

Council Policy

Delegations Policy for the Determination of
Development Applications by Council's
Assessment Panel



COUNCIL POLICY



DELEGATIONS POLICY FOR THE DETERMINATION OF DEVELOPMENT APPLICATIONS BY CAP

Policy Number:	DEV-12
Responsible Department(s):	Development & Compliance
Relevant Delegations:	Council's Delegations Manual
Other Relevant Policies:	Nil
Relevant Procedure(s):	CAP Operating & Meeting Procedures Adopted 3 October 2017 and amended 7 November 2017
Relevant Legislation:	<i>Section 34(27) of the Development Act 1993</i>
Policies and Procedures Superseded by this policy on its Adoption:	22 November 2016, Item 14.4, 241
Adoption Authority:	Council
Date of Adoption:	28 November 2017
Effective From:	12 December 2017
Minute Reference for Adoption:	Item 12.14, 288/17
Next Review:	No later than November 2020 or as required by legislation or changed circumstances

DELEGATIONS POLICY FOR THE DETERMINATION OF DEVELOPMENT APPLICATIONS BY CAP

1. INTRODUCTION

In essence approximately 5% of all development applications received by the Adelaide Hills Council are considered by the Council Development Assessment Panel (CAP) and the remainder is determined by Council's staff under delegation.

The following policy has been adopted pursuant to Section 34 (27) of the *Development Act 1993* in order to provide clarity to all concerned as to which applications are to be referred to the CAP for consideration.

2. POLICY STATEMENT

The following types of development applications (including combinations thereof) are to be referred to CAP for consideration:

- 1) Development applications for non-complying development where there are opposing representations to be heard or non-complying land divisions, with all other non-complying applications determined by staff.
- 2) Development applications for development where there are opposing representations which have requested to be heard in response to a Category 2 or 3 public notifications.
- 3) Any development application requested by a CAP member or the Assessment Manager to be determined by CAP, except for complying development and Category 1 development applications unless referenced by another clause of this policy.
- 4) All development applications which involve the removal of regulated or significant trees on the same property where separate approval for the removal of significant or regulated tree(s) has already been granted *in the 12 months preceding lodgement of the current application, and staff are recommending removal of the subject tree(s) EXCEPT in one or more of the following circumstances*
 - i. It is demonstrated that the tree(s) represents an unacceptable risk to public or private safety, and there are no reasonable measures that would be effective to reduce the risk;
 - ii. It is demonstrated that the tree(s) is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value as supported by a qualified engineer's report, and there are no reasonable measures that would be effective to reduce the risk;
 - iii. The tree(s) is not a notable visual element in the landscape of the locality;
 - iv. The tree(s) is diseased and dying and has a demonstrated life expectancy of ten years or less.
- 5) Land division boundary realignment applications within the Watershed (Primary Production) Zone which involve three (3) or more titles and results in the creation of

rural living allotments of 2 hectares or less, except where all the existing allotments are already 2 hectares or less in area.

- 6) Development applications for major developments which meet the following criteria:

Description of Development	Criteria
Aged accommodation/retirement villages or residential care facility (including a combination of these uses)	10 or more units and/or construction value of \$1.5 million or more
Any land divisions for either residential, public purpose/recreation or commercial/industrial use (excludes boundary realignments and community title land divisions for existing buildings)	Creation of 10 or more additional allotments
New Commercial/Industrial developments	1. Construction value of \$2.5 million or more 2. Development determined by the State Coordinator-General to be development of economic significance to the State or development under a scheme established by the Department of the Minister for Planning where DAC is appointed as the relevant authority in accordance with Schedule 10(20) of the Development Regulations 2008, for comment only by CAP.
Intensive animal keeping	Any applications
Major Government Applications (e.g. new or additions to existing educational facilities, upgrade of reservoirs)	Construction value of \$2.5 million or more

- 7) Variations to development decisions previously made by the CAP except where the application is to undertake the development in stages or for a variation that is considered to be minor and no CAP member has requested the variation be determined by CAP, following email notification to CAP members by planning staff of the variation.
- 8) Proposals for the settlement of planning appeals in the Environment, Resources and Development Court where CAP was the decision authority, other than minor amendments to conditions determined by staff to maintain the intent of the original condition.

3. FURTHER INFORMATION

If you have any queries in this regard, then please do not hesitate to contact the Assessment Manager on 8408 0512.