

COUNCIL ASSESSMENT PANEL MEETING
10 June 2020
AGENDA
BUSINESS ITEM – 8.2

Originating Officer: Deryn Atkinson, Assessment Manager

Subject: Delegation of Powers & Functions of Council Assessment Panel (CAP) as a Relevant Authority under the Planning, Development and Infrastructure Act 2016 & Regulations

For: Decision

EXECUTIVE SUMMARY

The Council Assessment Panel (CAP) was established by the Council on 26 September 2017 under Section 83 of the *Planning, Development and Infrastructure Act 2016*.

Section 100 of the *Planning, Development and Infrastructure Act 2016 (PDI Act)* allows a relevant authority, other than an accredited professional, to delegate its powers and functions under this Act. The relevant authorities under the **PDI Act** are the Minister, the State Planning Commission, an assessment panel appointed by a joint planning board, an assessment panel appointed by a council, an assessment panel constituted by the Minister, an assessment manager, an accredited professional and a council. Thus the CAP, the Council and the Assessment Manager can all sub-delegate their powers and functions.

Draft delegations from the Council Assessment Panel to staff have been prepared in readiness for the full implementation of the **PDI Act** on the designated date. These draft delegations are based upon model delegations provided by the Local Government Association. The delegation document includes sub-delegation of powers and functions as a relevant authority to the Assessment Manager and sub-delegation of powers and functions in relation to building rules matters to the Council. Note, the building rules matters are assigned automatically by the **PDI Act and Regulations** to CAP. The Assessment Manager and Council in turn are able to delegate to staff.

Note that the **PDI Act** delegations will need to run concurrently with the current delegations under the *Development Act 1993 and Development Regulations 2008*.

These delegations contained in Instrument of Delegation under the *Planning, Development and Infrastructure Act 2016* and Regulations - Powers of an Assessment Panel (Instrument C) have been drafted by staff for the consideration of CAP and are included as **Appendix 1**. Other delegations in Instrument A and B will be considered by Council at its June 2020 meeting.

Staff recommend that the Instrument of Delegation (Instrument C) as contained in **Appendix 1** of this report be adopted by the CAP.

RECOMMENDATION

1. In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016, the powers and functions under the Planning, Development and Infrastructure Act 2016 and Regulations made thereunder contained in the proposed Instrument of Delegation (annexed to the Report dated 4 June 2020 and entitled Instrument of Delegation under the Planning, Development and Infrastructure Act 2016 and Regulations - Powers of an Assessment Panel (Instrument C) are hereby delegated by the Council Assessment Panel on this 10th day of June 2020 to Adelaide Hills Council and to the Assessment Manager subject to the conditions and/or limitations specified herein in the proposed Instrument of Delegation; and
 2. Such powers and functions may be further delegated by Adelaide Hills Council and the Assessment Manager in accordance with Section 100(2) (c) of the Planning, Development and Infrastructure Act 2016 as both the Council and Assessment Manager sees fit, unless otherwise indicated herein in the proposed Instrument of Delegation.
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1. GOVERNANCE

➤ Legal Implications

The Council is required to have an Assessment Panel in place which is currently comprised of independent members and up to one Council Elected Member.

The *Planning, Development and Infrastructure Act 2016 (PDI Act)* was assented to by the Governor on 21 April 2016 after the passage through Parliament. It is being implemented over 5 years in stages. On 1 October 2017 the operation of Council Assessment Panel (CAP) pursuant to Sections 82 and 83 of the **PDI Act** commenced and the *Planning, Development and Infrastructure (General) Regulations 2017* [the **PDI (General) Regulations**] came into operation. There are a suite of other PDI Regulations relating to various matters that are associated with the **PDI (General) Regulations** and collectively this report refers to them collectively as the **PDI Regulations**. Phase 1 of the implementation of the **PDI Act** occurred in 2019 for the outback areas of the State where the State Planning Commission (SPC) is the relevant authority for planning.

The full implementation of the **PDI Act** will commence on the designated date (estimated to be July 2020 for phase 2 councils and September 2020 for phase 3 councils). Just as a council is required to delegate its powers and functions under the *Development Act 1993* and the *Development Regulations 2008* to CAP and staff, there will be a requirement under the **PDI Act and Regulations** for delegations. Existing delegations will need to run concurrently with the new ones until all the developments lodged under the Development Act and Regulations have been determined and approvals enacted or until a designated date if one is declared.

Pursuant to Section 100(2) (c) of the **PDI Act** the planning and building functions and powers can be delegated to the Council and the Assessment Manager in anticipation of the operational date.

➤ **Customer Service and Community/Cultural Implications**

All applications which have been publicly notified and have representors who wish to be heard are reported to the CAP for consideration. This ensures that such members of the community have an opportunity to present their views about a specific development and its potential impacts to the CAP. Other types of development which do not require public notification are required to be assessed by the staff of a Council.

➤ **Engagement/Consultation**

Community consultation on the Planning Reforms has been undertaken by the State Planning Commission and Council.

No community engagement or consultation is required for new legislation or the delegation of powers and functions, as this is the administrative part of the Planning Reforms.

2. THE NEED FOR DELEGATIONS

Under the **PDI Act**, there are more relevant authorities than exist currently (i.e., Council, private certifiers and the State Planning Commission). The relevant authorities under the PDI Act are the Minister, the State Planning Commission, an assessment panel appointed by a joint planning board, an assessment panel appointed by a council, an assessment panel constituted by the Minister, an assessment manager, an accredited professional and a council. The significant difference for the planning assessment function is that CAP and the Assessment Manager are the relevant authorities rather than the Council. Additionally the CAP is also the relevant authority for the building assessment functions.

The functions of an Assessment Manager as prescribed in Section 87 (e) of the **PDI Act** extend beyond acting as a relevant authority under the Act. They also include being responsible for managing the staff and operations of the CAP and providing advice to the CAP. Out of administrative necessity this requires that there are delegations to the Assessment Manager from CAP.

The CAP typically considers approximately 5% of the development applications lodged with a Council and thus it is necessary for the CAP to delegate its planning functions and powers to Council staff for the remaining 95% of development applications. As mentioned above under the **PDI Act** the building functions and powers are now bestowed on the CAP. Section 99(1) of the **PDI Act** permits a CAP to refer the building rules assessment function onto the Council, and only then can Council become the relevant authority. Out of administrative necessity, CAP will need to authorise the Assessment Manager and the Council to be delegated to undertake these planning and building functions.

A consequence of the new arrangements under the **PDI Act** is that CAP and Assessment Managers as relevant authorities in their own right, will both be respondents to planning appeals in their own right rather than the Council. However the Council will be directly responsible for the costs associated with both appeals and the activities of its CAP and, its Assessment Manager pursuant to Section 83 (1) (h) (ii) and 87(f) of the **PDI Act**. It should be noted that the Assessment Manager and the CAP will not directly receive fees.

