

DELEGATION OF AUTHORITY	
TITLE: <i>Integrated Planning Act 1997</i>	
Delegation by Council to: Chief Executive Officer	Council Resolution date: [insert date and resolution no.]
Delegation from Chief Executive Officer to: Refer to attached schedule	Date approved: [insert date]
Source of Authority: Local Government Act 1993 – Section 472 & 1132 Local Government Act 2009 - Section 257 & 259 Integrated Planning Act 1997 – Chapter 3, Chapter 4, Chapter 5, Chapter 6 Sustainable Planning Act 2009 - Chapter 10	

Delegated Power:

1. To exercise the Council's powers under Chapter 3 of the repealed *Integrated Planning Act 1997 (repealed Act)* in respect of the Integrated Development Assessment System, including without limitation, the following: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;
 - (c) to decide a request to change a development approval (other than a change of a condition);
 - (d) to decide a request to change or cancel a condition;
 - (e) to decide a request to extend the period of a development approval;
 - (f) to decide a request for the giving of a negotiated decision notice;
 - (g) to decide a request to cancel a development approval;
 - (h) 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;
 - (i) to approve a plan of subdivision for the reconfiguring of a lot.
2. To exercise the Council's powers under Chapter 4 of the repealed Act, except for the power contemplated in section 4.3.11(5) to give an enforcement notice ordering the demolition of a building, but otherwise without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.
3. To exercise the powers of the Council under Chapter 5 of the repealed Act, including without limitation, the following: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 enter into infrastructure agreements;
 - (e) the making available for inspection and purchase of documents which are required by the repealed Act to be kept available for inspection and purchase;
 - (f) the maintenance of a register of development applications;
 - (g) the giving of a limited, standard or full planning and development certificate for a premises;
 - (h) the provision of a copy of a document from the register of all development applications at the request of members of the public.
4. To exercise the powers of the Council under Chapter 6 (Transitional Provisions) of the repealed Act.

Delegation Criteria:

5. The Delegated Officer may exercise the powers of the Council under the repealed Act to the extent that the powers continue in effect in accordance with the transitional provisions of the *Sustainable Planning Act 2009*.
6. The Delegated Officer may exercise the powers of the Council under the repealed Act 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);
 - (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 3.1.6 (Preliminary approval may override a local planning instrument) of the repealed 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 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.

Delegation Administrative Procedure:

- 7. This delegation is to be exercised in accordance with the repealed Act.
- 8. The extent of authority is in accordance with the delegated criteria where stated.
- 9. The Delegated Officer shall cause a register to be kept of all instances of where this delegation has been exercised.
- 10. 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.