one representor has indicated a desire to be heard by the Council;
- the Director of Environmental Services and/or the Development Manager considers that the circumstances warrant determination by the CDAP (i.e. some refusals; non-complying development that is not of a minor nature; proposals that are significant, contentious and/or controversial in nature; etc); and,
- an Application where an Appeal has been made to the Environment, Resources and Development Court, and a proposed compromise has been made by the Appellant, and the Director of Environmental Services and/or Development Manager, considers that the proposed compromise needs to be determined by CDAP.

As the CEO has been delegated all powers and functions under the Act and Regulations this means that the CEO and the CDAP *share* some powers and functions in which case these powers and functions can be exercised by either the CEO or the CDAP. However, as a matter of policy it is expected that the CDAP, rather than the CEO or the CEO’s delegate, will generally exercise the development assessment powers and functions in cases where it has the delegated authority to do so.

In any other case, it will generally be the case that the powers or functions under the Act will be exercised by the CEO, or the CEO’s delegate.

Section 49 of the Act refers to planning decisions made by the Development Assessment Commission, particularly with respect to development proposals associated with State Government Agencies. Comments on such proposals shall be made by the CEO, the Director of Environmental Services and/or Development Manager; or the Council depending on the significance and nature of the proposal.

#### 5. Further Information

This policy is available for inspection at the Council Offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council’s website at [www.dcgrant.sa.gov.au](http://www.dcgrant.sa.gov.au).

Council Offices, 324 Commercial Street West, Mount Gambier

Port MacDonnell Community Complex, 5 Charles Street, Port MacDonnell

	<b>Development Delegations Policy</b> <i>Policy No. ENVPOL 14</i>	<b>Version No:</b>	1.0
		<b>Responsible Officer/s</b>	Director of Environmental Services
		<b>Issued:</b>	19 Feb 2007
		<b>Next Review:</b>	Jan 2019

Copies are available for purchase in accordance with Council's fees and charges register.

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer.

For further information contact the Council Offices – Telephone (08) 87210444.

**6. Responsibilities**

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

**7. References:**

**State Legislation**

Development Act 1993

Development Regulations 2008

**8. Review**

This Policy shall be reviewed by the District Council of Grant at minimum every four (4) years, within 12 months of a general election (or on significant change to legislation or other matters which could affect this policy).

<b>Action</b>	<b>Date</b>	<b>Minute Reference</b>
Adopted by Council	19 February 2007	07030.3
Amended	7 October 2015	15127.7.4