Out of administrative necessity, CAP will need to authorise the Assessment Manager to make decisions on the conduct of appeals of CAP decisions with regular updates being provided to the CAP and compromise proposals presented (in the same way CAP does now).

Furthermore the **PDI Act** introduces a new type of consent known as a deemed consent. This can be initiated where an applicant serves notice on the relevant authority due to a decision not being issued within the prescribed time. Relevant authorities in these instances have to consider whether or not to commence appeals against deemed consent notices under Section 125(6) of the **PDI Act** and only the relevant authority may commence an appeal. Out of administrative necessity, CAP will need to authorise the Assessment Manager to manage these appeals and the Assessment Manager will need to provide regular updates to the CAP and Council on these appeals.

Draft delegations from the CAP to staff have been prepared to encapsulate the matters specifically mentioned and other necessary administrative matters related to the processing of planning and building applications. These draft delegations are based upon model delegations provided by the Local Government Association. The model delegations consist of the following four instruments:

- Instrument A - Delegations for the Powers of a Council as a Designated Authority
- Instrument B - Delegations for the Powers of a Council as a Relevant Authority
- Instrument C - Delegations for the Powers of a Council Assessment Panel
- Instrument D - Delegations for the Powers of an Assessment Manager

Instruments A and B will be considered at the June 2020 Council meeting and Instrument D requires the CEO to sign off on a Notice of Appointment for the Assessment Manager. Once this occurs the Assessment Manager is able in turn to sub-delegate powers and duties to Planning and Building staff.

Further explanation on the CAP powers recommended to be delegated is provided in the following sections of the report.

3. DELEGATIONS FOR ENVIRONMENT AND FOOD PROTECTION AREAS (EFPA) – GREATER ADELAIDE

The State Commission Assessment Panel (SCAP) will be the relevant authority for the creation of additional allotments outside of townships as such proposals will be restricted development under the **PDI Act**. Currently these land divisions are non-complying development and CAP is delegated to determine such developments submitted to Council. As a consequence of the **PDI Act** there is likely to be extremely limited opportunity, if any for the CAP or Assessment Manager to determine these additional allotment developments and to seek concurrence from the SCAP pursuant to Section 7(5) (a) of the **PDI Act** in our Council Area. It is therefore recommended that the delegation is given to the Assessment Manager out of caution with the limitation that it is not sub-delegated further than Team Leader Statutory Planning.

Section 7(5) (d) of the **PDI Act** provides in relation to a proposed division of land that would create one or more additional allotments to be used for residential development, the power to refuse to grant development authorisation. As the EFPA legislation requires this

staff should be provided with the delegation to do this again out of caution as there is an extremely limited opportunity for the CAP to be a relevant authority for such developments in our Council area.

4. DELEGATION PERFORMANCE ASSESSED DEVELOPMENT (SECTION 107 OF PDI ACT) – PUBLICLY NOTIFIED DEVELOPMENT

Developments required to be publicly notified will all be determined by the CAP under the **PDI Act**. It is suggested in the draft delegations that where there are no opposing representations who wish to be heard, or no representations at all, or supporting representations, determination of developments in these instances be delegated to the Assessment Manager. Staff currently have this delegation and it is recommended that this continue to provide an efficient and timely assessment service.

5. VARIATIONS RELATING TO CAP DECISIONS

Since the commencement of the current CAP there have been no “call-in” of variations to development decisions previously made by the CAP. To ease the administrative burden of reporting all variations to CAP it is suggested in the draft delegations that all variations to development decisions previously made by CAP be delegated to the Assessment Manager. The recommended limitation on this is:

- where variations are proposed to revoke a condition completely either by way of lodgement of a separate application, or simply by written request, and
- where the variation is adding new elements or substantively amending the proposal (but without altering the essential nature of the development) that require public notification.

In the above circumstances the variations would be dealt with by CAP itself.

The recommended delegation is also suggested due to the shorter assessment timeframes under the **PDI Act** and the need to provide an efficient and timely assessment service. Consideration is also given in this recommend delegation to the unknown impact on the activities of the CAP by the introduction under the **PDI Act** of Applications for the Review of Assessment Manager (staff) Decisions by CAP. This is a new element of additional review and is additional to applicant appeal rights and it remains to be seen what the level of take-up by applicants will be.

6. OUTLINE CONSENTS

The **PDI Act** introduces the new concept of outline consents. Pursuant to Section 120 (2), an outline consent may be granted in circumstances specified by a practice direction. Currently the SPC have not released a practice direction but it is envisaged that these consents will be an “in-principle” consent that the land is suitable for the intended use with broad parameters approved such as capacity and building height. Finer details will be established by a secondary more detailed proposal. A practice direction is likely to establish procedures for variations created by a secondary proposal. It is recommended delegation is given to the Assessment Manager where there are no opposing representations who wish to be heard as a result of public notification and/or supporting representations.

7. SUMMARY

Draft delegations from the CAP to staff have been prepared to encapsulate the matters specifically mentioned and other necessary administrative matters related to the processing of planning and building applications in readiness for the full implementation of the **PDI Act** on the designated date. These draft delegations are based upon model delegations provided by the Local Government Association. The delegation document includes sub-delegation of powers and functions of CAP as a relevant authority to the Assessment Manager and sub-delegation of powers and functions in relation to building rules matters to the Council. Other delegations will be considered in further instruments of delegation (Instruments A and B) by the Council and the CEO in due course in relation to Instrument D.

It is recommended that the draft Instrument of Delegation under the *Planning, Development and Infrastructure Act 2016* and Regulations - Powers of an Assessment Panel (Instrument C) as detailed in **Appendix 1** of this report be adopted by the CAP.

8. APPENDICES

- (1) Draft Instrument of Delegation under the Planning, Development and Infrastructure Act 2016 and Regulations - Powers of an Assessment Panel (Instrument C) dated 4 June 2020

Appendix 1

*Draft Instrument of Delegation under the Planning,
Development and Infrastructure Act 2016 and
Regulations - Powers of an Assessment Panel
(Instrument C) dated 4 June 2020*

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016 and Regulations, -
Powers of the Council Assessment Panel (Instrument C) Planning, Dev**

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NEW Provisions

#	Delegation Source	Section	Item Delegated / Authorisation	Conditions and Limitations	Delegate / Authorised Officer
309431	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations	s75(5)(a)	1. Environment and Food Production Areas – Greater Adelaide 1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.	<u>Under the PDI Act SCAP will be the relevant authority for the creation of additional allotments outside of townships. Therefore there is very limited opportunity that this will arise. Out of caution delegation to Assessment Manager is recommended with the limitation that it is not sub-delegated below Team Leader</u>	<u>Assessment Manager</u>

	2019 of Powers of an Assessment Panel (Instrument C)			<u>Statutory Planning.</u>	
309432	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel	s7(5)(d)	<p>1. Environment and Food Production Areas – Greater Adelaide</p> <p>1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.</p>	<p><u>Under the PDI Act SCAP will be the relevant authority for the creation of additional allotments outside of townships. Therefore there is very limited opportunity that this will arise. Out of caution delegation to Assessment Manager is recommended</u></p>	<u>Assessment Manager</u>

