

 Adelaide Plains Council	Delegations Policy	
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	Administered by: General Manager – Governance and Executive Office	Last Review Date: 2022 Next Review Date: 2024
Document No: D22/35144	Strategic Outcome: Proactive Leadership	

1. Objective

The *Development Act 1993* (the Act) and the *Development Regulations 2008* (the Regulations) were repealed as part of the transition to the new planning system under the *Planning, Development and Infrastructure Act 2016* (the PDI Act).

Under regulation 11 of the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017*, development applications for planning consent lodged before 19 March 2021 which had not been finally determined (Legacy Applications) are still required to be assessed under the provisions of the Act.

Therefore, notwithstanding the repeal of the Act and Regulations, Adelaide Plains Council (the Council) is still the relevant authority for planning consent on most Legacy Applications within its area.

The Council is not a relevant authority for planning consent on development applications under the PDI Act.

2. Scope

The Council has a policy of delegating all of its powers and functions as a “relevant authority” with respect to determining whether or not to grant planning consent to such Legacy Applications. That means Council’s development assessment functions can be exercised by a person or body that has been given delegated authority by the Council, rather than the Council itself.

This policy explains the manner in which the Council maintains the various delegations under the Act and Regulations to process those Legacy Applications.

3. Specific Provisions / Responsibilities

Council delegates all of its powers and functions under the Act and Regulations to the Chief Executive Officer (CEO) of the Council and to persons who may be appointed to act in this position. Council also empowers the CEO to sub-delegate those powers and functions to other Council officers.

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

- Where an application has been publicly notified and representations received;
- Where an application is recommended for refusal other than where it is recommended for refusal because of a failure to comply with a request under Section 39(2) of the Act (for example to provide additional information); or
- Where the General Manager, Development and Community, Manager Development Assessment and the relevant assessing officer agree that a particular development application warrants assessment by the CAP.

As the CEO has been delegated all the development assessment powers and functions under the Act and Regulations this means that the CEO and the CAP share some powers and functions in which case these powers and functions can be exercised by either the CEO or the CAP. However, as a matter of policy it is expected that the CAP, 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, the powers or functions under the Act and Regulations will generally be exercised by the CEO, or the CEO’s delegate.

4. Related Documents

Nil

5. Records Management

All documents relating to this Policy will be registered in Council’s Record Management System and remain confidential where identified.

6. Document Review

This Policy will be reviewed periodically to ensure legislative compliance and that it continues to meet the requirements of Council its activities and programs.

7. References

Development Act 1993 (now repealed)

Development Regulations 2008 (now repealed)

Council Assessment Panel

Planning, Development and Infrastructure Act 2016

Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017

8. Further Information

Members of the public may inspect this Policy free of charge on Council's website at www.apc.sa.gov.au or at Council's Principal Office at:

2a Wasleys Rd, Mallala SA 5502

On payment of a fee, a copy of this policy may be obtained.

Any queries in relation to this Policy must be in writing and directed to the General Manager – Governance and Executive Office.