

Council Assessment Panel – Delegations, Meeting Procedures and Meeting Schedule for 2024/2025

Council Assessment Panel
Monday, 29 January 2024

From:

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Development (Assessment
Manager)

PURPOSE

As part of ongoing improvements and refinements to the planning system, new delegations are required to be considered and endorsed by the City of Adelaide Council Assessment Panel (CAP). Meeting Procedures and the Meeting Schedule for the 2024/25 Panel term are also required to be considered and endorsed.

RECOMMENDATION

That the CAP:

1. Delegates powers of an Assessment Panel as Relevant Authority under the *Planning, Development and Infrastructure Act 2016* (SA) as follows:
 - 1.1 In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* (SA) the powers and functions under the *Planning, Development and Infrastructure Act 2016* (SA) and statutory instruments made thereunder contained in the proposed Instrument of Delegation (Attachment A to this report dated 29 January 2024 and entitled 'Instrument C' – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel) are hereby delegated from 29 January 2024 to the City of Adelaide Assessment Manager, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
 - 1.2 Such powers and functions may be further delegated by the City of Adelaide Assessment Manager in accordance with Section 100(2)(c) of the *Planning Development and Infrastructure Act 2016* (SA) as the City of Adelaide Assessment Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
2. Endorses and adopts the Meeting Procedures set out in Attachment B to Item 6.1 on the Agenda for the meeting of CAP held on 29 January 2024.
3. Endorses the 2024/2025 Meeting Schedule set out in Attachment C to Item 6.1 on the Agenda for the meeting of CAP held on 29 January 2024.

BACKGROUND

1. The City of Adelaide CAP has been established in accordance with Section 83 of the *Planning, Development and Infrastructure Act 2016* (SA) ('PDI Act'). The new term of the CAP commences 1 January 2024 and will end on 31 December 2025.
2. Section 100 of the PDI Act allows a Relevant Authority (other than an Accredited Professional) to delegate its powers and functions under this Act. The Minister, the State Planning Commission, Council, the CAP, an appointed Assessment Manager and an Accredited Professional are all Relevant Authorities under the PDI Act. The CAP, Council and the Assessment Manager can all sub-delegate their powers and functions.
3. The most recent delegations from the CAP to the Assessment Manager were adopted by the previous CAP on 23 October 2023. As part of ongoing improvements and refinements to the planning system, there are amendments to delegations that necessitate preparation and endorsement of new delegations. The new delegations have been prepared for the consideration of the CAP and are included as Attachment A to this report.
4. The CAP Meeting Procedures were previously adopted by CAP on 28 August 2023. The new CAP is required to endorse and adopt the CAP Meeting Procedures included in Attachment B. There have been no further updates to the Meeting Procedures since 28 August 2023.
5. A Meeting Schedule for the 2024/2025 term also requires endorsement by the CAP and is included in Attachment C.

DISCUSSION

CAP as a Relevant Authority

6. The Act provides the CAP is a Relevant Authority for planning and building consents in relation to development undertaken within the area of a Council unless another authority is prescribed by Section 93 of the Act, or the Regulations.
7. The Panel is responsible for all administrative actions associated with the assessment of a development application requiring public notification including verification, determining the classification and relevant fees, any requests for additional information, undertaking public notification (including potentially the placement of a notice on the subject land), referral of the application to agencies and a range of other administrative matters.
8. The intent of delegations is to allow administrative matters to be managed on a day-to-day basis by the Assessment Manager, so the Panel's role in relation to these remains the hearing of representations, deliberation and determination of development applications.

New Delegations

9. As part of ongoing improvements and refinements to the planning system, there are amendments to delegations required which are highlighted in Attachment A. The head delegate for all the powers, unless explicitly listed, is the Assessment Manager. New delegations relate to:
 - Removal of land division requirements as through the evolution of the PDI legislation, it has been confirmed the Assessment Manager is the Relevant Authority for land division consent. This was not clear under the original legislation.
 - Allow an extension of time to make an application to the Panel for a review of a prescribed matter where the Assessment Manager has acted as a Relevant Authority. This ensures all elements of Section 203(1) of the PDI Act are clearly covered, specifically the ability to exercise discretion to grant an extension to seek a review of an Assessment Manager decision by the CAP.
 - The power, in accordance with the Planning and Design Code to form the opinion the development is minor in nature and would not warrant a referral when considering the purpose of the referral. This is in response to changes to Overlays in the Code regarding referrals.

10. Instrument C proposes the CAP delegate (where appropriate) powers to the City of Adelaide Assessment Manager in the first instance, as the person being appointed by the Chief Executive Officer responsible for the management of Council's planning assessment operations and the CAP.

Sub-Delegations

11. If the CAP allows, a delegate may sub-delegate its powers. This is consistent with powers under Section 100 of the Act. Specific sub-delegations have been prepared with Council's Corporate Governance and Risk Team. Further instruments of sub-delegation with suggested subdelegates will be formalised once CAP resolves to delegate its powers for the additional delegations to the head delegate (the Assessment Manager). The only proposed change to sub-delegations relates to forming the opinion a development in minor in nature and does not warrant referral when considering the purpose of the referral.

Implementation

12. The amended delegations proposed, should CAP resolve to adopt them, will come into effect as an updated Instrument C – Instrument of Delegation and the previous delegations will be revoked.

Meeting Procedures

13. The CAP Meeting Procedures require adoption by the new CAP. These are proposed to remain the same as the procedures adopted by the CAP on 28 August 2023.

Meeting Schedule

14. The Meeting Schedule for the 2024/2025 term has been drafted to generally provide a meeting every fourth Monday of the month. There are variations where there are public holidays or to allow for Christmas closure periods.

SUMMARY

15. Instrument C – Instrument of Delegation has been drafted to be consistent with practices under the existing system. The proposed new Instrument C appropriately balances the discharging of the CAP's role and responsibilities against ensuring efficient and effective ongoing operations. It is important to note delegations can be reviewed at any time and there may be a need to make further changes in the future.
16. The CAP Meeting Procedures require adoption by the new CAP.
17. The Meeting Schedule will ensure timely assessment of applications can continue to occur.

ATTACHMENTS

Attachment A – Instrument C – Council Assessment Panel Delegations under the *Planning, Development and Infrastructure Act 2016* (SA) with proposed changes highlighted

Attachment B – CAP Meeting Procedures

Attachment C – CAP Meeting Schedule 2024/2025