

COUNCIL ASSESSMENT PANEL MEETING
14 July 2021
AGENDA
BUSINESS ITEM – 12.1

Originating Officer: Deryn Atkinson, Assessment Manager

Subject: Delegations Review of Powers & Functions of Council Assessment Panel (CAP) as a Relevant Authority under the Planning, Development and Infrastructure Act 2016 & General Regulations – Instrument C

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.

Delegations from the Council Assessment Panel to staff were last adopted by CAP on 10 February 2021 in readiness for the full implementation of the **PDI Act** on 19 March 2021. The delegations were based upon model delegations provided by the Local Government Association (LGA) at the time. The delegations included 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 Administration. The Assessment Manager in turn is able to delegate these functions to staff.

Since adoption of the further amendments to Instrument C under the *Planning, Development and Infrastructure Act 2016* and Regulations by CAP on 10 February 2021, further amendments have been made.

The amendments include new delegations in relation to:

- the powers pursuant to the *Planning, Development and Infrastructure (General) Regulations 2017* (the **PDI General Regulations**) and the State Planning Commission Practice Direction 14 Site Contamination in relation to site contamination investigations for development proposals
- the powers pursuant to the State Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme and the requirements of the Urban Tree Canopy Off-set Scheme
- the powers pursuant to Regulation 31 for verification of development applications

Corresponding to the new delegations for land relating to Practice Direction 14 Site Contamination the amendments also include deletion of provisions that are superseded by the Practice Direction.

The entire set of delegations in Instrument C is included as **Attachment 1** of this report for the consideration of CAP.

RECOMMENDATION

1. That, having considered a review of the Council Assessment Panel Delegations as presented, the Council Assessment Panel hereby revokes all previous delegations to the Assessment Manager and Council (Elected Body) for powers and functions under Instrument C of the Planning, Development and Infrastructure Act 2016 and General Regulations 2017.
2. 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 statutory instruments made thereunder contained in the proposed Instrument of Delegation (Instrument C) (Attachment 1 of the Report dated 14 July 2021) are hereby delegated this 14th day of July 2021 to the Assessment Manager and the Administration subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
3. Such powers and functions of Instrument C may be further delegated by the Assessment Manager in accordance with Section 100(2) (c) of the Planning, Development and Infrastructure Act 2016 as the Assessment Manager sees fit, unless otherwise indicated herein or, in the Schedule of Conditions in the proposed Instrument of Delegation.
4. That the Assessment Manager be authorised to make any formatting, nomenclature or other minor changes to Instrument C during the period of currency.

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. 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 is a requirement under the **PDI Act and Regulations** for delegations. Pursuant to Section 100(2) (c) of the **PDI Act** the planning functions and powers related to the delegations in **Attachment 1** are recommended to be delegated to the Assessment Manager.

➤ **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 unless delegations allow otherwise. 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 assessed by other relevant authorities, including Accredited Professionals, the Assessment Manager and the State Commission Assessment Panel.

➤ **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 governance, required out of necessity.

2. THE NEED FOR DELEGATIONS

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 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 Council and thus it is necessary for the CAP to delegate its planning functions and powers to Council staff for the assessment of 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.

Under the **PDI Act** the 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 is 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**.

The model delegations prepared for the LGA and 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 |

3. AMENDMENTS TO DELEGATIONS FROM CAP (INSTRUMENT C)

The amendments include new delegations in relation to:

- the powers pursuant to the **PDI General Regulations** and the State Planning Commission Practice Direction 14 Site Contamination in relation to site contamination investigations for development proposals (7 new delegations necessary to administer the requirements and process defined in the Practice Direction)
- the powers pursuant to the State Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme and the requirements of the Urban Tree Canopy Off-set Scheme (5 new delegations necessary to administer the requirements and process defined in the Practice Direction and the Urban Tree Canopy Off-set Scheme)
- the powers pursuant to Regulation 31 for verification of development applications and inclusion of additional detail and re-numbering

Corresponding to the new delegations relating to Practice Direction 14 Site Contamination the amendments also include deletion of provisions that are superseded by the Practice Direction (2 delegations deleted).

The entire set of delegations in Instrument C is included as **Attachment 1** of this report for the consideration of CAP and the “tracked change” version of Instrument C highlighting the amendments and the renumbering is included as **Attachment. 2**. A copy of the two Practice Directions and Urban Tree Canopy referred to in the new delegations are included as **Attachments 3, 4 and 5**.

Aligned with good governance practice, it is recommended that the delegations by CAP in Instrument C be revoked and readopted in their entirety for completeness and to avoid confusion i.e. there is a point of in time where the entire Instrument is adopted.

4. SUMMARY

The **PDI Act and PDI General Regulations** delegations from the CAP (Instrument C) to staff have been updated using the updated model delegations provided by the Local Government Association.

It is recommended that the delegations as detailed in **Attachment 1** of this report be adopted by the CAP and the previously adopted Instrument of Delegation under the *Planning, Development and Infrastructure Act 2016* and Regulations - Powers of an Assessment Panel (Instrument C) of 10 February 2021 be revoked.

5. ATTACHMENTS

- (1) Updated Delegations under the Planning, Development and Infrastructure Act 2016 and General Regulations - Powers of an Assessment Panel (Instrument C)
- (2) Tracked Change Version of Delegations under the Planning, Development and Infrastructure Act 2016 and General Regulations - Powers of an Assessment Panel (Instrument C)
- (3) Practice Direction 14 Site Contamination
- (4) Practice Direction 16 Urban Tree Canopy Off-set Scheme
- (5) Urban Tree Canopy Off-set Scheme

Attachment 1
Updated Delegations under the Planning, Development and Infrastructure Act
2016 and General Regulations - Powers of an Assessment Panel
(Instrument C)

ADELAIDE HILLS COUNCIL

RELIANSYS® DELEGATIONS - EXPORT FROM LIBRARY

INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF AN ASSESSMENT PANEL (INSTRUMENT C)

Note - Exported provisions are sorted by Delegation Source and Section.