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	(Instrument C)				
309433	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)	s85(1)	<p>2. Appointment of Additional Members</p> <p>2.1 The power pursuant to Section 85(1) of the PDI Act to appoint 1 or 2 members to act as additional members of the assessment panel for the purposes of dealing with a matter that the assessment panel must assess as a relevant authority under the PDI Act.</p>	<u>To be endorsed by Council resolution</u>	<u>Nil</u>

309434	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)	s94(3)(a)	<p>3. Relevant Authority – Commission</p> <p>3.1 The power pursuant to Section 94(3)(a) of the PDI Act, if the Minister acts under Section 94(1)(h) of the PDI Act to, at the request of the Commission, provide the Commission with a report relating to any application for development authorisation that has been under consideration by the relevant authority.</p>	Nil	Assessment Manager
309435	Instrument of Delegation under the Planning,	s99(1)	<p>4. Relevant Provisions</p> <p>4.1 The power pursuant to Section 99(1) of the PDI Act, if a proposed development involves the performance of building work to determine to act under Section 99(1) of the PDI Act to:</p>		Council

Comment [DA1]: This relates to Called in Development by the Minister

	Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)		4.1.1 refer the assessment of the development in respect of the Building Rules to the council for the area in which the proposed development is to be undertaken; or 4.1.2 require that the assessment of the development in respect of the Building Rules be undertaken by a building certifier.		
309436	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016,	s102(1)	5. Matters Against Which Development Must Be Assessed 5.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development): 5.1.1 - 5.1.1.1 the relevant provisions of the Planning Rules; and 5.1.1.2 to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development,	<u>Refusals:</u> <u>Delegate Report for</u> <u>Refusal must be</u> <u>countersigned by</u> <u>Assessment</u> <u>Manager or Team</u> <u>Leader Statutory</u> <u>Planning prior to</u>	<u>Assessment</u> <u>Manager</u>

	Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)		<p>(planning consent);</p>	<p>decision being issued</p> <p>2. New dwellings outside of townships - Delegate Report must be countersigned by another Statutory Planner prior to decision being issued.</p> <p>3. Licensed premises - Delegate Report must be countersigned by another Statutory Planner prior to the decision being issued.</p>	
309437	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016,	s102(1)	<p>5. Matters Against Which Development Must Be Assessed</p> <p>5.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):</p> <p>5.1.2 the relevant provisions of the Building Rules</p> <p>(building consent);</p>	<p>Refusals: Delegate Report for Refusal must be countersigned by Assessment Manager or Team Leader Building prior to decision</p>	Council

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	Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)			being issued	
309438	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure	s102(1)	<p>5. Matters Against Which Development Must Be Assessed</p> <p>5.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):</p> <p>5.1.3 in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):</p> <p>5.1.3.1 requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;</p> <p>5.1.3.3 the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and</p>	Refusals: Delegate Report for Refusal must be countersigned by Assessment Manager or Team Leader Statutory Planning prior to decision being issued	Assessment Manager

	(General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)		sewerage services are satisfied; 5.1.3.4 where land is to be vested in a council or other authority - the council or authority consents to the vesting; 5.1.3.5 requirements set out in regulations made for the purposes of Section 102(1)(c) of the PDI Act are satisfied;		
309439	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning,	s102(1)	5. Matters Against Which Development Must Be Assessed 5.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development): 5.1.4 in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act): 5.1.4.1 requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied; 5.1.4.2 any relevant requirements set out in a design standard has been satisfied; 5.1.4.3 any encroachment of a lot or unit over other land is acceptable having regard to any provision made by the Planning and Design Code or a design standard; 5.1.4.4 where land is to be vested in a council or other authority - the council or authority consents to the vesting; 5.1.4.5 a building or item intended to establish a boundary (or part of a boundary)	<u>Refusals:</u> <u>Delegate Report for</u> <u>Refusal must be</u> <u>countersigned by</u> <u>Assessment</u> <u>Manager or Team</u> <u>Leader Statutory</u> <u>Planning prior to</u> <u>decision being</u> <u>issued</u>	<u>Assessment</u> <u>Manager</u>

	Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)		<p>of a lot or lots or a unit or units is appropriate for that purpose;</p> <p>5.1.4.6 the division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 is appropriate having regard to the nature and extent of the common property that would be established by the relevant scheme;</p> <p>5.1.4.7 the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;</p> <p>5.1.4.8 any building situated on the land complies with the Building Rules;</p> <p>5.1.4.9 requirements set out in the regulations made for the purposes of Section 102(d) of the PDI Act are satisfied;</p>		
309440	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees,	s102(1)	<p>5. Matters Against Which Development Must Be Assessed</p> <p>5.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):</p> <p>5.1.5 any encroachment of a building over, under, across or on a public place (and not otherwise dealt with above) is acceptable having regard to any provision made by the Planning and Design Code or a design standard;</p>	<p><u>Refusals:</u></p> <p><u>Delegate Report for</u></p> <p><u>Refusal must be</u></p> <p><u>countersigned by</u></p> <p><u>Assessment</u></p> <p><u>Manager or Team</u></p> <p><u>Leader Statutory</u></p> <p><u>Planning prior to</u></p> <p><u>decision being</u></p> <p><u>issued</u></p>	<p><u>Assessment</u></p> <p><u>Manager</u></p>

	Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309441	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of	s102(1)	<p>5. Matters Against Which Development Must Be Assessed</p> <p>5.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):</p> <p>5.1.6 if relevant - requirements applying under Part 15 Division 2 of the PDI Act are satisfied;</p>	<p><u>Refusals:</u></p> <p><u>Delegate Report for</u></p> <p><u>Refusal must be countersigned by</u></p> <p><u>Assessment</u></p> <p><u>Manager or Team</u></p> <p><u>Leader Statutory</u></p> <p><u>Planning prior to</u></p> <p><u>decision being</u></p> <p><u>issued</u></p>	<p><u>Assessment</u></p> <p><u>Manager</u></p>

	Powers of an Assessment Panel (Instrument C)				
309442	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument	s102(1)	<p>5. Matters Against Which Development Must Be Assessed</p> <p>5.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):</p> <p>5.1.7 such other matters as may be prescribed.</p>	<p><u>Refusals:</u></p> <p><u>Delegate Report for Refusal must be countersigned by Assessment Manager or Team Leader Statutory Planning prior to decision being issued</u></p>	<p><u>Assessment Manager</u></p>

