

## Land Use Planning and Approvals Act 1993 – Delegated Authority Policy

<b>POLICY STATEMENT:</b>	1.1 To provide details on the delegations provided by the Council acting in its role as the Planning Authority to the General Manager, Deputy General Manager, Manager Development Services, Coordinator Statutory Planning and Senior Planning Officers in accordance with the <i>Land Use Planning and Approvals Act 1993</i> (LUPAA).																
<b>DEFINITIONS:</b>	2.1 In accordance with relevant legislation																
<b>OBJECTIVE:</b>	3.1 The objective of this policy is to provide information in relation to the authorised delegations under LUPAA.																
<b>SCOPE:</b>	4.1 The delegations are made by the authority provided in Section 6 of the <i>Land Use Planning and Approvals Act, 1993</i> .																
<b>PROCEDURE: (POLICY DETAIL)</b>	<p>5.1 Pursuant to Section 6 of the <i>Land use Planning and Approvals Act 1993</i>, Council delegates the following powers and functions to the General Manager (or an officer acting in that capacity):</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Section</th> <th>Details</th> </tr> </thead> <tbody> <tr> <td></td> <td>Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable</td> </tr> <tr> <td></td> <td>Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable</td> </tr> <tr> <td></td> <td>Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.</td> </tr> <tr> <td>30IA <i>(former provisions)</i></td> <td>Make a submission to the Tasmanian Planning Commission for an urgent amendment.</td> </tr> <tr> <td>33A&amp;43E <i>(former provisions)</i></td> <td>make a request for further information in respect of a planning scheme amendment application where required</td> </tr> <tr> <td>33(5) <i>(former provisions)</i></td> <td>make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.</td> </tr> <tr> <td>39(2) <i>(former provisions)</i></td> <td>           (a) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following.           <ul style="list-style-type: none"> <li>(i) No representations have been received, with the exception of TasWater; and</li> <li>(ii) No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify</li> </ul> </td> </tr> </tbody> </table>	Section	Details		Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable		Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable		Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.	30IA <i>(former provisions)</i>	Make a submission to the Tasmanian Planning Commission for an urgent amendment.	33A&43E <i>(former provisions)</i>	make a request for further information in respect of a planning scheme amendment application where required	33(5) <i>(former provisions)</i>	make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.	39(2) <i>(former provisions)</i>	(a) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following. <ul style="list-style-type: none"> <li>(i) No representations have been received, with the exception of TasWater; and</li> <li>(ii) No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify</li> </ul>
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37 <i>(former provisions)</i>	make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
43I (4a) & (6) <i>(former provisions)</i>	agree to the extension of time of a Sec.43A permit.
43J <i>(former provisions)</i>	correct a mistake in a Sec.43A permit.
43K <i>(former provisions)</i>	make minor amendments to a Sec.43A permit.
53	To grant an extension of the period during which an approved use or development must be substantially commenced.
54	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section.
55	Make corrections to a permit granted by Council in accordance with this section.
56	Make minor amendments to permits granted by Council in accordance with this section.
57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the Performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where two or fewer opposing representations have been received.
57A	Instigate or be a party to any mediation in relation to a discretionary permit.
57 – 58	Approve, with or without conditions, or refuse any application for a permit made in accordance with Section 57 or 58 of the <i>Land Use Planning and Approvals Act 1993</i> where there is insufficient time for Council to determine the application within the time stipulated in the Act and where the applicant has refused or failed to agree to an extension of time.
57(6) / 58(2)	Agree to the extension of consideration times for applications for permits.
58	Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
59(2)	Serve notice of Council having failed to determine an application for permit in accordance with this section.
61	Represent the Council in any appeals lodged against permit decisions including instructing internal or external planners to appear on Council's behalf.
63A	Initiate legal proceedings to enforce compliance with a planning scheme or a permit.
64	Initiate civil enforcement proceedings for breach of a planning scheme or a permit.
71	Enter into agreements under Part 5 of this Act.
75	Make amendments to agreements under Part 5 of this Act.

Where Council has been unable to determine an application for a permit as a result of there being an equality of votes and there is insufficient time for Council to reconsider the matter within the time stipulated in the Act, to determine the application.