07 JULY 2021

Delegation Sources

- Site Planning Commission Practice Direction 14 Site Contamination Assessment 2021
- Site Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme
- Urban Tree Canopy Off-set Scheme
- Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)
- Planning, Development and Infrastructure (General) Regulations 2017
- Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019
- Planning and Design Code
- State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019
- State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019
- State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019

Positions

Abbreviation	Position
Administration Building Support Officer (418)	Administration Building Support Officer (418)
Administration Support Officer (369)	Administration Support Officer (369)
Administration Support Officer (76)	Administration Support Officer (76)
Assessment Manager (72)	Assessment Manager (72)
Building Officer (380)	Building Officer (380)
Building Officer (453)	Building Officer (453)
Building Officer (463)	Building Officer (463)
Building Officer (73)	Building Officer (73)
Chief Executive Officer (95)	Chief Executive Officer (95)

Abbreviation	Position
Customer Service Officer (11)	Customer Service Officer (11)
Customer Service Officer (18)	Customer Service Officer (18)
Customer Service Officer (23)	Customer Service Officer (23)
Customer Service Officer (365)	Customer Service Officer (365)
Customer Service Officer (382)	Customer Service Officer (382)
Customer Service Officer (59)	Customer Service Officer (59)
Customer Service Officer (62)	Customer Service Officer (62)
Customer Service Officer (66)	Customer Service Officer (66)
Customer Service Officer (68a)	Customer Service Officer (68a)
Customer Service Officer (68b)	Customer Service Officer (68b)
Customer Service Officer (8)	Customer Service Officer (8)
Customer Service Officer Casual (197)	Customer Service Officer Casual (197)
Customer Service Officer Casual (20)	Customer Service Officer Casual (20)
Customer Service Officer Casual (21)	Customer Service Officer Casual (21)
Customer Service Officer Casual (267)	Customer Service Officer Casual (267)
Customer Service Officer Casual (281)	Customer Service Officer Casual (281)
Customer Service Officer Casual (359)	Customer Service Officer Casual (359)

Abbreviation	Position
Customer Service Officer Casual (60)	Customer Service Officer Casual (60)
Development Compliance Officer (211)	Development Compliance Officer (211)
Director Development and Regulatory Services (70)	Director Development and Regulatory Services (70)
Duty Planner (265a)	Duty Planner (265a)
Duty Planner (265b)	Duty Planner (265b)
Executive Assistant Development and Regulatory Services (69)	Executive Assistant Development and Regulatory Services (69)
Manager Community Development (187)	Manager Community Development (187)
Manager Development Services (72)	Manager Development Services (72)
Manager Libraries and Customer Service (12)	Manager Libraries and Customer Service (12)
Senior Customer Service Officer (307)	Senior Customer Service Officer (307)
Senior Customer Service Officer (34)	Senior Customer Service Officer (34)
Senior Statutory Planner (80)	Senior Statutory Planner (80)
Senior Strategic and Policy Planner (200)	Senior Strategic and Policy Planner (200)
Statutory Planner (195)	Statutory Planner (195)
Statutory Planner (215)	Statutory Planner (215)

Abbreviation	Position
Statutory Planner (230)	Statutory Planner (230)
Statutory Planner (462)	Statutory Planner (462)
Statutory Planner (82)	Statutory Planner (82)
Statutory Planning Cadet (355)	Statutory Planning Cadet (355)
Team Leader Administration (77)	Team Leader Administration (77)
Team Leader Building Services (286)	Team Leader Building Services (286)
Team Leader Customer Service (389)	Team Leader Customer Service (389)
Team Leader Statutory Planning (326)	Team Leader Statutory Planning (326)

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
502560	Site Planning Commission Practice Direction 14 Site Contamination Assessment 2021	cl 12	<p>60. Change of Use Where Remediation is Required After the Issue of Planning Consent – Section 127(1)(b) of Act</p> <p>60.1 The power pursuant to clause 12 of the State Planning Commission Practice Direction (Site Contamination Assessment) 2021 (PD14) to be satisfied that a site is suitable for its intended use subject to remediation being undertaken and to issue a planning consent without the remediation work having been carried out, subject to Condition A, B or C in PD14 as relevant.</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Team Leader Statutory Planning (326)	<hr/> <p>Staff to have Delegate Report / CAP Report signed by delegate for concurrence in this circumstance. At time of Development Approval add requirement for notification at completion.</p>
502562	Site Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme	cl 6(2)	<p>62. Reserved Matter</p> <p>62.1 The power pursuant to clause 6(2) of State Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme (PD16) to where</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory	<hr/> <p>Note to be made of reserve matter in Delegate Report / CAP Report.</p>

