1. **Background**

Pursuant to Section 34 (27) of the Development Act 1993 (the “Act”), this Policy has been prepared to outline the basis upon which Council will make the various delegations required by Section 34 (23) of the Act. Accordingly, this Policy specifies delegations for those forms of development that require a decision from the Council Assessment Panel and those which may otherwise be processed by Council staff acting under delegation.

2. **General Principles**

2.1 This Policy will come into effect from the date of Council resolution.

2.2 Council seeks to undertake its affairs in a way that contributes to open, transparent and informed decision-making.

3. **Decisions Requiring a Resolution of the Council Assessment Panel**

3.1 In accordance with the resolution of Council, the Council Assessment Panel (CAP) is charged with responsibility for all matters arising under Part 4 of the Development Act, 1993 and the Development Regulations 2008 which are of a development control nature including but not limited to:

- applications for development consent;
- variations of development consent and conditions;
- providing comment on projects declared to be major pursuant to Section 46 of the Development Act 1993;
- providing comment on applications pursuant to the Crown development provisions of Section 49 of the Development Act;
- providing comment in relation to decisions by the State Commission Assessment Panel (SCAP) pursuant to Schedule 10 of the Development Regulations 2008, other than where deemed to be minor.

3.2 The specific nature of development applications to be presented to and determined by the Council Assessment Panel are:

- resolving to grant development plan consent to a non-complying development application, subject to the receipt of SCAP concurrence;
- resolving to concur with a decision of the SCAP to issue development plan consent to a non-complying development application;
• Category 2 development applications where third party representor(s) do not support the proposal and desire to be heard in support of the submission and the Council Assessment Panel, in its absolute discretion, determines to allow the person to be heard in support of their submission;
• Category 3 development applications where third party representor(s) do not support the proposal and have a desire to be heard in support of their submission;
• recommendations for refusal of development plan consent except for administrative refusals pursuant to Section 39 (3)(b) of the Development Act 1993;
• resolve on whether or not Council should be party to an appeal in the Environment Resource and Development Court and further, to resolve on compromise proposals; and
• any other instances in which staff believe warrant a decision of the Council Assessment Panel.

4. Development Application Decisions made by Staff of Light Regional Council

4.1 Any development application which falls outside the criteria listed in Clause 3.2 of this Policy will be assessed and determined by Council staff in accordance with the relevant delegated powers, functions and duties entailed within the Development Act, 1993 and Development Regulations 2008.

5. Rationale for the Council Assessment Panel (CAP) in Presiding Over Forms of Development Specified in Clause 3.2

5.1 Staff do possess the qualifications and experience to make decisions in relation to non-complying development applications, however given that such a proposal is generally at variance with the Development Plan, it is deemed appropriate that the matter be deferred to the Panel for consideration.

5.2 It is necessary for a body other than an individual staff member to hear third party representors in the case of Category 3 development applications. As opponents to Category 3 development applications possess a right of appeal to a decision of Council, it is deemed appropriate that a collective body such as the CAP not only is responsible for resolving on the merits of the proposal, but also is responsible for hearing verbal submissions.

5.3 When an application is assessed as being seriously at variance with the Development Plan provisions, the proposal must be refused. Given applicants have a right to appeal against any such assessment, other than where the development is non-complying, it is appropriate that the matter be assessed upon by the CAP given the likelihood of the subsequent Environment and Resources Development Court litigation.

5.4 Given the financial ramifications borne by Council in the pursuit of an appeal to the Environment Resources and Development Court, it is deemed appropriate that this decision does not rest with Council staff, but rather lies solely in the hands of the CAP.

6. Policy Review

6.1 This Policy shall be reviewed as required by Council or as required by the Development Act 1993 or Regulations 2008.

7. Delegations

7.0 The powers delegated by the Council to its Council Assessment Panel, are contained in its Delegation Register.

8. History

• Policy adopted as Development Assessment Panel and Staff Delegations at Council meeting held 12 December 2006, Item 2006/277.
• Amendment No. 1 adopted as Council Assessment Panel and Staff Delegations at Council meeting held Item 12.3.2, 2018/472