	C)				
309443	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)	s102(3)	<p>5. Matters Against Which Development Must Be Assessed</p> <p>5.2 The power pursuant to Section 102(3) of the PDI Act to, in relation to granting a planning consent, on the delegate's own initiative or on application, reserve the delegate's decision on a specified matter or reserve the delegate's decision to grant a planning consent:</p> <p>5.2.1 until further assessment of the relevant development under the PDI Act; or</p> <p>5.2.2 until further assessment or consideration of the proposed development under another Act; or</p> <p>5.2.3 until a licence, permission, consent, approval, authorisation, certificate or other authority is granted, or not granted (by the decision of another authority), under another Act.</p>	<p><u>2. New dwellings outside of townships - Delegate Report must be countersigned by another Statutory Planner prior to decision being issued.</u></p> <p><u>3. Licensed premises - Delegate Report must be countersigned by another Statutory Planner prior to the decision being issued.</u></p>	<u>Assessment Manager</u>
309444	Instrument of Delegation	s102(4)	<p>5. Matters Against Which Development Must Be Assessed</p> <p>5.3 The power pursuant to Section 102(4) of the PDI Act to allow any matter</p>	<u>Nil</u>	<u>Assessment</u>

	under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)		specified by the Planning and Design Code for the purposes of Section 102(4) of the PDI Act to be reserved on the application of the applicant.		Manager
309445	Instrument of Delegation under the Planning, Development and	s107(2)(c)	6. Performance Assessed Development 6.1 The power pursuant to Section 107(2)(c) of the PDI Act to form the opinion that the development is seriously at variance with the Planning and Design Code (disregarding minor variations).	Nil	Assessment Manager

	Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309446	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development	s107(3)	6. Performance Assessed Development 6.2 The power pursuant to Section 107(3) of the PDI Act, if a proposed development is to be assessed under Section 107 of the PDI Act to make a decision in accordance with a practice direction.	<u>Where no representations are received; or</u> <u>Where no representors who are opposed to the development wish</u>	<u>Assessment Manager</u>

	and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)			<u>to be heard; or</u> <u>Where only representations supporting the development were received</u>	
309447	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations	s107(4)	6. Performance Assessed Development 6.3 The power pursuant to Section 107(4) of the PDI Act to limit the matters that the delegate will take into account to what should be the decision of the relevant authority as to planning consent in relation to the performance based elements of the development as assessed on its merits.	<u>Nil</u>	<u>Assessment Manager</u>

	2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309448	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and	s118(1)	7. Building Consent 7.1 The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent (subject to such conditions or exceptions as may be prescribed by the regulations).	<u>Nil</u>	<u>Council</u>

	Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309449	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions)	s118(2)(a)	<p>7. Building Consent</p> <p>7.2 The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard.</p>	<u>Nil</u>	<u>Council</u>

	Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309450	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment	s118(2)	<p>7. Building Consent</p> <p>7.3 The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if:</p> <p>7.3.1 the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied:</p> <p>7.3.1.1 that:</p> <p>(a) the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and</p> <p>(b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or</p> <p>7.3.1.2 in a case where the consent is being sought after the development has occurred - that the variance is justifiable in the circumstances of the particular case.</p>	Nil	Council

	Panel (Instrument C)				
309451	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)	s118(4)	7. Building Consent 7.4 The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial building standard.	<u>Nil</u>	<u>Council</u>

309452	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)	s118(6)	<p>7. Building Consent</p> <p>7.5 The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building rules consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in respect of the development that are as good as can reasonably be achieved in the circumstances.</p>	<u>Nil</u>	<u>Council</u>
309453	Instrument of Delegation under the Planning,	s118(7)	<p>7. Building Consent</p> <p>7.6 The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance</p>	<u>Nil</u>	<u>Council</u>

	Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)		requirements of the Building Code or a Ministerial building standard.		
309454	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016,	s118(8)	<p>7. Building Consent</p> <p>7.7 The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that:</p> <p>7.7.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or</p> <p>7.7.2 such compliance is certified by a building certifier.</p>	Administration Building Support Officer in relation to private certification for Class 10 Buildings only	Council

	Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309455	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure	s118(10)	<p>7. Building Consent</p> <p>7.8 The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification</p>	<p><u>Refusals:</u></p> <p><u>Delegate Report for Refusal must be countersigned by Assessment Manager or Team Leader Building prior to decision being issued</u></p>	<u>Council</u>

	(General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309456	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning,	s118(11)	<p>7. Building Consent</p> <p>7.9 The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document):</p> <p>7.9.1 the variance; and</p> <p>7.9.2 the grounds on which the decision is being made.</p>	<u>Nil</u>	<u>Council</u>

	Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309457	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees,	s119(1)(b)	8. Application and Provision of Information 8.1 The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.	Nil	Council -Assessment Manager

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	Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309458	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of	s119(3)	<p>8. Application and Provision of Information</p> <p>8.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant:</p> <p>8.2.1 to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;</p> <p>8.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;</p> <p>8.2.3 to consult with an authority or body prescribed by the regulations;</p> <p>8.2.4 to comply with any other requirement prescribed by the regulations.</p>	<u>Nil</u>	<u>Council</u> <u>-Assessment</u> <u>Manager</u>

	Powers of an Assessment Panel (Instrument C)				
309459	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument	s119(6)	<p>8. Application and Provision of Information</p> <p>8.3 The power pursuant to Section 119(6) of the PDI Act if a request is made under Section 119(3) of the PDI Act, and the request is not complied with within the time specified by the regulations, to</p> <p>8.3.1 subject to Section 119(6)(b)(ii) of the PDI Act, refuse the application; and</p> <p>8.3.2 refuse the application in prescribed circumstances (including, if the regulations so provide, in a case involving development that is deemed to satisfy development).</p>	<p><u>Refusals:</u></p> <p><u>Delegate Report for Refusal must be countersigned by Assessment Manager or Team Leader Building or Team Leader Statutory Planning prior to decision being issued</u></p>	<p><u>Council Assessment Manager</u></p>

	C)				
309460	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)	s119(7)	8. Application and Provision of Information 8.4 The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.	Having regard to the Special Circumstances Policy of Council's Development Applications Involving Regulated Tree(s) Policy	Assessment Manager
309461	Instrument of Delegation	s119(9)	8. Application and Provision of Information 8.5 The power pursuant to Section 119(9) of the PDI Act to:	Nil	Council

	under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)		<p>8.5.1 permit an applicant:</p> <p>8.5.1.1 to vary an application;</p> <p>8.5.1.2 to vary any plans, drawings, specifications or other documents that accompanied an application, (provided that the essential nature of the proposed development is not changed);</p> <p>8.5.2 permit an applicant to lodge an application without the provision of any information or document required by the regulations;</p> <p>8.5.3 to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);</p> <p>8.5.4 if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.</p>		Assessment Manager
309462	Instrument of Delegation under the Planning, Development and	s119(10)	<p>8. Application and Provision of Information</p> <p>8.6 The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.</p>	Nil	Council Assessment Manager

	Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309463	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development	s119(12)	8. Application and Provision of Information 8.7 The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.	<u>Nil</u>	<u>Council</u> <u>Assessment</u> <u>Manager</u>

	and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309464	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations	s119(14)	8. Application and Provision of Information 8.8 The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.	In accordance with Council's Development Application Fee Refund Policy	Assessment Manager