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			an applicant has elected to reserve consideration of the DTS/DPF Policy in the Overlay, as provided for in the Code and under Section 102(4) of the PDI Act, to require the applicant to provide documents which are considered by the delegate as sufficient to confirm whether the relevant development site includes a Designated Soil Type.	Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
502565	Urban Tree Canopy Off-set Scheme	cl 6(4)	65. Payment into Fund 65.1 The power pursuant to clause 6(4) of the Urban Tree Canopy Off-set Scheme (UTCOS) where an applicant has elected to make a contribution to the fund under this scheme to impose a condition on the relevant development authorisation for planning	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200),	Note to be made of condition in Delegate Report / CAP Report.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			consent requiring that payment of the amount specified in clause 6(1) of the UTCOS be made into the fund before the issue of development approval for the subject development application.	Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
502561	Site Planning Commission Practice Direction 14 Site Contamination Assessment 2021	cl 13	<p>61. Land Division Where Remediation is Required After the Issue of Planning Consent – Section 127(1)(b) of Act</p> <p>61.1 The power pursuant to clause 13 of PD14 to be satisfied in relation to proposed land division that a site is suitable for its intended use subject to remediation being undertaken and to issue a planning consent without the remediation work having been carried out subject</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Team Leader Statutory Planning (326)	Staff to have Delegate Report / CAP Report signed by delegate for concurrence in this circumstance.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>to the consent being subject to the following condition:</p> <p>A land division certificate under Section 138 of the Planning, Development and Infrastructure Act 2016 must not be issued until a</p> <p>statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.</p>		
502563	Site Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme	cl 7	<p>63. Process for Payments to the Fund</p> <p>63.1 The power pursuant to clause 7 of PD16 where an applicant has elected to make a payment into the Fund, in lieu of planting a tree (or trees) as provided in the DTS/DPF Policy in the Overlay, to verify the</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200),	Note to be made of payment in Plan SA Portal.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			payment as being correct in accordance with the Scheme, prior to the granting of development authorisation under the PDI Act.	Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
502564	Site Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme	cl 8(3)	<p>64. Development within Council Fund Designated Areas</p> <p>64.1 The power pursuant to clause 8(3) of PD16, where a development application relates to a site which is located both within a Council Fund Designated Area and within the Overlay to impose a condition requiring payment into a Council Fund, irrespective of an election by the applicant to plant a tree or</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215),	Note to be made of condition in Delegate Report / CAP Report.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			make a payment into the Fund as provided under the Scheme.	Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
309431	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s7(5)(a)	<p>1. Environment and Food Production Areas – Greater Adelaide</p> <p>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</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72)	NIL.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			development authorisation to the development.		
309432	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72)	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
309433	Instrument of Delegation under the Planning, Development and	s85(1)	2. Appointment of Additional Members	Assessment Manager (72), Director Development and	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)		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.	Regulatory Services (70)	With the concurrence of the Presiding Member of CAP.
309434	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions 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>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)	
309435	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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> <p>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</p> <p>4.1.2 require that the assessment of the development in respect of the Building Rules</p>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Team Leader Building Services (286)	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			be undertaken by a building certifier.		
309436	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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>5.1.1 -</p> <p>5.1.1.1 the relevant provisions of the Planning Rules; and</p> <p>5.1.1.2 to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development, (planning consent);</p>	<p>Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)</p>	<p>Where publicly notified development, the development does not need to be reported to CAP for a decision in the following circumstances: Where no representations are received; or, Where no representors who are opposed to the development wish to be heard; or Where only representations supporting the development were received.</p> <p>Where not reported to CAP:</p> <p>1. New dwellings outside of townships which must have the assessment report concurred with by another Statutory Planner prior to decision being issued.</p>

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					<p>2. Licensed premises which must have the assessment report concurred with by Assessment Manager, Manager Development Services, Team Leader Statutory Planning or Senior Statutory Planner prior to the decision being issued.</p> <p>3. Refusals must have assessment report concurred with by Assessment Manager, Manager Development Services, Team Leader Statutory Planning.</p>
309437	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an	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</p>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager	<hr/> <p>File Note for Refusal must be concurred with Assessment Manager, Manager Development Services or Team Leader Building Services prior to decision being issued.</p>

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Assessment Panel (Instrument C)		relevant to the particular development): 5.1.2 the relevant provisions of the Building Rules (building consent);	Development Services (72), Team Leader Building Services (286)	
309438	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team	Where not reported to CAP, Assessment Report for Refusal must be concurred with Assessment Manager, Manager Development Services or Team Leader Statutory Planning prior to decision being issued.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>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 sewerage services are satisfied;</p> <p>5.1.3.4 where land is to be vested in a council or other authority - the council or authority consents to the vesting;</p> <p>5.1.3.5 requirements set out in regulations made for the purposes of Section 102(1)(c) of the PDI Act are satisfied;</p>	Leader Statutory Planning (326)	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
309439	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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>5.1.4 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):</p> <p>5.1.4.1 requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	Where not reported to CAP, Assessment Report for Refusal must be concurred with Assessment Manager, Manager Development Services or Team Leader Statutory Planning prior to decision being issued.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>5.1.4.2 any relevant requirements set out in a design standard has been satisfied;</p> <p>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;</p> <p>5.1.4.4 where land is to be vested in a council or other authority - the council or authority consents to the vesting;</p> <p>5.1.4.5 a building or item intended to establish a boundary (or part of a boundary) 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</p>		

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>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, Regulations, Planning	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,</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager	Where not reported to CAP, Assessment Report for Refusal must be concurred with Assessment Manager, Manager

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)		and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development): 5.1.5 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;	Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)	Development Services or Team Leader Statutory Planning prior to decision being issued.
309441	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an	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	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy	Where not reported to CAP, Assessment Report for Refusal must be concurred with Assessment Manager, Manager Development Services or Team Leader Statutory Planning prior to decision being issued.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Assessment Panel (Instrument C)		relevant to the particular development): 5.1.6 if relevant - requirements applying under Part 15 Division 2 of the PDI Act are satisfied;	Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
309442	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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):	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory	Where not reported to CAP, Assessment Report for Refusal must be concurred with Assessment Manager, Manager Development Services or Team Leader Statutory Planning prior to decision being issued.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			5.1.7 such other matters as may be prescribed.	Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
309443	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions 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>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory	Where not reported to CAP, Assessment Report for Refusal must be concurred with Assessment Manager, Manager Development Services or Team Leader Statutory Planning prior to decision being issued.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<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>	Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
309444	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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 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.</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215),	Where not reported to CAP, Assessment Report for Refusal must be concurred with Assessment Manager, Manager Development Services or Team Leader Statutory Planning prior to decision being issued.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)	
309445	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s107(2)(c)	<p>6. Performance Assessed Development</p> <p>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).</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82),	Where not reported to CAP, Assessment Report for Refusal must be concurred with Assessment Manager, Manager Development Services or Team Leader Statutory Planning prior to decision being issued.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Team Leader Statutory Planning (326)	
309446	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s107(3)	<p>6. Performance Assessed Development</p> <p>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.</p>	<p>Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)</p>	<p>Where publicly notified development, the development does not need to be reported to CAP for a decision in the following circumstances:</p> <p>Where no representations are received; or,</p> <p>Where no representors who are opposed to the development wish to be heard; or</p> <p>Where only representations supporting the development were received.</p> <p>Where not reported to CAP:</p> <p>1. New dwellings outside of townships which must have the</p>