**5.2 Pursuant to Section 6 of the *Land use Planning and Approvals Act 1993*, Council delegates the following powers and functions to the Deputy General Manager (or an officer acting in that capacity) and to the Manager Development Services (or an officer acting in that capacity):**

Section	Details
	Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
	Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
	Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.
30IA <i>(former provisions)</i>	Make a submission to the Tasmanian Planning Commission for an urgent amendment.
33A & 43E <i>(former provisions)</i>	make a request for further information in respect of a planning scheme amendment application where required
33(5) <i>(former provisions)</i>	make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.
39(2) <i>(former provisions)</i>	(b) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following.  (iii) No representations have been received, with the exception of TasWater; and  (iv) No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections
37 <i>(former provisions)</i>	make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
43I (4a) & (6) <i>(former provisions)</i>	agree to the extension of time of a Sec.43A permit.
43J <i>(former provisions)</i>	correct a mistake in a Sec.43A permit.
43K <i>(former provisions)</i>	make minor amendments to a Sec.43A permit.
35(1)	Preparation and submission of draft Local Provision Schedules to the Tasmanian Planning Commission.

35F(1)	Report on the representations received during the exhibition period in relation to draft Local Provision Schedules to the Tasmanian Planning Commission.
35G(1)	Advise that an State Planning Provision should be altered having considered draft Local Provision Schedules and representations received.
35I(1)	Request withdrawal of a draft Local Provision Schedule
35Q(2)	Preparation and submission of draft Special Local Provision Schedule to the Tasmanian Planning Commission.
38(2)	Make a decision on an amendment of a Local Provision Schedule when directed by the Tasmanian Planning Commission.
40(1)	Request further information for an amendment to the Local Provision Schedule.
40D	Withdraw draft amendments
40I	Request an amendment to the Tasmanian Planning Commission
40K	Report to the Tasmanian Planning Commission on a draft amendment of a Local Provision Schedule after exhibition.
40U	Request additional information for a combined permit / amendment application
40Y	Determine a concurrent permit application
42D	Correction of mistakes in permits
43	Determine minor amendments of permits
48A	Issue a notice requiring the removal of a sign
53	To grant an extension of the period during which an approved use or development must be substantially commenced.
54	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section.
55	Make corrections to a permit granted by Council in accordance with this section.
56	Make minor amendments to permits granted by Council in accordance with this section.
57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the Performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where two or fewer opposing representations have been received.
57A	Instigate or be a party to any mediation in relation to a discretionary permit.
57 – 58	<p>Approve, with or without conditions, or refuse any application for a permit made in accordance with Section 57 or 58 of the Land Use Planning and Approvals Act 1993 where there is insufficient time for Council to determine the application within the time stipulated in the Act and where the applicant has refused or failed to agree to an extension of time.</p> <p>This delegation is only to be exercised where the report considering the application and recommendation has been prepared by a suitably qualified officer other than the incumbent and:</p>

	(a) three or less objections have been received, or (b) the General Manager has been advised of the intention to exercise the delegation no less than five full working days previously.
57(6) / 58(2)	Agree to the extension of consideration times for applications for permits.
58	Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
59(2)	Serve notice on the applicant and representors of Council having failed to determine an application for permit in accordance with this section.
61	Represent the Council in any appeals lodged against permit decisions including instructing internal or external planners to appear on Council's behalf.
63A	Initiate legal proceedings to enforce compliance with a planning scheme or a permit.
64	Initiate civil enforcement proceedings for breach of a planning scheme or a permit.
71	Enter into agreements under Part 5 of this Act.
75	Make amendments to agreements under Part 5 of this Act.
<b>5.3 Pursuant to Section 6 of the <i>Land Use Planning and Approvals Act 1993</i>, Council delegates the following powers and functions to the Coordinator Statutory Planning (or an officer acting in that capacity):</b>	
<b>Section</b>	<b>Details</b>
	Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
	Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
	Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.
30IA <i>(former provisions)</i>	Make a submission to the Tasmanian Planning Commission for an urgent amendment.
33A&43E <i>(former provisions)</i>	make a request for further information in respect of a planning scheme amendment application where required
33(5) <i>(former provisions)</i>	make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.
39(2) <i>(former provisions)</i>	(c) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following.