	2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309465	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and	s120(1)	<p>9. Outline Consent</p> <p>9.1 The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.</p>	<p><u>Except were the development is required to be publicly notified and submissions have been received where the representor is opposed to the development and wishes to be heard and/or supporting representations.</u></p>	<p><u>Assessment Manager</u></p>

	Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309466	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions)	s120(3)	<p>9. Outline Consent</p> <p>9.2 The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:</p> <p>9.2.1 grant any consent contemplated by the outline consent; and</p> <p>9.2.2 not impose a requirement that is inconsistent with the outline consent.</p>	<p><u>Providing there is no substantial change to one or more element of the development unless permitted as a variation allowed by a practice direction</u></p>	<p><u>Assessment Manager</u></p>

Comment [DA2]: If there is a material change the development would require public notification again and have potential to need to be considered by CAP

	Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309467	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment	s121(7)	<p>10. Design Review</p> <p>10.1 The power pursuant to Section 121(7) of the PDI Act, to in acting under the PDI Act, take into account any advice provided by a design panel (insofar as may be relevant to the assessment of proposed development by the delegate).</p>	<u>Nil</u>	<u>Assessment Manager</u>

	Panel (Instrument C)				
309468	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)	s122(1)	<p>11. Referrals to Other Authorities or Agencies</p> <p>11.1 The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to:</p> <p>11.1.1 refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and</p> <p>11.1.2 not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made</p> <p>where the regulations so provide, subject to Section 122 of the PDI Act.</p>	Nil	<u>Assessment Manager</u>

Comment [DA3]: S122 (1b) does allow a decision where a response is not received from the body within the prescribed timeframe and an extension of time has not been sought

309469	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)	s122(5)(b)	<p>11. Referrals to Other Authorities or Agencies</p> <p>11.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:</p> <p>11.2.1 to refuse the application; or</p> <p>11.2.2 consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body) where the regulations so provide.</p>	<p><u>Refusals:</u></p> <p><u>Delegate Report for Refusal must be countersigned by Assessment Manager or Team Leader Statutory Planning prior to decision being issued</u></p>	<p><u>Assessment Manager</u></p>
309470	Instrument of Delegation under the Planning,	s122(7)	<p>11. Referrals to Other Authorities or Agencies</p> <p>11.3 The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to</p>	<p><u>Appeals to be reported to CAP in the monthly update</u></p>	<p><u>Assessment Manager</u></p>

	Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)		be joined as a party to the proceedings.		
309471	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016,	s122(10)	11. Referrals to Other Authorities or Agencies 11.4 The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.	<u>Nil</u>	<u>Assessment Manager</u>

	Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309472	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure	s123(2)	<p>12. Preliminary Advice and Agreement</p> <p>12.1 The power pursuant to Section 123(2) of the PDI Act, if:</p> <p>12.1.1 a proposed development is referred to a prescribed body under Section 123(1) of the PDI Act; and</p> <p>12.1.2 the prescribed body agrees to consider the matter under Section 123 of the PDI Act after taking into account any matter prescribed by the regulations; and</p> <p>12.1.3 the prescribed body agrees, in the manner prescribed by the regulations, that the development meets the requirements (if any) of the prescribed body (including on the basis of the imposition of conditions),</p> <p>to, subject to Section 123(4) of the PDI Act if an application for planning consent with respect to the development is lodged with the relevant authority within the prescribed period after the prescribed body has indicated its agreement under</p>	<u>Nil</u>	<u>Assessment Manager</u>

	(General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)		Section 123(2)(c) of the PDI Act, form the opinion and be satisfied that the application accords with the agreement indicated by the prescribed body (taking into account the terms or elements of that agreement and any relevant plans and other documentation).		
309473	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning,	s123(4)	12. Preliminary Advice and Agreement 12.2 The power pursuant to Section 123(4) of the PDI Act to determine an agreement under Section 123 of the PDI Act is no longer appropriate due to the operation of Section 132 of the PDI Act.	<u>Nil</u>	<u>Assessment Manager</u>

	Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309474	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees,	s124(1)	<p>13. Proposed Development Involving Creation of Fortifications</p> <p>13.1 The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).</p>	<u>Nil</u>	<u>Assessment Manager</u>

	Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309475	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of	s124(5)	<p>13. Proposed Development Involving Creation of Fortifications</p> <p>13.2 The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:</p> <p>13.2.1 if the proposed development consists only of the creation fortifications - refuse the application; or</p> <p>13.2.2 in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications</p>	<p><u>Refusals:</u></p> <p><u>Delegate Report for</u></p> <p><u>Refusal must be</u></p> <p><u>countersigned by</u></p> <p><u>Assessment</u></p> <p><u>Manager or Team</u></p> <p><u>Leader Statutory</u></p> <p><u>Planning prior to</u></p> <p><u>decision being</u></p> <p><u>issued</u></p>	<p><u>Assessment</u></p> <p><u>Manager</u></p>

	Powers of an Assessment Panel (Instrument C)				
309476	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument	s124(6)	<p>13. Proposed Development Involving Creation of Fortifications</p> <p>13.3 The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.</p>	<p><u>Refusals:</u> <u>Delegate Report for Refusal must be countersigned by Assessment Manager or Team Leader Statutory Planning prior to decision being issued</u></p>	<p><u>Assessment Manager</u></p>

	C)				
309477	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)	s124(7)	13. Proposed Development Involving Creation of Fortifications 13.4 The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act to apply to the Court to be joined as a party to the appeal.	Appeals to be reported to CAP in the monthly update	Assessment Manager
309478	Instrument of Delegation	s125(6)	14. Time Within Which Decision Must be Made 14.1 The power pursuant to Section 125(6) of the PDI Act to form the opinion	Delegate Report for Refusal must be	Assessment

	under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)		and consider that the relevant application for planning consent should have been refused and apply to the Court for an order quashing the consent.	countersigned by Assessment Manager or Team Leader Statutory Planning prior to application to the Court being made	Manager
309479	Instrument of Delegation under the Planning, Development and	s125(7)	14. Time Within Which Decision Must be Made 14.2 The power pursuant to Section 125(7) of the Act to apply to the Court for an extension of time to make an application under Section 125(6) of the Act .	Nil	Assessment Manager

Comment [DA4]: Application to the Court must be made within 1 month after the date the deemed planning consent is issued

	Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309480	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development	s126(1)	<p>15. Determination of Application</p> <p>15.1 The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).</p>	<u>Nil</u>	<u>Assessment Manager</u>

	and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309481	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations	s126(3)	15. Determination of Application 15.2 The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.	<u>Nil</u>	<u>Assessment Manager</u>

	2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309482	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and	s127(1)	16. Conditions 16.1 The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.	<u>Nil</u>	<u>Assessment Manager</u>

	Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309483	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions)	s127(2)(c)	16. Conditions 16.2 The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.	<p><u>Except Variations to development decisions previously made by the CAP where a condition is requested to be completely revoked either by the lodgement of a separate application or simply by written request.</u></p> <p><u>All other variations of CAP decisions covered by S128</u></p>	Assessment Manager

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	Regulations 2019 of Powers of an Assessment Panel (Instrument C)			<u>below</u>	
309484	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment	s127(4)	<p>16. Conditions</p> <p>16.3 The power pursuant to Section 127(4) of the PDI Act, subject to Sections 127(6) and (8) of the PDI Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).</p>	<u>Nil</u>	<u>Assessment Manager</u>

	Panel (Instrument C)				
309485	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)	s127(6)	16. Conditions 16.4 The power pursuant to Section 127(6) of the PDI Act to, on the application of the applicant, determine that a payment of an amount calculated in accordance with the regulations be made into the relevant fund in lieu of planting 1 or more replacement trees under Section 127(4) of the PDI Act.	Subject to sign off by Assessment Manager or Team Leader Statutory Planning	Assessment Manager

309486	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)	s127(8)(b)	<p>16. Conditions</p> <p>16.5 The power pursuant to Section 127(8)(b) of the PDI Act to:</p> <p>16.5.1 determine that it is appropriate to grant an exemption under Section 127(8)(b) of the PDI Act in a particular case after taking into account any criteria prescribed by the regulations and provided the Minister concurs in the granting of the exemption;</p> <p>16.5.2 to seek the Minister's concurrence to grant an exemption under Section 127(8)(b) of the PDI Act.</p>	<u>Subject to any criteria prescribed by the Regulations and Ministerial concurrence</u>	<u>Assessment Manager</u>
309487	Instrument of Delegation under the Planning,	s128(2)(d)	<p>17. Variation of Authorisation</p> <p>17.1 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation</p>	<u>Except Variations to development decisions</u>	<u>Assessment Manager</u>

Comment [DA5]: Relates to the planting of replacement trees and payment into the Urban Tree Fund

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	Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)		remains operative.	previously made by the CAP where a condition is requested to be completely revoked either by the lodgement of a separate application or simply by written request or where the variation is adding new elements or substantively amending the proposal.	
309488	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016,	s134(1)	18. Requirement to Up-grade 18.1 The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.	Nil	Council

	Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309489	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure	s134(1)	<p>18. Requirement to Up-grade</p> <p>18.2 The power pursuant to Section 134(1) of the PDI Act, if:</p> <p>18.2.1 an application for a building consent relates to:</p> <p>18.2.1.1 building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or</p> <p>18.2.1.2 a change of classification of a building; and</p> <p>18.2.2 the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition,</p> <p>to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building</p>	<u>Nil</u>	<u>Council</u>

	(General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)		is safe and conforms to proper structural and health standards.		
309490	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning,	s134(2)	18. Requirement to Up-grade 18.3 The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed.	<u>Nil</u>	<u>Council</u>

	Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309491	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees,	s134(3)	<p>18. Requirement to Up-grade</p> <p>18.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:</p> <p>18.4.1 subject to Section 134(3)(b) of the PDI Act - on the basis that the relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and</p> <p>18.4.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed</p>	Nil	Council

	Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309492	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of	s134(4)	<p>18. Requirement to Up-grade</p> <p>18.5 The power pursuant to Section 134(4) of the PDI Act if:</p> <p>18.5.1 an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and</p> <p>18.5.2 the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities, to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be).</p>	<u>Nil</u>	<u>Council</u>

	Powers of an Assessment Panel (Instrument C)				
309493	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument	s134(5)	<p>18. Requirement to Up-grade</p> <p>18.6 The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:</p> <p>18.6.1 subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority will grant building consent; and</p> <p>18.6.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.</p>	<u>Nil</u>	<u>Council</u>

	C)				
309494	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)	s143(1)	19. Cancellation of Development Authorisation 19.1 The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.	<u>Nil</u>	<u>Assessment Manager</u> <u>CEO</u>
309495	Instrument of Delegation	s143(2)	19. Cancellation of Development Authorisation 19.2 The power pursuant to Section 143(2) of the PDI Act to make a	<u>Nil</u>	<u>Assessment</u>

	under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)		cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.		Manager CEO
309496	Instrument of Delegation under the Planning, Development and	s235(1)	20. Professional Advice to be Obtained in Relation to Certain Matters 20.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.	Nil	Assessment Manager CEO

	Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309497	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development	s235(2)	20. Professional Advice to be Obtained in Relation to Certain Matters 20.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.	<u>Nil</u>	<u>Assessment Manager Council</u>

	and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309498	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations	cl12(7) sch8	<p>21. General Transitional Schemes for Panels</p> <p>21.1 The power pursuant to Clause 12(7) of Schedule 8 of the PDI Act, to</p> <p>21.1.1 adopt any findings or determinations of a council development assessment panel under the repealed Act that may be relevant to an application made before the relevant day under the repealed Act; and</p> <p>21.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application made before the relevant day under the repealed Act; and</p> <p>21.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and</p> <p>21.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act; and</p> <p>21.1.5 deal with any requirement or grant any variation imposed or proposed in</p>	Nil	Assessment Manager

Comment [DA6]: Only relates to the Assessment Manager of a CAP, not the entity itself as Clause relates to CAPs

	2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument C)		connection with an application made before the relevant day under the repealed Act. (Only applicable to assessment panels appointed by a council or a joint planning board)		
309499	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and	cl13(5)-sch8	22. — Regional Assessment Panels 22.1 — The power pursuant to Clause 13(5) of Schedule 8 of the PDI Act to: 22.1.1 — adopt any findings or determinations of a council development assessment panel or a regional development assessment panel under the repealed Act that may be relevant to an application made before the relevant day under the repealed Act; and 22.1.2 — adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application made before the relevant day under the repealed Act; and 22.1.3 — deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and 22.1.4 — deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act; and 22.1.5 — deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act. (Relevant to regional assessment panels only)		

Comment [DA7]: I think Should this be deleted as no RAP exists

	Infrastructure (Fees, Charges and Contributions) Regulations 2019 of Powers of an Assessment Panel (Instrument G)				
309500	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions)	cl18(2) sch8	<p>23. Continuation of Processes</p> <p>23.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:</p> <p>23.1.1 adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>23.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>23.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and</p> <p>23.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>23.1.5 take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.</p>	Nil	<p><u>Council</u></p> <p><u>Assessment</u></p> <p><u>Manager</u></p>