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
					<p>assessment report to be concurred with by another Statutory Planner prior to decision being issued.</p> <p>2. Licensed premises which must have the assessment report concurred with by Assessment Manager, Manager Development Services, Team Leader Statutory Planning or Senior Statutory Planner prior to the decision being issued.</p> <p>3. Refusals must have assessment report concurred with by Assessment Manager, Manager Development Services, Team Leader Statutory Planning.</p>
309447	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and	s107(4)	<p>6. Performance Assessed Development</p> <p>6.3 The power pursuant to Section 107(4) of the PDI Act to limit the matters that the delegate</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Practice Directions of Powers of an Assessment Panel (Instrument C)		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.	(72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
309448	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an	s118(1)	<p>7. Building Consent</p> <p>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</p>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Team Leader Building Services (286)	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Assessment Panel (Instrument C)		conditions or exceptions as may be prescribed by the regulations).		
309449	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Team Leader Building Services (286)	NIL
309450	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an	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>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Team Leader Building Services (286)	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Assessment Panel (Instrument C)		<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,</p>		

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>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>		
309451	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s118(4)	<p>7. Building Consent</p> <p>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.</p>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Team Leader Building Services (286)	NIL
309452	Instrument of Delegation under the Planning,	s118(6)	7. Building Consent	Assessment Manager (72), Building Officer	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)		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 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.	(380), Building Officer (453), Building Officer (463), Building Officer (73), Team Leader Building Services (286)	NIL
309453	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an	s118(7)	7. Building Consent 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	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Team Leader Building Services (286)	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Assessment Panel (Instrument C)		with the performance requirements of the Building Code or a Ministerial building standard.		
309454	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Team Leader Building Services (286)	Administration Building Support Officer in relation to private certification for Class 10 Buildings only.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
309455	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Team Leader Building Services (286)	File Note for Refusal must be concurred with Assessment Manager, Manager Development Services or Team Leader Building Services prior to decision being issued.
309456	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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,</p>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Team Leader Building Services (286)	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>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>		
309457	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(1)(b)	<p>8. Application and Provision of Information</p> <p>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.</p>	<p>Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Duty Planner (265a), Duty Planner (265b), Manager</p>	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309458	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016,	s119(3)	8. Application and Provision of Information	Administration Building Support Officer (418), Administration Support	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)		<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>	<p>Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team</p>	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Leader Administration (77), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309459	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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</p>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner	Where not reported to CAP, Assessment Report for Refusal must be concurred with Assessment Manager, Manager Development Services or Team Leader Statutory Planning prior to decision being issued.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			development that is deemed to satisfy development).	(230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309460	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(7)	<p>8. Application and Provision of Information</p> <p>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.</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215),	In accordance with the Special Circumstances Policy of Council's Development Applications Involving Regulated Tree(s) Policy

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
309461	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(9)	<p>8. Application and Provision of Information</p> <p>8.5 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>8.5.1 permit an applicant:</p> <p>8.5.1.1 to vary an application;</p>	<p>Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory</p>	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
480477	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(9)	8. Application and Provision of Information 8.5 The power pursuant to Section 119(9) of the PDI Act to: 8.5.1 permit an applicant: 8.5.1.2 to vary any plans, drawings, specifications or other documents that accompanied an application,	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			(provided that the essential nature of the proposed development is not changed);	Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
480478	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an	s119(9)	8. Application and Provision of Information 8.5 The power pursuant to Section 119(9) of the PDI Act to: 8.5.2 permit an applicant to lodge an application without the provision of any information or	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Assessment Panel (Instrument C)		document required by the regulations;	(70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
480479	Instrument of Delegation under the Planning, Development and	s119(9)	8. Application and Provision of Information	Assessment Manager (72), Director Development and	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)		8.5 The power pursuant to Section 119(9) of the PDI Act to: 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);	Regulatory Services (70), Manager Development Services (72), Team Leader Building Services (286), Team Leader Statutory Planning (326)	In accordance with Council's Fee Waiver Policy and Development Application Fee Refund Policy.
480480	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(9)	8. Application and Provision of Information 8.5 The power pursuant to Section 119(9) of the PDI Act to: 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	Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Duty Planner	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.	(265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309462	Instrument of Delegation under the Planning,	s119(10)	8. Application and Provision of Information	Assessment Manager (72), Building Officer	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)		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.	(380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Building Services (286), Team Leader Statutory Planning (326)	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
309463	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(12)	<p>8. Application and Provision of Information</p> <p>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.</p>	<p>Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Building Services (286), Team</p>	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Leader Statutory Planning (326)	
309464	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(14)	<p>8. Application and Provision of Information</p> <p>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.</p>	<p>Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning</p>	<p>In accordance with Council's Development Application Fee Refund Policy.</p>

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Cadet (355), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309465	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader	<p>Where publicly notified development, the development does not need to be reported to CAP for a decision in the following circumstances:</p> <p>Where no representations are received; or,</p> <p>Where no representors who are opposed to the development wish to be heard; or</p> <p>Where only representations supporting the development were received.</p>