	<p>(v) No representations have been received, with the exception of TasWater; and</p> <p>(vi) No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections</p>
37 <i>(former provisions)</i>	make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
43I (4a) & (6) <i>(former provisions)</i>	agree to the extension of time of a Sec.43A permit.
43J <i>(former provisions)</i>	correct a mistake in a Sec.43A permit.
43K <i>(former provisions)</i>	make minor amendments to a Sec.43A permit.
35(1)	Preparation and submission of draft Local Provision Schedules to the Tasmanian Planning Commission.
35F(1)	Report on the representations received during the exhibition period in relation to draft Local Provision Schedules to the Tasmanian Planning Commission.
35G(1)	Advise that a State Planning Provision should be altered having considered draft Local Provision Schedules and representations.
35I(1)	Request withdrawal of a draft Local Provision Schedule.
35Q(2)	Preparation and submission of draft Special Local Provision Schedule to the Tasmanian Planning Commission.
38(2)	Make a decision on an amendment of a Local Provision Schedule when directed by the Tasmanian Planning Commission.
40(1)	Request further information for an amendment to the Local Provision Schedule.
40D	Withdraw draft amendments.
40I	Request an amendment to the Tasmanian Planning Commission.
40K	Report to the Tasmanian Planning Commission on a draft amendment of a Local Provision Schedule after exhibition.
40U	Request additional information for a combined permit / amendment application
40Y	Determine a concurrent permit application
42D	Correction of mistakes in permits
43	Determine minor amendments of permits
48 A	Issue a notice for the removal of a sign.
53	To grant an extension of the period during which an approved use or development must be substantially commenced.
54	<p>Make requests for additional information and determine whether additional information is satisfactory in accordance with this section.</p> <p>This delegation to only apply where the Senior Planner exercising the delegation is not the planner responsible for the assessment of the development application.</p>

55	Make corrections to a permit granted by Council in accordance with this section.
56	Make minor amendments to permits granted by Council in accordance with this section.
57A	Instigate or be a party to any mediation in relation to a discretionary permit.
57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where no objections have been received
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59(2)	Serve notice on the applicant and representors of Council having failed to determine an application for permit in accordance with this section.
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61	Represent the Council in any appeals lodged against permit decisions.
63A	Initiate legal proceedings to enforce compliance with a planning scheme or a permit.
64	Initiate civil enforcement proceedings for breach of a planning scheme or a permit.
71	Enter into agreements under Part 5 of this Act.
75	Make amendments to agreements under Part 5 of this Act.
<b>5.4 Pursuant to Section 6 of the <i>Land Use Planning and Approvals Act 1993</i>, Council delegates the following powers and functions to the Senior Planning Officers (or an officer acting in that capacity):</b>	
<b>Section</b>	<b>Details</b>
	Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
30IA <i>(former provisions)</i>	Make a submission to the Tasmanian Planning Commission for an urgent amendment.
33A&43E <i>(former provisions)</i>	make a request for further information in respect of a planning scheme amendment application where required
33(5) <i>(former provisions)</i>	make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.
39(2) <i>(former provisions)</i>	(d) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following.  (vii) No representations have been received, with the exception of TasWater; and  (viii) No issues have arisen since the initiation or certification of the

		draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections
37 <i>(former provisions)</i>		make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
43I (4a) & (6) <i>(former provisions)</i>		agree to the extension of time of a Sec.43A permit.
43J <i>(former provisions)</i>		correct a mistake in a Sec.43A permit.
43K <i>(former provisions)</i>		make minor amendments to a Sec.43A permit.
48 A		Issue a notice for the removal of a sign.
54		Make requests for additional information and determine whether additional information is satisfactory in accordance with this section. This delegation to only apply where the Senior Planner exercising the delegation is not the planner responsible for the assessment of the development application.
55		Make corrections to a permit granted by Council in accordance with this section.
56		Make minor amendments to permits granted by Council in accordance with this section.
57A		Instigate or be a party to any mediation in relation to a discretionary permit.
57		Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where no objections have been received
58		Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
57(6) & 58(2)		Agree to the extension of consideration times for applications for permits.
61		Represent the Council in any appeals lodged against permit decisions.
71		Enter into agreements under Part 5 of this Act.
75		Make amendments to agreements under Part 5 of this Act.
<b>GUIDELINES:</b>		The General Manager shall ensure that delegated authority is undertaken in accordance with all relevant legislation, by-law and Council policies as may be amended from time to time. No officer will approve a planning permit where they have undertaken the assessment of the associated development application.
<b>COMMUNICATION:</b>		Council. Kingborough Council Staff.
<b>LEGISLATION:</b>		<i>Land Use Planning and Approvals Act 1993</i> <i>Acts Interpretation Act 1931</i>
<b>RELATED DOCUMENTS:</b>		Nil