	Regulations 2019 of Powers of an Assessment Panel (Instrument C)				
309501	Planning, Development and Infrastructure (General) Regulations 2017	r25(7)(c)	<p>24. Accredited Professionals</p> <p>24.1 The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to form the opinion and be satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations.</p>	<u>Nil</u>	<u>Council</u> <u>Assessment</u> <u>Manager</u>
309502	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>25. Verification of Application</p> <p>25.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>25.1.1 determine the nature of the development; and</p>	<u>Nil</u>	<u>Assessment</u> <u>Manager</u>
309503	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>25. Verification of Application</p> <p>25.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>25.1.2 if the application is for planning consent - determine:</p> <p>25.1.2.1 whether the development involves 2 or more elements and, if so,</p>	<u>Nil</u>	<u>Assessment</u> <u>Manager</u>

			<p>identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and</p> <p>25.1.2.2 the category or categories of development that apply for the purposes of development assessment; and</p>		
309504	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>25. Verification of Application</p> <p>25.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>25.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and</p>	<u>Nil</u>	<u>Assessment Manager</u>
309505	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>25. Verification of Application</p> <p>25.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>25.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application):</p> <p>25.1.4.1 check that the appropriate documents and information have been lodged with the application; and</p> <p>25.1.4.2 confirm the fees required to be paid at that point under the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019; and</p> <p>25.1.4.3 provide an appropriate notice via the SA planning portal; and</p>	<u>Nil</u>	<u>Assessment Manager</u>
309506	Planning, Development and Infrastructure (General)	r31(1)	<p>25. Verification of Application</p> <p>25.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with</p>	<u>Nil</u>	<u>Assessment Manager</u>

	Regulations 2017		<p>the PDI Act:</p> <p>25.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application):</p> <p>25.1.5.1 provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and</p> <p>25.1.5.2 provide an appropriate notice via the SA planning portal.</p>		
309507	Planning, Development and Infrastructure (General) Regulations 2017	r33(4)	<p>26. Application and Further Information</p> <p>26.1 The power pursuant to Regulation 33(4) of the General Regulations to seek clarification about any document or information that has been provided by the applicant.</p>	<u>Nil</u>	<u>Council</u> <u>Assessment</u> <u>Manager</u>
309508	Planning, Development and Infrastructure (General) Regulations 2017	r35(3)	<p>27. Amended Applications</p> <p>27.1 The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.</p>	<u>Nil</u>	<u>Assessment</u> <u>Manager</u>
309509	Planning, Development and Infrastructure (General) Regulations 2017	r35(4)	<p>27. Amended Applications</p> <p>27.2 The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.</p>	<u>Nil</u>	<u>Assessment</u> <u>Manager</u>
309510	Planning, Development	s119(14)	<p>28. Withdrawing/Lapsing Applications</p> <p>28.1 The power pursuant to Regulation 38(1) of the General Regulations if an</p>	<u>Nil</u>	<u>Assessment</u>

	and Infrastructure (General) Regulations 2017		<p>application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:</p> <p>28.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and</p> <p>28.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations, of the withdrawal.</p>		Manager
309511	Planning, Development and Infrastructure (General) Regulations 2017	r38(3)	<p>28. Withdrawing/Lapsing Applications</p> <p>28.2 The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations, to:</p> <p>28.2.1 take reasonable steps to notify the applicant of the action under consideration; and</p> <p>28.2.2 allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.</p>	Nil	Council Assessment Manager
309512	Planning, Development and Infrastructure (General) Regulations 2017	r40	<p>29. Court Proceedings</p> <p>29.1 The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.</p>	Nil	Council Assessment Manager
309513	Planning, Development and Infrastructure (General) Regulations 2017	r42(1)	<p>30. Additional Information or Amended Plans</p> <p>30.1 The power pursuant to Regulation 42(1) of the General Regulations if a delegate has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.</p>	Nil	Assessment Manager

309514	Planning, Development and Infrastructure (General) Regulations 2017	r45(1)	<p>31. Building Matters</p> <p>31.1 The power pursuant to Regulation 45(1) of the General Regulations to, if in assessing an application for building consent, the delegate considers that:</p> <p>31.1.1 a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p> <p>31.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p> <p>31.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code, refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the delegate that a referral is not required.</p>	Nil	Council
309515	Planning, Development and Infrastructure (General) Regulations 2017	r45(2)	<p>31. Building Matters</p> <p>31.2 The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.</p>	Nil	Council
309516	Planning, Development and Infrastructure (General) Regulations 2017	r45(3)	<p>31. Building Matters</p> <p>31.3 The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations.</p>	Nil	Council
309517	Planning, Development and Infrastructure (General)	r45(4)	<p>31. Building Matters</p> <p>31.4 The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:</p> <p>31.4.1 recommends against the granting of building consent; or</p>	Nil	Council

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	Regulations 2017		<p>31.4.2 concurs in the granting of consent on conditions specified in its report, but the delegate:</p> <p>31.4.3 proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or</p> <p>31.4.4 does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent,</p> <p>to:</p> <p>31.4.5 refer the application to the Commission; and</p> <p>31.4.6 not grant consent unless the Commission concurs in the granting of the consent.</p>		
309518	Planning, Development and Infrastructure (General) Regulations 2017	r45(5)	<p>31. Building Matters</p> <p>31.5 The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.</p>	<u>Nil</u>	<u>Council</u>
309519	Planning, Development and Infrastructure (General) Regulations 2017	r46(6)	<p>32. Preliminary Advice and Agreement (Section 123)</p> <p>32.1 The power pursuant to Regulation 46(6) of the General Regulations, if:</p> <p>32.1.1 the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and</p> <p>32.1.2 the delegate determines that the application no longer accords with the agreement indicated by the prescribed body,</p> <p>to refer the application (unless withdrawn) to the prescribed body:</p> <p>32.1.3 to obtain a variation to the agreement under Section 123 of the PDI Act; or</p> <p>32.1.4 to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.</p>	<u>Nil</u>	<u>Council</u> <u>Assessment</u> <u>Manager</u>
309520	Planning, Development and	r46(7)	<p>32. Preliminary Advice and Agreement (Section 123)</p> <p>32.2 The power pursuant to Regulation 46(7) of the General Regulations if:</p> <p>32.2.1 an application is withdrawn by the applicant; and</p>	<u>Nil</u>	<u>Council</u> <u>Assessment</u>