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Statutory Planning (326)	
309466	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)	Where publicly notified development, the development does not need to be reported to CAP for a decision, providing there is no substantial change to one or more element of the development unless permitted as a variation allowed by a practice direction.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
309467	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	NIL
309468	Instrument of Delegation under the Planning, Development and	s122(1)	11. Referrals to Other Authorities or Agencies	Assessment Manager (72), Director Development and	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)		<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>	Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
309469	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions 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)</p> <p>where the regulations so provide.</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	<p>Where not reported to CAP:</p> <ol style="list-style-type: none"> 1. New dwellings outside of townships which must have the assessment report to be concurred with by another Statutory Planner prior to decision being issued. 2. Licensed premises which must have the assessment report concurred with by Assessment Manager, Manager Development Services, Team Leader Statutory Planning or Senior Statutory Planner prior to the decision being issued. 3. Refusals must have assessment report concurred with by Assessment Manager, Manager Development Services, Team Leader Statutory Planning.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
309470	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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 be joined as a party to the proceedings.</p>	Assessment Manager (72), Manager Development Services (72), Team Leader Statutory Planning (326)	Appeals to be reported to CAP in the monthly update.
309471	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s122(10)	<p>11. Referrals to Other Authorities or Agencies</p> <p>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.</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
309472	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>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 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</p>	<p>Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)</p>	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			that agreement and any relevant plans and other documentation).		
309473	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s123(4)	<p>12. Preliminary Advice and Agreement</p> <p>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.</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
309474	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)	NIL
309475	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016,	s124(5)	13. Proposed Development Involving Creation of Fortifications	Assessment Manager (72), Director Development and Regulatory Services	Where not reported to CAP, Assessment Report for Refusal

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)		<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>	(70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)	must be concurred with Assessment Manager, Manager Development Services or Team Leader Statutory Planning prior to decision being issued.
309476	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of	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</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory	Where not reported to CAP, Assessment Report for Refusal must be concurred with Assessment Manager, Manager Development Services or Team

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Powers of an Assessment Panel (Instrument C)		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.	Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)	Leader Statutory Planning prior to decision being issued.
309477	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s124(7)	<p>13. Proposed Development Involving Creation of Fortifications</p> <p>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</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner	Appeals to be reported to CAP in the monthly update.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			to be joined as a party to the appeal.	(195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)	
309478	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s125(6)	<p>14. Time Within Which Decision Must be Made</p> <p>14.1 The power pursuant to Section 125(6) of the PDI Act to form the opinion and consider that the relevant application for planning consent should have been refused and apply to the Court for an order quashing the consent.</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Team Leader Statutory Planning (326)	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
309479	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s125(7)	<p>14. Time Within Which Decision Must be Made</p> <p>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.</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Team Leader Statutory Planning (326)	NIL
309480	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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</p>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			any appeal rights that exist under the PDI Act).	Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309481	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an	s126(3)	<p>15. Determination of Application</p> <p>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</p>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Duty Planner	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Assessment Panel (Instrument C)		prescribed under Section 126(2) of the PDI Act.	(265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309482	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016,	s127(1)	16. Conditions 16.1 The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)		conditions (if any) as the delegate thinks fit to impose in relation to the development.	(463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Building Services (286), Team Leader Statutory Planning (326)	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
309483	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s127(2)(c)	<p>16. Conditions</p> <p>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>	<p>Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Building Services (286), Team</p>	<p>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.</p>

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Leader Statutory Planning (326)	
309484	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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</p>	<p>Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)</p>	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			responsibility of the owner of the land).		
309485	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s127(6)	<p>16. Conditions</p> <p>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.</p>	<p>Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)</p>	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
309486	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions 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>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	File note to have the concurrence of Assessment Manager, Manager Development Services or Team Leader Statutory Planning.
309487	Instrument of Delegation under the Planning, Development and	s128(2)(d)	17. Variation of Authorisation	Assessment Manager (72), Director Development and	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)		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 remains operative.	Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	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 or where the variation is adding new elements or substantively amending the proposal. In the above circumstances the variation shall be submitted to CAP.
309488	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and	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	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Team Leader	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Practice Directions of Powers of an Assessment Panel (Instrument C)		is unsafe, structurally unsound or in an unhealthy condition.	Building Services (286)	
309489	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Team Leader Building Services (286)	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			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 is safe and conforms to proper structural and health standards.		
309490	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	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.	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Team Leader Building Services (286)	NIL
309491	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016,	s134(3)	18. Requirement to Up-grade 18.4 The power pursuant to Section 134(3) of the PDI Act to	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)		<p>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>	(463), Building Officer (73), Team Leader Building Services (286)	
309492	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions 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</p>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Team Leader	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Powers of an Assessment Panel (Instrument C)		<p>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,</p> <p>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>	Building Services (286)	
309493	Instrument of Delegation under the Planning, Development and	s134(5)	<p>18. Requirement to Up-grade</p> <p>18.6 The power pursuant to Section 134(5) of the PDI Act to</p>	Assessment Manager (72), Building Officer (380), Building Officer	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)		<p>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>	(453), Building Officer (463), Building Officer (73), Team Leader Building Services (286)	
484528	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning	s135(2)(d)	<p>19. Urgent Building Work</p> <p>19.1 The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.</p>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)			(73), Director Development and Regulatory Services (70), Manager Development Services (72), Team Leader Building Services (286)	
309494	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s143(1)	<p>20. Cancellation of Development Authorisation</p> <p>20.1 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.</p>	Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Duty Planner	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				(265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309495	Instrument of Delegation under the Planning,	s143(2)	20. Cancellation of Development Authorisation	Administration Building Support	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)		20.2 The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.	Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462),	Assessment Manager, Manager Development Services, Team Leader Statutory Planning or Team Leader Building must concur with condition(s) in File Note.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309496	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s235(1)	<p>21. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>21.1 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.</p>	Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Chief Executive Officer (95), Director Development and	NIL

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ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services (286), Team Leader Statutory Planning (326)	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
309497	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s235(2)	<p>21. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>21.2 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.</p>	Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				(230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309498	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	cl12(7) sch8	<p>22. General Transitional Schemes for Panels</p> <p>22.1 The power pursuant to Clause 12(7) of Schedule 8 of the PDI Act, to</p> <p>22.1.1 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>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215),	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 or where the variation is adding new elements or substantively amending the proposal.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>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</p> <p>22.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and</p> <p>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</p> <p>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.</p>	Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)	In the above circumstances the variation shall be submitted to CAP.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			(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, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	cl13(5) sch8	<p>23. Regional Assessment Panels</p> <p>23.1 The power pursuant to Clause 13(5) of Schedule 8 of the PDI Act to:</p> <p>23.1.1 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</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 made before the</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72)	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>relevant day under the repealed Act; and</p> <p>23.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and</p> <p>23.1.4 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>23.1.5 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.</p> <p>(Relevant to regional assessment panels only)</p>		

