

Attachment 1: Proposed amended Delegations from Council to the Chief Executive Officer – Planning Act 2016 and Land Act 1994

NO.	LEGISLATION	SECTION	DESCRIPTION OF POWER DELEGATED	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
LA91	Land Act 1994	Section 179	Power, as an applicant for a permit <i>and/or owner of the fence</i> , to enter an agreement with an adjoining owner about the maintenance of a fence.	Nil
LA146	Land Act 1994	Section 52(5)	Power to apply to the Minister for approval of an inconsistent action under subsection (3).	Nil
PA17	Planning Act 2016	Sections 48, 51, 53	Power to act as the “assessment manager” for all development applications and change representations received by Council under Chapter 3 of the <i>Planning Act 2016</i> . For avoidance of doubt, the power delegated includes the power to take all actions of an assessment manager and consider all matters as detailed in sections 48, 51, 53, 54, 59, 60, 61, 62, 63, 64, 65, 67, 71, 75, 76, 86, 87 , 93, 100, 101, 105, 107 and 109 of the <i>Planning Act 2016</i> .	This delegation does not include development applications subject to impact assessment [whether in whole or in part] that have attracted a 'properly made' submission. In addition, this delegation does not need to be exercised where the Council considers that a development application or subsequent proposed changes should be decided directly by Council.
PA21	Planning Act 2016	Sections 46, 54, 55	Power to act as a “referral agency” for all development applications and cancellation applications received by Council as a referral agency under Chapter 3 of the <i>Planning Act 2016</i> . For avoidance of doubt, the power delegated includes the power to take all actions of a referral agency and consider all matters as detailed in sections 46, 54, 55, 56, 57, 65, 66, 67, 84, 85, 100, 107 and 109 of the <i>Planning Act 2016</i> .	This delegation does not include development applications subject to impact assessment [whether in whole or in part] that have attracted a 'properly made' submission. In addition, this delegation does not need to be exercised where the Council considers that a development application or subsequent proposed changes should be decided directly by Council.

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PA23	Planning Act 2016	Sections 79, 80, 81	Power to act as a “responsible entity” for all change applications received by Council as a responsible entity under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of a responsible entity and consider all matters as detailed in sections 79, 80, 81, 82, 83, 93, 100, 105, 107 and 109 of the <i>Planning Act 2016</i> .	This delegation does not include development applications subject to impact assessment [whether in whole or in part] that have attracted a 'properly made' submission. In addition, this delegation does not need to be exercised where the Council considers that a development application or subsequent proposed changes should be decided directly by Council.
PA71	Planning Act 2016	Sections 48, 51	Power to act as the “assessment manager” for all cancellation applications and extension application received by Council under Chapter 3 of the <i>Planning Act 2016</i> . For avoidance of doubt, the power delegated includes the power to take all actions of an assessment manager and consider all matters as detailed in sections 84, 85, 86 and 87 of the <i>Planning Act 2016</i> .	