

<b>APPLICATION OF DELEGATIONS TO THE REGIONAL ASSESSMENT PANEL POLICY</b>	
Council Policy	
TRIM Reference	AR19/22605[v2]
First Issued	26 February 2007
Last Reviewed	10 September 2023
Next Review	July 2027

## 1. POLICY STATEMENT

- 1.1 The Minister for Planning may establish a Regional Assessment Panel to act as a delegate of 2 or more the Councils in accordance with the requirements of the Development Act 1993 and Planning, Development and Infrastructure Act 2016 (PDI Act). The Minister has established the Upper Spencer Gulf Regional Assessment Panel, constituted for the areas of the Port Augusta City Council, the City of Whyalla and the Port Pirie Regional Council.

## 2. PURPOSE

### 2.1 Purpose

To maintain a framework which Council considers appropriate in relation to delegations for its RAP and Council Officers, to enable the RAP to efficiently and effectively undertake its roles and functions with respect to determining whether or not to grant Development Plan consent, Council must delegate certain power and functions to the Panel.

### 2.2 Scope

Council is responsible for delegating powers and functions to the Regional Assessment Panel under the Planning, Development and Infrastructure Act 2016.

### 2.3 Strategic Reference

#### 5 Governance and Financial Sustainability

- 5.5 We meet or exceed legislative and accreditation requirements for all relevant programs.

## 3. PRINCIPLES

### 3.1 Delegations

- 3.1.1 Section 100 of the *Planning, Development and Infrastructure Act 2016* provides a delegation:

- may be made to a particular person or body, or to the person for the time being occupying a particular position or office;
- may be made subject to conditions and limitations specified in the instrument of delegation;
- if the instrument of delegation so provides, may be further delegated by the delegate;
- is revocable at will and does not derogate from the power of the relevant authority to act in any matter.

- 3.1.2 In delegating its powers and functions Council will maintain an open and transparent framework regarding the process.

- 3.1.3 Council makes the delegations by Resolution, and the Instrument of Delegation outlines the scope of the delegation.

- 3.1.4 Section 30 of the Planning, Development and Infrastructure Act 2016 provides that the State Planning Commission may delegate powers to the Regional Assessment Panel.
- 3.1.5 In accordance with the *Local Government Act 1999*, the Council is required to keep a separate record of the powers and functions delegated by the Council. All delegations by Council will be maintained within a “Delegations Register”.

### **3.2 RAP Delegations**

- 3.2.1 In considering the basis upon which Council will make delegations to its RAP and Council Officers, Council agree that a professional, efficient and effective framework must be established to ensure a prompt decision making process.
- 3.2.2 The following applications for development plan consent will be determined by the RAP (not by staff) and appropriate delegations will be made by Council to support this decision:
  - a) any application that involved land owned (whether wholly or in part) by the assessing officer or the land owner is directly related to the officer;
  - b) any application which has or is likely to have significant public interest;
  - c) any application with a Category 2 public notification where representor/s do not support the application or any representor/s indicate a wish to be heard in support of their representation;
  - d) any application with a Category 3 public notification where representor/s do not support the application or any representor/s indicate a wish to be heard in support of their representation;
  - e) all non-complying development applications where staff have determined to proceed with an assessment;
  - f) all land division applications that would result in the creation of more than 20 additional allotments or community lots.
- 3.2.3 Delegated staff will determine whether a proposed development is seriously at variance to the City of Port Augusta Development Plan, if such a determination is made, the relevant application will be immediately refused (and will not be dealt with by the Panel).
- 3.2.4 A delegation is subject to conditions or limitations determined by the Council or specified by the regulations. Any conditions or limitations will be approved as part of the delegation process.

### **3.3 RAP Responsibilities**

- 3.3.1 The powers, functions and duties of the RAP are to be exercised in accordance with the PDI Act, the *Planning, Development and Infrastructure (General) Regulations 2017* (“the PDI Regulations”) and the Upper Spencer Gulf Regional Assessment Panel Terms of Reference.
- 3.3.2 The powers, functions and duties of the Panel are assigned by section 93 of the PDI Act and Part 5 of the PDI Regulations.
- 3.3.3 The Panel has the power to delegate its powers, functions and duties pursuant to section 100 of the PDI Act.

### **3.4 Audit**

The Assessment Manager of the RAP shall present an annual report detailing the Panel's activities to each of the Councils before 30 September in each year.

## **4. RESPONSIBILITY & REVIEW**

### **4.1 Responsible Officer**

4.1.1 Manager Growth & Regulatory Services will manage the operations and delegations of the RAP.

4.1.2 Council Officers will be responsible to the Chief Executive Officer for the efficient and effective exercise or performance of a power or function vested or conferred on them.

### **4.2 Availability**

This policy will be available on Council's website.

### **4.3 Review**

This policy will be reviewed within 12 months of a General Election for Local Government, or as required to meet other obligations.

## **5. REFERENCES**

### **5.1 Legislation**

Local Government Act 1999  
Planning, Development and Infrastructure Act 2016

### **5.2 Other References**

Application of Delegations Policy  
Sub Delegations Register