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
309500	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	cl18(2) sch8	<p>24. Continuation of Processes</p> <p>24.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:</p> <p>24.1.1 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>24.1.2 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>24.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and</p>	<p>Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader Building Services (286), Team Leader Statutory Planning (326)</p>	<p>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 or where the variation is adding new elements or substantively amending the proposal.</p> <p>In the above circumstances the variation shall be submitted to CAP.</p>

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>24.1.4 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>24.1.5 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>		
486405	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and		<p>8.5 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>8.5.4 if there is an inconsistency between any documents lodged with the</p>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Chief Executive	<hr/> NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Practice Directions of Powers of an Assessment Panel (Instrument C)		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.	Officer (95), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
502555	Planning, Development and Infrastructure	r 3(6)(b)	25. Interpretation	Assessment Manager (72), Director	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	(General) Regulations 2017		25.1 The power pursuant to Regulation 3(6)(b) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to require that a statement of site suitability provided to a relevant authority in connection with an application for development authorisation be issued by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application	Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	NIL
309501	Planning, Development and Infrastructure (General) Regulations 2017	r25(7)(c)	26. Accredited Professionals 26.1 The power pursuant to Regulation 25(7)(c) of the General Regulations to form the opinion and be satisfied, on the	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			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.	(73), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309502	Planning, Development and Infrastructure	r31(1)	27. Verification of Application	Assessment Manager (72), Director	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	(General) Regulations 2017		<p>27.1 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>27.1.1 determine the nature of the development; and</p> <p>27.1.2 if the application is for planning consent - determine:</p> <p>27.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and</p> <p>27.1.2.2 the category or categories of development that</p>	<p>Development and Regulatory Services (70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)</p>	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>apply for the purposes of development assessment; and</p> <p>27.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and</p> <p>27.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application):</p> <p>27.1.4.1 check that the appropriate documents and information have been lodged with the application; and</p> <p>27.1.4.2 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>27.1.4.3 provide an appropriate notice via the SA planning portal; and</p>		

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>27.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application):</p> <p>27.1.5.1 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>27.1.5.2 provide an appropriate notice via the SA planning portal.</p>		
309503	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>27. Verification of Application</p> <p>27.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an</p>	Assessment Manager (72), Director Development and Regulatory Services	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>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>27.1.2 if the application is for planning consent - determine:</p> <p>27.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and</p> <p>27.1.2.2 the category or categories of development that apply for the purposes of development assessment; and</p>	<p>(70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)</p>	
309504	Planning, Development and Infrastructure	r31(1)	27. Verification of Application	Administration Building Support	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	(General) Regulations 2017		<p>27.1 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>27.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and</p>	<p>Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner</p>	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				(230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309505	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>27. Verification of Application</p> <p>27.1 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>	Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>27.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application):</p> <p>27.1.4.1 check that the appropriate documents and information have been lodged with the application; and</p> <p>27.1.4.2 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>27.1.4.3 provide an appropriate notice via the SA planning portal; and</p>	<p>Development and Regulatory Services (70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services (286), Team Leader Statutory Planning (326)</p>	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
309506	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>27. Verification of Application</p> <p>27.1 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>27.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application):</p> <p>27.1.5.1 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</p>	<p>Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory</p>	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			correct relevant authority in accordance with any practice direction; and 26.1.5.2 provide an appropriate notice via the SA planning portal.	Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
502556	Planning, Development and Infrastructure (General) Regulations 2017	r 32A(1)	28. Site Contamination – Detailed Site Investigation Report 28.1 The power pursuant to Regulation 32A(1) of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act in relation to an application to which Schedule 8 clause 2A applies, request the applicant to	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Team Leader Statutory Planning (326)	Note to be made in Delegate Report / CAP Report.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>provide a detailed site investigation report if:</p> <p>28.1.1 the preliminary site investigation report indicates that site contamination is present, or is likely to be present, at the site of the</p> <p>proposed development; and</p> <p>28.1.2 the delegate considers that there is insufficient information to determine that the site is suitable for its intended use, having regard to:</p> <p>28.1.2.1 site contamination; and</p> <p>28.1.2.2 if remediation is required, the extent of that remediation; and</p> <p>28.1.3 the application is not required to be referred to the Environment Protection Authority under Item 9A or 9AB of the table in Schedule 9 clause 3.</p>		

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
502557	Planning, Development and Infrastructure (General) Regulations 2017	r 32A(2)	<p>28. Site Contamination – Detailed Site Investigation Report</p> <p>28.2 The power pursuant to Regulation 32A(2) of the General Regulations to require that a detailed site investigation report be prepared by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application.</p>	<p>Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)</p>	<p>Note to be made in Delegate Report / CAP Report.</p>

