

DELEGATION OF AUTHORITY	
TITLE:	<i>Sustainable Planning</i>
Delegation by Council to: Chief Executive Officer	Council Resolution date:
Source of Authority: Local Government Act 2009 – Section 257 & 259 Sustainable Planning Act 2009 – Chapter 3, Chapter 6, Chapter 7, Chapter 8, Chapter 8A, Chapter 9 and Chapter 10	

Delegated Power:

1. To exercise the Council’s powers under Chapter 3 of the *Sustainable Planning Act 2009 (Act)*.
2. To exercise the Council’s powers under Chapter 6 of the Act in respect of the Integrated Development Assessment System, including without limitation, the following:
 - (a) to receive and determine whether a development application is properly made;
 - (b) to assess and decide a development application, including the imposition of conditions an approval of a development application;
 - (c) to decide a request to change a development approval;
 - (d) to decide a request to extend the period of a development approval;
 - (e) to decide a request for the giving of a negotiated decision notice;
 - (f) to decide a request to cancel a development approval;
 - (g) to give the Minister all reasonable assistance the Minister requires to assess and decide a development application that has been called in by the Minister;
 - (h) to approve a plan of subdivision for the reconfiguring of a lot;
 - (i) to nominate an entity to carry out compliance assessment for the Council;
 - (j) to assess and decide a request for compliance assessment, including approving a request with or without conditions, or giving an action notice;
 - (k) to assess and decide representations made in respect of an action notice; and
 - (l) to assess and decide a request to change a compliance permit or compliance certificate.
 - (m) to assess and decide a request for application of a superseded planning scheme.

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3. To exercise the Council's powers under Chapter 7 of the Act, except for the power contemplated in section 590(7) to give an enforcement notice ordering the demolition of a building, but otherwise without limitation, including the following:
 - (a) to conduct an appeal or proceeding in which the Council is a party;
 - (b) to initiate a legal proceeding;
 - (c) to issue a show cause notice and enforcement notice.
4. To exercise the powers of the Council under Chapter 8 of the Act, limited to the following:
 - (a) to impose conditions about infrastructure on an approval of a development application;
 - (b) to give an infrastructure charges notice;
 - (c) to give a regulated infrastructure charges notice;
 - (d) to give an adopted infrastructure charges notice;
 - (e) to enter into an infrastructure agreement.
5. To exercise the powers of the Council under Chapter 8A of the Act, including without limitation, the following:
 - (a) to note registered premises on the planning scheme.
6. To exercise the powers of the Council under Chapter 9 of the *Sustainable Planning Act 2009*, including without limitation, the following:
 - (a) the making available for inspection and purchase of documents which are required by the Act to be kept available for inspection and purchase;
 - (b) the maintenance of a register of development applications;
 - (c) the giving of a limited, standard or full planning and development certificate for a premises;
 - (d) the provision of a copy of a document from the register of all development applications at the request of members of the public;
 - (e) the publishing on Council's website information about each development application made to the Council as assessment manager in accordance with the requirements of the Act.
7. To exercise the powers of the Council under Chapter 10 (Transitional Provisions) of the Act.

Delegation Criteria:

8. The Delegated Officer may exercise the powers of the Council under the *Sustainable Planning Act 2009* for an application other than the following:
 - (a) an application where the estimated construction value of the proposed development exceeds \$50 million (excluding land content);

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- (b) an application for the approval of a master plan for a master planned area;
 - (c) an application for a preliminary approval mentioned in section 242 (Preliminary approval may affect a local planning instrument) of the Act that states the way in which the application seeks the approval to vary the effect of any applicable local planning instrument for the land;
 - (d) the approval for a proposed development where there is substantial non-compliance with a stated policy of the Council or a high order provision of the planning scheme being a desired environmental outcome, strategic outcome, or an overall outcome of a code;
 - (e) an application for a proposed development where more than 20 submissions have been received during the notification stage objecting to the proposed development.
9. However, even if paragraphs 6(a) or (d) above apply, the Delegated Officer may exercise the powers of Council under the Act for an application where the application has the potential for “deemed approval” in accordance with sections 330-331 of the Act.

Delegation Administrative Procedure:

- 10. This delegation is to be exercised in accordance with the Act.
- 11. The extent of authority is in accordance with the delegated criteria where stated.
- 12. The Delegated Officer shall cause a register to be kept of all instances of where this delegation has been exercised.
- 13. The following procedure is to be undertaken for this delegation:
 - (a) The policies of the Council are to be complied with and in particular any policy related to entering into an infrastructure agreement in accordance with the power delegated in paragraph 4(e) of this delegation.
 - (b) The policies and codes of conduct of the Council are to be complied with and in particular a development application is to be referred to the Council for determination where a councillor or officer has a material personal interest in the development application.