

	Function: DEVELOPMENT SERVICES	Adopted: 7 TH OCTOBER 2009
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DELEGATION OF DEVELOPMENT PLAN ASSESSMENTS TO CDAP POLICY		

Policy Statement

To ensure all development applications are assessed in accordance with statutory requirements, delegated authority and the guidelines adopted by the District Council of the Copper Coast.

1. Introduction

To provide a guideline for the assessment by, and referral of Category 1, 2 and 3 development applications to the Council Development Assessment Panel (CDAP).

2. Applicable Legislation

Development Act 1993
Development Regulations 2008

3. Integration with Corporate Objectives

Strategic Plan: Environmental Objective - Sustainability

Goal: To responsibly manage the natural and built environment to ensure its sustainability and diversity to the community

Key Strategies: *2.1 Planning*
To responsibly manage the natural and built environment to ensure its sustainability and diversity to the community

4. Definitions

Assessing Officer means a Council staff member who are appropriately qualified and who has delegated powers to assess development applications.

CEO means the Chief Executive Officer of the District Council of the Copper Coast.

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CDAP means the Council Development Assessment Panel established by Council pursuant to Section 56A of the Development Act, 1993.

Development has the same meaning as defined in the Development Act 1993 and for the purposes of this policy also includes *building work* as defined in the Development Act 1993.

Development approval means an approval issued by Council or any other relevant authority to carry out development as defined in this policy.

5. Application

CDAP considers a wide range of applications ensuring that new development proposals it considers are consistent with the Council's Development Plan.

The powers and functions of Council with respect to determining whether or not to grant Development Plan Consent under the Development Act 1993 are delegated to CDAP and officers of Council in accordance with subsection 34(23).

In accordance with subsection 34(27) of the Act Council must:

- (a) Establish a policy relating to the basis upon which it will make the various delegations required by subsection 34(23); and
- (b) Ensure that a copy of that policy is available for inspection
 - (i) at the principal office at the council during ordinary office hours; and
 - (ii) on the Internet.

In order to determine applications in a timely and efficient manner to meet the statutory requirements of the Act and regulations and to meet the statutory timelines for assessing applications under the Act, the following kinds of applications should be determined by appropriately qualified Council staff:

- (a) Complying and Category 1 development. Some approvals may include minor variations to Council's Development Plan that are, at the discretion of the Assessing Officer, of such a minor nature that the approved development is consistent with the objectives and intent of the Development Plan.
- (b) Category 2 and 3 applications that are not subject to valid representations objecting to the proposed development. Some approvals may include minor variations to Council's Development Plan that are, at the discretion of the Assessing Officer, of such a minor nature that the approved development is consistent with the objectives and intent of the Development Plan.

To remove any doubt, the following applications should be determined by CDAP:

- (a) Category 2 and 3 applications where valid representations objecting to the proposed development have been received.

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- (b) Category 1, 2 or 3 applications that is **recommended for approval** by the Assessing Officer subject to some discretion to allow a variation in the requirements of Council's Development Plan where:
- (i) such discretion is, in the opinion of the Assessing Officer, not considered minor of nature; **and**
 - (ii) such variation does not justify the refusal of the development; **and**
 - (iii) the approved development will still support the intent and objectives of the Development Plan.
- (c) Non-complying development where the CEO or a suitably qualified Council Officer (authorised by the CEO as noted in the Delegations Register of Council) resolved to proceed with an assessment of the application in accordance with Regulation 17(3) of the Development Regulations 2008.

6. Delegation

Delegations to the CEO and CDAP in accordance with this Policy will be adopted at Council. Sub delegations as noted in the Delegations Register of Council.

7. Adoption and Review

This policy will be reviewed as required, with the review being undertaken by the Development Services Department and a report provided to Council for consideration and adoption.

8. Availability of Policy

This Policy will be available for inspection without charge at the Council's Principle Office during normal business hours and on Council's website.

A copy of this Policy may be obtained on payment of a nominated fee from Council's Principle Office or may be downloaded from Council's website.

Signed  -----

Mayor

Signed  -----

Chief Executive Officer

Date 17th March 2017

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