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
502558	Planning, Development and Infrastructure (General) Regulations 2017	r 32B	<p>29. Site Contamination – Statement of Suitability</p> <p>29.1 The power pursuant to Regulation 32B of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act, in relation to an application to which Schedule 8 clause 2A applies, require the applicant to provide a statement of site suitability that confirms that the site is suitable for its intended use before the relevant authority issues a planning consent in relation to the application.</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	NIL
309507	Planning, Development and Infrastructure	r33(4)	30. Application and Further Information	Administration Building Support Officer (418),	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	(General) Regulations 2017		30.1 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.	Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309508	Planning, Development and Infrastructure (General) Regulations 2017	r35(3)	<p>31. Amended Applications</p> <p>31.1 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>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				(230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
309509	Planning, Development and Infrastructure (General) Regulations 2017	r35(4)	<p>31. Amended Applications</p> <p>31.2 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>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215),	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309510	Planning, Development and Infrastructure (General) Regulations 2017	r38(1)	<p>32. Withdrawing/Lapsing Applications</p> <p>32.1 The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:</p> <p>32.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and</p>	Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			32.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations, of the withdrawal.	Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Statutory Planning (326)	
484529	Planning, Development and Infrastructure (General) Regulations 2017	r38(2)	32. Withdrawing/Lapsing Applications 32.2 The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has	Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			passed since the date on which the application was lodged with the relevant authority.	(72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Duty Planner (265a), Duty Planner (265b), Executive Assistant Development and Regulatory Services (69), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462),	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309511	Planning, Development and Infrastructure (General) Regulations 2017	r38(3)	<p>32. Withdrawing/Lapsing Applications</p> <p>32.3 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>32.3.1 take reasonable steps to notify the applicant of the action under consideration; and</p> <p>32.3.2 allow the applicant a reasonable opportunity to make submissions to the delegate (in a</p>	Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			manner and form determined by the delegate) about the proposed course of action.	(70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services (286), Team Leader Statutory Planning (326)	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
309512	Planning, Development and Infrastructure (General) Regulations 2017	r40	<p>33. Court Proceedings</p> <p>33.1 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>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Team Leader Building Services (286), Team Leader Statutory Planning (326)	NIL
309513	Planning, Development and Infrastructure (General) Regulations 2017	r42(1)	<p>34. Additional Information or Amended Plans</p> <p>34.1 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</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215),	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.	Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
309514	Planning, Development and Infrastructure (General) Regulations 2017	r45(1)	<p>35. Building Matters</p> <p>35.1 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>35.1.1 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>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Team Leader Building Services (286)	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>35.1.2 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>35.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,</p> <p>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>		
309515	Planning, Development and Infrastructure (General) Regulations 2017	r45(2)	<p>35. Building Matters</p> <p>35.2 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</p>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.	Development and Regulatory Services (70), Manager Development Services (72), Team Leader Building Services (286)	
309516	Planning, Development and Infrastructure (General) Regulations 2017	r45(3)	35. Building Matters 35.3 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.	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Team Leader Building Services (286)	NIL
309517	Planning, Development and Infrastructure	r45(4)	35. Building Matters	Assessment Manager (72), Building Officer	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	(General) Regulations 2017		<p>35.4 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>35.4.1 recommends against the granting of building consent; or</p> <p>35.4.2 concurs in the granting of consent on conditions specified in its report,</p> <p>but the delegate:</p> <p>35.4.3 proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or</p> <p>35.4.4 does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the</p>	(380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Team Leader Building Services (286)	File Note to be signed off by Assessment Manager, Manager Development Services or Team Leader Building prior to concurrence being sought.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>conditions in varied form, on the grant of consent,</p> <p>to:</p> <p>35.4.5 refer the application to the Commission; and</p> <p>35.4.6 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>35. Building Matters</p> <p>35.5 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>	<p>Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services</p>	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				(70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Strategic and Policy Planner (200), Team Leader Administration (77), Team Leader Building Services (286)	
309519	Planning, Development and Infrastructure (General) Regulations 2017	r46(6)	<p>36. Preliminary Advice and Agreement (Section 123)</p> <p>36.1 The power pursuant to Regulation 46(6) of the General Regulations, if:</p> <p>36.1.1 the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and</p> <p>36.1.2 the delegate determines that the application no longer</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>accords with the agreement indicated by the prescribed body, to refer the application (unless withdrawn) to the prescribed body:</p> <p>36.1.3 to obtain a variation to the agreement under Section 123 of the PDI Act; or</p> <p>36.1.4 to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.</p>	(230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
309520	Planning, Development and Infrastructure (General) Regulations 2017	r46(7)	<p>36. Preliminary Advice and Agreement (Section 123)</p> <p>36.2 The power pursuant to Regulation 46(7) of the General Regulations if:</p> <p>36.2.1 an application is withdrawn by the applicant; and</p> <p>36.2.2 the applicant sought to rely on an agreement under</p>	Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Director Development and Regulatory Services	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			Section 123 of the PDI Act in connection with the application, to notify relevant prescribed body of the withdrawal.	(70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Statutory Planning (326)	
309521	Planning, Development and Infrastructure	r46(8)	36. Preliminary Advice and Agreement (Section 123)	Administration Building Support Officer (418),	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	(General) Regulations 2017		<p>36.3 The power pursuant to Regulation 46(8) of the General Regulations, if:</p> <p>36.3.1 an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and</p> <p>36.3.2 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.</p>	<p>Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Director Development and Regulatory Services (70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team</p>	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Leader Administration (77), Team Leader Statutory Planning (326)	
309522	Planning, Development and Infrastructure (General) Regulations 2017	r46(9)	<p>36. Preliminary Advice and Agreement (Section 123)</p> <p>36.4 The power pursuant to Regulation 46(9) of the General Regulations, if:</p> <p>36.4.1 an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and</p> <p>36.4.2 a notice of a decision on the application is issued by the delegate under Regulation 57 of the General Regulations,</p> <p>to provide a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under</p>	Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Director Development and Regulatory Services (70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			Regulation 57 of the General Regulations.	(195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Statutory Planning (326)	
309523	Planning, Development and Infrastructure (General) Regulations 2017	r48	<p>37. Notification of Application of Tree-damaging Activity to Owner of Land</p> <p>37.1 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:</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200),	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>37.1.1 give the owner notice of the application within 5 business days after the application is made; and</p> <p>37.1.2 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.</p>	<p>Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)</p>	
309524	Planning, Development and Infrastructure (General) Regulations 2017	r49(3)	<p>38. Public Inspection of Applications</p> <p>38.1 The power pursuant to Regulation 49(3) of the General Regulations to request a person verify information in such manner as the delegate thinks fit.</p>	<p>Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Customer</p>	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Service Officer (11), Customer Service Officer (18), Customer Service Officer (23), Customer Service Officer (365), Customer Service Officer (382), Customer Service Officer (59), Customer Service Officer (62), Customer Service Officer (66), Customer Service Officer (68a), Customer Service Officer (68b), Customer Service Officer (8), Customer Service Officer Casual (197), Customer Service Officer Casual (20), Customer Service Officer Casual (21), Customer Service Officer Casual	

