

## DETERMINATION OF DEVELOPMENT APPLICATIONS, PRECINCT PLANS, AREA DEVELOPMENT PLANS AND RELATED MATTERS

**Date of Council Resolution:** 24 March 2009

**Committee Reference and Date:** Planning and Development Committee No. 2009 (03) of 17 March 2009

**No of Resolution:** Item 5

### Relevant Legislation:

Section 8 *Local Government Act 2009* – Local Government’s Responsibility for Local Government Areas

Section 9 *Local Government Act 2009* – Powers of Local Governments Generally

Section 257(1) *Local Government Act 2009* – Delegation of Local Government Powers

*Integrated Planning Act 1997*

*Body Corporate and Community Management Act 1997*

*Building Act 1975*

*Building Regulation 2006*

*Plumbing and Drainage Act 2002*

[Standard Plumbing and Drainage Regulation 2003](#)

*Environmental Protection Act 1994*

*Sustainable Planning Act 2009*

*Planning Act 2016*

**Delegation to:** Chief Executive Officer

**Relationship to Act:** [This instrument is made under s257 of the \*Local Government Act 2009\*.](#)

### Power Delegated:

1. The power to determine a development application in accordance with Chapter 3 and Chapter 6 of the *Integrated Planning Act 1997* or Part 4 of the *Plumbing and Drainage Act 2002*. The power includes determining any application for:-
  - (a) material change of use;
  - (b) reconfiguration of a lot;
  - (c) operational works;
  - (d) building works;
  - (e) plumbing or drainage works; or
  - (f) any combination of the above.
2. The power to determine an application to change or cancel conditions of a development approval (including any combined approvals) in accordance with Section 3.5.17 (Negotiated Decision) of the *Integrated Planning Act 1997* or Part 4 of the *Plumbing and Drainage Act 2002*.
3. The power to decide a request to change a development approval (other than a change of a condition) in accordance with Section 3.5.25 of the *Integrated Planning Act 1997* or Part 4 of the *Plumbing and Drainage Act 2002*.

4. The power to cancel a development approval in accordance with Section 3.5.26 of the *Integrated Planning Act 1997* or Part 4 of the *Plumbing and Drainage Act 2002*.
5. The power to change or cancel conditions in accordance with Section 3.5.33 of the *Integrated Planning Act 1997* or Part 4 of the *Plumbing and Drainage Act 2002*.
6. The power to determine precinct plans in accordance with Section 2.2.3.4 of the Springfield Structure Plan.
7. The power to determine amendments to the Town Centre Concept Plan and Precinct Plans in accordance with Section 2.3.1 of the Springfield Structure Plan.
8. The power to determine area development plans and associated applications (including master area development plans on land within the Town Centre designation) in accordance with Section 2.2.4.10 of the Springfield Structure Plan.
9. The power to determine amendments to area development plans and associated applications (including master area development plans on land within the Town Centre designation) in accordance with Section 2.3.2 of the Springfield Structure Plan.
10. The power to determine interim uses in accordance with Section 2.6 of the Springfield Structure Plan.
11. The power to determine applications for plans / schemes in accordance with Section 60 of the *Body Corporate and Community Management Act 1997*.

#### **Delegation requirements**

##### **1. The Delegate must:**

- (a) keep a record of all decisions made by the exercise of a delegated power at the time of decision in such format as, and be kept on record as, determined by the Chief Executive Officer from time to time;**
- (b) undertake any actions required by the Policy titled 'Framework for Development Applications and Related Activities';**

#### **Conditions of Delegation:**

- ~~1. Whenever this power is exercised, a record of the exercise shall be made in writing at the time of exercising such power and a copy thereof shall be kept in such format as determined from time to time by the Chief Executive Officer.~~
- ~~2. Prior to the exercise of a delegation in respect of a decision involving the powers delegated under clauses 1(a), 1(b) and 2 to 10 above (other than in respect of a minor development matter as defined in Clause 4 below), the delegate shall consult with the Chairperson of the Planning, Development and Heritage Committee and the relevant Divisional Councillor, for the purpose of establishing whether they have any objection to the exercise of the delegation. Such consultation shall be in accordance with any established procedure adopted to deal with~~

~~the determination of development applications. Upon the request of the Chairperson or a Councillor, the matter shall be referred to the first available meeting of the Planning, Development and Heritage Committee.~~

~~3. Upon exercising the delegation in respect of a minor development matter (as defined in Clause 4 below) the Chairperson of the Planning, Development and Heritage Committee and the relevant Divisional Councillor shall be provided with a notification of the decision.~~

~~4. A minor development matter means:-~~

- ~~(a) an application which is unlikely to cause a substantial impact on the amenity of nearby land, and which involves building work not associated with a material change of use, such as minor boundary setback variations and minor alterations or additions to character places or the erection of car ports or outbuildings;~~
- ~~(b) minor building work; or~~
- ~~(c) a minor amendment, variation or alteration to a development approval which is unlikely to cause a substantial impact on the amenity of nearby land.~~

~~5. When a determination is made in respect of this delegation a summary of the determination shall be included in a report to the first available meeting of the Planning, Development and Heritage Committee.~~

~~6. The delegate shall forward a copy of each report referred to in Condition 2 to the Mayor for information.~~

~~7. Where the Chairperson of the Planning, Development and Heritage Committee is also the relevant Divisional Councillor, the delegate shall consult with the Deputy Chairperson of the Planning, Development and Heritage Committee in the manner outlined in accordance with Condition 2 above for the purpose of determining whether the Deputy Chairperson of the Planning, Development and Heritage Committee has any objection to the exercise of the delegation.~~