

**DA25 – DEVELOPMENT APPLICATIONS**

<b>Power/Duty originally assigned to</b>	Local Government
<b>Power to Delegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10, cl. 82(1) Delegations by local government
<b>Delegation to</b>	Chief Executive Officer
<b>Power/Duty Delegated</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2</i>  s68 Determination of applications s70 Form and date of determination s77 Amending or cancelling applications  <i>Planning and Development (Development Assessment Panel) Regulations 2011</i>  17A Amendment or cancellation of development approval by responsible authority.
<b>Function</b>	Interpret and apply the provisions of Local Planning Scheme No. 15 and any relevant statutory planning framework, including Local and State Planning Policies.  To determine development applications by issuing refusals, deemed refusals, approvals with relevant conditions and amendments to development approvals in respect of applications determined under delegated authority.
<b>Conditions</b>	Must act in accordance with the City’s “Standard Conditions Relating to Delegations”.  This delegation must not be exercised by the delegated officer where: <ul style="list-style-type: none"> <li>• The estimated cost of development, excluding any development undertaken by the City, exceeds \$5 million.</li> <li>• The City, or an authorised party acting on behalf of the City, is proposing development, unless the development is on land owned or under the care and control of the City and its estimated cost does not exceed \$2 million.</li> <li>• The development proposal has a strategic impact and as a result involves issues in which Council has a direct interest.</li> <li>• A significant variation to the development standards listed in Local Planning Scheme No. 15 is evident.</li> <li>• A significant variation to a Local Planning Policy is evident and the variation is not consistent with the objectives of the Local Planning Policy.</li> <li>• A development application proposes a use which is a use that is not listed in the Local Planning Scheme No. 15 Zoning Table and the</li> </ul>

	<p>use has not previously been determined by Council.</p> <ul style="list-style-type: none"> <li>• A formal written objection has been received during the advertising of an application, unless in the opinion of the Chief Executive Officer or his delegate:             <ol style="list-style-type: none"> <li>a. The proposal is consistent with the objectives and intent of Local Planning Scheme No.15, the Residential Design Codes and any relevant Council Policy; and</li> <li>b. The objection can be overcome by imposing a condition on any approval granted, or modifying the design of the development; or</li> <li>c. The objection does not relate to the matter for which it has been referred and/or does not relate to valid planning and development considerations associated with the proposal; or</li> <li>d. The application is refused.</li> </ol> </li> <li>• A development application proposes a variation to the Deemed-to-Comply provisions (Part 5) or the Element Objectives and/or Acceptable Outcomes (Part 6) of the Residential Design Codes and that variation does not satisfy the related Design Principles (Part 5 only).</li> <li>• The height of a proposed residential development exceeds three storeys or other height specified by Local Planning Scheme No. 15 or other statutory planning framework.</li> </ul>
<p><b>Specific Delegation:</b></p>	<p><b>Amendments and Cancellations to Previously Approved Development</b></p> <p>Authority is granted to the Director Development and Communities and the Manager Planning Services, <a href="#">Coordinator Planning and Coordinator Design Services-Projects</a> to determine applications to amend or cancel previously Council approved developments, <u>including and</u> Development Assessment Panel Form 2 Applications.</p>
<p><b>Specific Delegation:</b></p>	<p><b>Approvals for Development Applications – Use Not Listed – Types Previously Determined by Council</b></p> <p>Authority granted to Director Development and Communities and Manager Planning Services to make determinations on development applications for “Use Not Listed” types that have previously been determined by Council.</p>
<p><b>Record Keeping</b></p>	<p>Delegation proforma register to ECM11/005.</p> <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 reg.19 Delegates to keep certain records (Act s5.46(3))</i>, are retained in the City’s record keeping systems.</p>

*Planning and Development Act 2005*

<b>References:</b>	BEXB32 Decision Making Policy – Decision Level 4
<b>Power to sub delegate:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Part 10 cl. 83(1) Local government CEO may delegate powers.
<b>CEO delegation to:</b>	Director Development and Communities Manager Planning Services Coordinator Planning <b>Services</b> Coordinator Design Projects Senior Planning Officer  <b>Supplementary Conditions:</b> Above stated conditions apply.

Extract from Delegated Authority Register 2019-2020