

THE BAROSSA COUNCIL

DEVELOPMENT PLAN DELEGATION POLICY

PURSUANT TO THE *DEVELOPMENT ACT 1993*



1.	Purpose
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- 1.1. To establish the basis on which Council will delegate its powers and functions with respect to determining whether or not to grant development plan consent under the *Development Act 1993* (the “Development Act”); and
- 1.2. To comply with the requirements of and Section 34(27) of the *Development Act 1993* (the “Development Act”).

2.	Scope
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- 2.1. Section 34(23) of the Development Act requires that a Council must delegate its powers and functions as a relevant authority with respect to determining whether or not to grant development plan consent to:
 - 2.1.1. The Barossa Assessment Panel (BAP); or
 - 2.1.2. a person for the time being occupying a particular office or position (who is not a member of Council) – e.g. to the Chief Executive Officer; or
 - 2.1.3. a Regional Assessment Panel (if one exists for the region).
- 2.2. Pursuant to the Development Act Council may make a series of delegations according to classes of development (Section 34(24)(a)) and these powers and functions may be further delegated (Section 34(26)) – e.g. to officers of council.
- 2.3. Section 34(27) of the Development Act requires Council to establish a policy upon which it will make the various delegations under Section 34(23). This policy satisfies this requirement.
- 2.4. For avoidance of doubt, this Policy does not apply to delegations under the *Planning, Development and Infrastructure Act 2016* (the “PDI Act”).

3.	Policy Statement
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3.1. Delegation to the Barossa Assessment Panel

- 3.1.1. Council will delegate to the Barossa Assessment Panel its powers and functions with respect to determining whether or not to grant development plan consent for all applications, pursuant to the Development Act.

3.2. Delegation to the Chief Executive Officer

- 3.2.1. Council will delegate to the Chief Executive Officer its powers and functions in respect to determining whether or not to grant development plan consent for all applications under the Development Act.
- 3.2.2. Council acknowledges that the above powers and functions may be further delegated by the Chief Executive Officer. Any further delegations must be subject to the following conditions and limitations:

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(A) The sub-delegate must not make a decision on the following types of proposals and in the following circumstances must be referred to the Barossa Assessment Panel for decision:

- (1) Where representations opposing a proposal have been received as a result of category 2 or 3 public notification and the representor has indicated a desire to be heard in support of a representation.
- (2) Where in the opinion of the Assessment Manager, it is appropriate to refer an application to the Barossa Assessment Panel.

3.3. Delegation of other powers and functions

3.3.1. To avoid doubt, it is confirmed that Council has delegated other powers and functions under Section 20 of the Development Act 1993 to the Chief Executive Officer who in turn may make further delegations subject to conditions and limitations.

4. Supporting Documents

- 4.1. instrument of Delegation under the Development Act 1993 – refer to Council's Delegations Register

5. Legislation and References

- 5.1. *Development Act 1993*


6. Review

This Policy will be reviewed by the Council in consultation with the relevant stakeholders, within four (4) years or more frequently if legislation or Council's need changes.

7. Further Information

- 7.1. This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.
- 7.2. Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council's *Customer Service Policy* (see clause 7.1 above for availability).

8. Document Control

Corporate Plan Link:		6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.	
Document Owner:	Chief Executive officer	Document Control Officer:	Director, Development and Environmental Services

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Consultation Rating:	D	Audience:	External	Next Review Date:	17/11/2023
Version history					
Version No.	Date			Description of Change	
2.0	DD/MM/YYYY			Policy updated upon commencement of Planning Development and Infrastructure Act	
1.0	19 September 2020			Policy updated upon enactment of Planning, Development and Infrastructure Act	