	Infrastructure (General) Regulations 2017		32.2.2 the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application, to notify relevant prescribed body of the withdrawal.		Manager
309521	Planning, Development and Infrastructure (General) Regulations 2017	r46(8)	32. Preliminary Advice and Agreement (Section 123) 32.3 The power pursuant to Regulation 46(8) of the General Regulations, if: 32.3.1 an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and 32.3.2 the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application, to notify the relevant prescribed body of the lapsing.	Nil	Council Assessment Manager
309522	Planning, Development and Infrastructure (General) Regulations 2017	r46(9)	32. Preliminary Advice and Agreement (Section 123) 32.4 The power pursuant to Regulation 46(9) of the General Regulations, if: 32.4.1 an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and 32.4.2 a notice of a decision on the application is issued by the delegate under Regulation 57 of the General Regulations, to provide a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 57 of the General Regulations.	Nil	Council Assessment Manager
309523	Planning, Development and Infrastructure (General) Regulations 2017	r48	33. Notification of Application of Tree-damaging Activity to Owner of Land 33.1 The power pursuant to Regulation 48 of the General Regulations, if an owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, to: 33.1.1 give the owner notice of the application within 5 business days after the application is made; and 33.1.2 give due consideration in the delegate's assessment of the application to any submission made by the owner within 10 business days after the giving of notice under Regulation 48 of the General Regulations.	Nil	Assessment Manager
309524	Planning, Development	r49(3)	34. Public Inspection of Applications 34.1 The power pursuant to Regulation 49(3) of the General Regulations to	Nil	Assessment

	and Infrastructure (General) Regulations 2017		request a person verify information in such manner as the delegate thinks fit.		Manager
309525	Planning, Development and Infrastructure (General) Regulations 2017	r50(5)	<p>35. Representations</p> <p>35.1 The power pursuant to Regulation 50(5) of the General Regulations to, if the delegate considers that it would assist the delegate in making a decision on the application, allow a person:</p> <p>35.1.1 who has made a representation under Regulation 50(1) of the General Regulations in relation to development being assessed under Section 107 of the PDI Act; and</p> <p>35.1.2 who has indicated an interest in appearing before the delegate, an opportunity (at a time determined by the delegate) to appear personally or by representative before the delegate to be heard in support of the representation that has been made under Regulation 50(1) of the General Regulations.</p>	Nil	Assessment Manager
309526	Planning, Development and Infrastructure (General) Regulations 2017	r51(1)	<p>36. Response by Applicant</p> <p>36.1 The power pursuant to Regulation 51(1) of the General Regulations to allow a response to a representation by the applicant to be made within such longer period as the delegate may allow.</p>	Nil	Assessment Manager
309527	Planning, Development and Infrastructure (General) Regulations	r57(4)	<p>37. Notice of Decision (Section 126(1))</p> <p>37.1 The power pursuant to Regulation 57(4) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.</p>	Nil	Council Assessment Manager

	2017				
309528	Planning, Development and Infrastructure (General) Regulations 2017	r60	38. Consideration of Other Development Authorisations 38.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.	<u>Nil</u>	<u>Council</u> <u>Assessment</u> <u>Manager</u>
309529	Planning, Development and Infrastructure (General) Regulations 2017	r61(4)	39. Certificate of Independent Technical Expert in Certain Cases 39.1 The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.	<u>Nil</u>	<u>Council</u> <u>Assessment</u> <u>Manager</u>
309530	Planning, Development and Infrastructure (General) Regulations 2017	r63(1)	40. Urgent Work 40.1 The power pursuant to Regulation 63(1) of the General Regulations to, 40.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and 40.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.	<u>Nil</u>	<u>Council</u> <u>Assessment</u> <u>Manager</u>
309531	Planning, Development and Infrastructure (General) Regulations 2017	r63(2)	40. Urgent Work 40.2 The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.	<u>Nil</u>	<u>Council</u> <u>Assessment</u> <u>Manager</u> -

309532	Planning, Development and Infrastructure (General) Regulations 2017	r63(3)	40. Urgent Work 40.3 The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.	Nil	Council Assessment Manager -
309533	Planning, Development and Infrastructure (General) Regulations 2017	r65(1)	41. Variation of Authorisation (Section 128) 41.1 The power pursuant to Regulation 65(1) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.	<u>Except Variations to development decisions previously made by the CAP where a condition is requested to be completely revoked, such matters need to be reported to CAP by email to confirm delegate decision</u>	Assessment Manager
309534	Planning, Development and Infrastructure (General) Regulations 2017	r44(2)	42. Advice from Commission 42.1 The power pursuant to Regulation 44(2) of the General Regulations, if a report is not received from the Commission within 20 business days from the day on which the application is lodged under Regulation 29 of the General Regulations or within such longer period as the Commission may require by notice to the relevant authority, to presume that the Commission does not desire to make a report.	Nil	Assessment Manager

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Comment [DA8]: This appears to be the Technical Regulator not the Commission- Left message with LGA to query

309535	Planning, Development and Infrastructure (General) Regulations 2017	r78(3)	<p>43. Underground Mains Area</p> <p>43.1 The power pursuant to Regulation 78(3) of the General Regulations, if an application relates to a proposed development that involves the division of land within, or partly within, an underground mains area (even if the area is declared as such after the application is lodged with the relevant authority), to require, as a condition on its decision on the application, that any electricity mains be placed underground.</p>	<u>Nil</u>	<u>Assessment Manager</u>
309536	Planning, Development and Infrastructure (General) Regulations 2017	cl2(d)(ii)(B)	<p>44. Plans for Residential Alterations, Additions and New Dwellings</p> <p>44.1 The power pursuant to Clause 2(d)(ii)(B) of Schedule 8 of the General Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land.</p>	<u>Nil</u>	<u>Assessment Manager</u>
309537	Planning, Development and Infrastructure (General) Regulations 2017	cl2(d)(ii)(D)	<p>44. Plans for Residential Alterations, Additions and New Dwellings</p> <p>44.2 The power pursuant to Clause 2(d)(ii)(D) of Schedule 8 of the General Regulations to be satisfied a site contamination audit report (within the meaning of the Environment Protection Act 1993) is not required.</p>	<u>Nil</u>	<u>Assessment Manager</u>
309538	Planning, Development and Infrastructure (General) Regulations 2017	cl4(3)	<p>45. Plans for Building Work</p> <p>45.1 The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building, if:</p> <p>45.1.1 the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or</p> <p>45.1.2 the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building,</p> <p>to require the application to be accompanied by such details, particulars, plans,</p>	<u>Nil</u>	<u>Council</u> <u>Assessment Manager</u> -

			drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.		
309539	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(1)	<p>46. Calculation or Assessment of Fees</p> <p>46.1 The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged with the council under a related set of regulations (including via the SA planning portal):</p> <p>46.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and</p> <p>46.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the assessment panel is not a relevant authority).</p>	<u>Nil</u>	<u>Council</u> <u>Assessment</u> <u>Manager</u> -
309540	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(2)	<p>46. Calculation or Assessment of Fees</p> <p>46.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.</p>	<u>Nil</u>	<u>Council</u> <u>Assessment</u> <u>Manager</u> -
309541	Planning, Development and Infrastructure	r5(3)	<p>46. Calculation or Assessment of Fees</p> <p>46.3 The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of</p>	<u>Nil</u>	<u>Council</u> <u>Assessment</u>

	(Fees, Charges and Contributions) Regulations 2019		regulations.		Manager
309542	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r7	<p>47. Waiver or Refund of Fee</p> <p>47.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:</p> <p>47.1.1 waive the payment of the fee, or the payment of part of the fee; or</p> <p>47.1.2 refund the whole or a part of the fee.</p>	In accordance with Council Fee Waiver Policy and Application Fee Refund Policy	Assessment Manager