

| | | | |
|---|------------------------------------|---------------------|---------------|
|  | <h1>District Council of Cleve</h1> | Version No: | 2 |
| | | Issued: | November 2013 |
| | | Next Review: | November 2016 |

Policy Name: Development Assessment Delegation Policy

Purpose

The purpose of this policy is to outline the basis upon which Council will delegate its powers and duties under the Development Act 1993, as a relevant authority with respect to determining whether or not to grant development plan approval. This policy also meets Council's obligations under the Act for Council to adopt such a policy.

Legislative Framework

Development Act 1993

Section 56A of the Development Act 1993 requires Council to establish a Development Assessment Panel to undertake development assessment functions under the Act on its behalf.

Section 34(23) of the Act requires Council to delegate all its powers and duties to make decisions on development applications to either its Development Assessment Panel or relevant staff. This delegation is made pursuant to Section 20 of the Act.

Section 34(27) of the Act also requires Council to establish a policy in relation to the basis of its delegations under the Act. This policy satisfies this specific requirement.

Policy

Section 38 of the Development Act 1993 ('the Act') outlines the following categories for development in relation to the level of public notification of the application:

- Category 1 development – public notification not required
- Category 2 development – limited public notification is required (ie owners of adjacent land)
- Category 2A development – limited public notification is required (ie owners of adjoining land)
- Category 3 development – full public notification required (subsequent appeal rights are provided)

Delegations

Council has made appropriate delegations to its Regional Development Assessment Panel (RDAP) and to its staff in accordance with the above categorisations, and in some instances the nature of the development (eg non-complying). These delegations are outlined below.

Council Officers

In order to assess development applications in a timely and efficient manner, to assist staff with meeting the statutory timelines for assessing applications under the Act, relevant Council delegated Council officers may assess and approve the following types of development applications:

- Complying Category 1;
- Category 2, 2A and 3 applications, where no representations have been received opposing the application as part of the public notification process, or where all objections raised by representors have been resolved.
- Minor non-complying development where CEO and/or Manager of Development Services believe determination is not warranted by RDAP

Council staff may refuse non-complying applications without proceeding to make an assessment of the application, in accordance with Section 39(4)(d) of the Act.

Any development application (including those that have been recommended for refusal and those that constitute a compromised proposal from the Environment, Resources and Development Court) may be referred to the RDAP at the discretion of the assessing Council officer.

Regional Development Assessment Panel (RDAP)

The RDAP will determine whether or not to grant development approval on behalf of Council, after staff have provided a report to RDAP in a form that RDAP have previously approved, with respect to the following types of applications:

- Category 2, 2A and 3 development applications where representations have been received as part of the public notification process and objections raised by representors have not been resolved.
- Applications that involve non-complying development that is not of a minor nature (applicants do not have any right of appeal should the application be refused);
- Applications that are complex or controversial in nature;
- Applications that are of significant social, economical or environmental interest, but that would otherwise be dealt with under delegation by Council officers. These applications may, at the discretion of the Chief Executive Officer or the Manager, Development Services, be referred to the RDAP for a decision and may include recommendations to refuse to proceed to assess an application.

Policy Implementation

This policy will be implemented by the Chief Executive Officer and managed in accordance with Council's scheme of delegations.