

PANEL REVIEW OF A DECISION OF THE ASSESSMENT MANAGER*

***NOTE:** An application for review cannot occur against a decision where the Panel was the relevant authority, even if that decision was made by a delegate of the Panel, such as decisions made for applications that have been given public notification.

Policy Type:	Council Assessment Panel Policy
Responsible Department:	Development & Regulatory Services
Responsible Officer:	Team Leader Planning
Related Policies and Procedures	CAP Meeting Procedures
Date Adopted	16 March 2021

1. LEGISLATIVE FRAMEWORK

This Policy applies in addition to the statutory requirements for the review by the Panel of a decision of the City of Unley Assessment Manager* as set out in the Planning, Development and Infrastructure Act.

2. COMMENCING A REVIEW

2.1. An application for review of a decision of the Assessment Manager must relate to:

- 2.1.1. any assessment, request, decision, direction or act of the Assessment Manager under the Act that is relevant to any aspect of the determination of the development application or to the granting of a development authorisation;
- 2.1.2. a decision to refuse to grant development authorisation to an application; or
- 2.1.3. the imposition of conditions in relation to a grant of development authorisation.

2.2. The application for review may only be commenced by the applicant of the development (or owner of the subject land) and must be:

- 2.2.1. Made on the Form attached to the Policy and lodged in the manner outlined on that form;
- 2.2.2. The necessary statutory fee paid, and
- 2.2.3. Lodged within one month of the applicant receiving notice of the decision of the Assessment Manager, unless the Presiding Member grants an extension of time.

2.3. At the time of lodging the application for review, the applicant may present for the Panel's consideration, advice or opinion of a legal or specialist professional nature in support of the review.

2.4. On review, the Panel will consider the matter in question afresh.

3. MATERIALS FOR REVIEW HEARING

- 3.1. Upon receiving an application for review of a decision, the Assessment Manager will collate for the Panel all materials which were before the Assessment Manager (or delegate) at the time of the decision on the matter, including:
 - 3.1.1. All documentation and plans submitted by the applicant;
 - 3.1.2. Internal and external referral responses;
 - 3.1.3. Any assessment report written for the Assessment Manager; and
 - 3.1.4. Any assessment checklist used by the Assessment Manager or delegate.
- 3.2. The Assessment Manager will prepare a covering report to the collated information setting out the details of the relevant development application, the nature of the review being sought, and the reasons for the decision made. Additional information may be included by the Assessment Manager in response to any further advice or opinion submitted by the applicant as part of the review.
- 3.3. The Assessment Manager will present the report, together with the collated information, to the Panel for a review hearing within 6 weeks of the review application being lodged by the applicant.

4. REVIEW HEARING

- 4.1. The Assessment Manager will give the applicant at least five business days' notice of the date and time of the Panel meeting at which the review application will be heard.
- 4.2. The Panel will hold the review hearing in public unless requested to be held in confidence by the applicant.
- 4.3. The Panel will give the applicant (or his representative) five minutes to address the Panel in support of the matter, after which Members may ask questions or seek clarification from the applicant.
- 4.4. The Assessment Manager or his delegate will be present at the meeting to respond to any questions or requests for clarification from Members.
- 4.5. The decision-making process on the review hearing will follow those set out in the Panel's Meeting Procedures.

5. OUTCOME OF REVIEW

- 5.1. The Panel may determine to:
 - 5.1.1. Affirm the Assessment Manager's decision;
 - 5.1.2. Vary the Assessment Manager's decision;
 - 5.1.3. Set aside the Assessment Manager's decision and substitute its own decision;
 - 5.1.4. Defer its decision if it considers it requires additional time or information to make its decision
- 5.2. The applicant will be advised in writing of the Panel's decision by the Assessment Manager or delegate.