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ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				(267), Customer Service Officer Casual (281), Customer Service Officer Casual (359), Customer Service Officer Casual (60), Director Development and Regulatory Services (70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Manager Libraries and Customer Service (12), Senior Customer Service Officer (307), Senior Customer Service Officer (34), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				(195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services (286), Team Leader Customer Service (389), Team Leader Statutory Planning (326)	
309525	Planning, Development and Infrastructure (General) Regulations 2017	r50(5)	<p>39. Representations</p> <p>39.1 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>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>39.1.1 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>39.1.2 who has indicated an interest in appearing before the delegate,</p> <p>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>	<p>Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Team Leader Statutory Planning (326)</p>	
309526	Planning, Development and Infrastructure (General) Regulations 2017	r51(1)	<p>40. Response by Applicant</p> <p>40.1 The power pursuant to Regulation 51(1) of the General Regulations to allow a response</p>	<p>Assessment Manager (72), Director Development and Regulatory Services (70), Manager</p>	<p>NIL</p>

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			to a representation by the applicant to be made within such longer period as the delegate may allow.	Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
309527	Planning, Development and Infrastructure (General) Regulations 2017	r57(4)(a)	<p>41. Notice of Decision (Section 126(1))</p> <p>41.1 The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation</p>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			with an appropriate form of authentication.	(70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309528	Planning, Development and Infrastructure (General) Regulations 2017	r60	42. Consideration of Other Development Authorisations 42.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			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.	(73), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Building Services (286), Team Leader Statutory Planning (326)	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
309529	Planning, Development and Infrastructure (General) Regulations 2017	r61(4)(c)	<p>43. Certificate of Independent Technical Expert in Certain Cases</p> <p>43.1 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.</p>	<p>Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory</p>	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309530	Planning, Development and Infrastructure (General) Regulations 2017	r63(1)	<p>44. Urgent Work</p> <p>44.1 The power pursuant to Regulation 63(1) of the General Regulations to,</p> <p>44.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and</p> <p>44.1.2 determine the email address for the purposes of</p>	<p>Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Team Leader</p>	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			Regulation 63(1)(b) of the General Regulations.	Building Services (286)	
309531	Planning, Development and Infrastructure (General) Regulations 2017	r63(2)	<p>44. Urgent Work</p> <p>44.2 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.</p>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Team Leader Building Services (286)	File Note for Refusal must be concurred with Assessment Manager, Manager Development Services or Team Leader Building Services prior to decision being issued.
309532	Planning, Development and Infrastructure (General) Regulations 2017	r63(3)	<p>44. Urgent Work</p> <p>44.3 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.</p>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and	File Note for Refusal must be concurred with Assessment Manager, Manager Development Services or Team Leader Building Services prior to decision being issued.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Regulatory Services (70), Manager Development Services (72), Team Leader Building Services (286)	
309533	Planning, Development and Infrastructure (General) Regulations 2017	r65(1)(a)	<p>45. Variation of Authorisation (Section 128)</p> <p>45.1 The power pursuant to Regulation 65(1)(a) 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.</p>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner	<p>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 or where the variation is adding new elements or substantively amending the proposal.</p> <p>In the above circumstances the variation shall be submitted to CAP.</p>

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				(230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309534	Planning, Development and Infrastructure (General) Regulations 2017	r76(2)	<p>46. Advice from Commission</p> <p>46.1 The power pursuant to Regulation 76(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.</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
309535	Planning, Development and Infrastructure (General) Regulations 2017	r78(3)	<p>47. Underground Mains Area</p> <p>47.1 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>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Cadet (355), Team Leader Statutory Planning (326)	
484530	Planning, Development and Infrastructure (General) Regulations 2017	r99(4)	<p>48. Construction Industry Training Fund</p> <p>48.1 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable.</p>	<p>Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Community Development (187), Team Leader Administration (77),</p>	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Team Leader Building Services (286)	
502559	Planning, Development and Infrastructure (General) Regulations 2017	cl 2(1)(b)	<p>49. New Dwellings</p> <p>49.1 The power pursuant to clause 2(1)(b) of Schedule 6B 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, other than a previous use or activity that was for residential purposes.</p>	<p>Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)</p>	<p>File note with basis for forming the opinion o be uploaded to Plan SA Portal.</p>

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
484531	Planning, Development and Infrastructure (General) Regulations 2017	r99(5)	<p>48. Construction Industry Training Fund</p> <p>48.2 The power pursuant to Regulation 99(5) of the General Regulations, if a notification is given under Regulation 99(4) of the General Regulations, if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification, to, if the delegate thinks fit, determine that the application has lapsed.</p>	Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Manager Development Services (72), Team Leader Building Services (286)	NIL
309538	Planning, Development and Infrastructure (General) Regulations 2017	cl4(3)	<p>50. Plans for Building Work</p> <p>50.1 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>	Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>50.1.1 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>50.1.2 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, 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</p>	<p>(453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services</p>	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.	(286), Team Leader Statutory Planning (326)	
309539	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(1)	<p>51. Calculation or Assessment of Fees</p> <p>51.1 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>51.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable</p>	Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Duty Planner (265a), Duty Planner (265b), Manager	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			under the Fees Regulations or a related set of regulations; and 51.1.2 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).	Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309540	Planning, Development and Infrastructure (Fees, Charges and	r5(2)	51. Calculation or Assessment of Fees 51.2 The power pursuant to Regulation 5(2) of the Fees	Administration Building Support Officer (418), Administration Support	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Contributions) Regulations 2019		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.	Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services (70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462),	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services (286), Team Leader Statutory Planning (326)	
309541	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(3)	<p>51. Calculation or Assessment of Fees</p> <p>51.3 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 regulations.</p>	Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Building Officer (380), Building Officer (453), Building Officer (463), Building Officer (73), Director Development and Regulatory Services	NIL

Adelaide Hills Council

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				(70), Duty Planner (265a), Duty Planner (265b), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Building Services (286), Team Leader Statutory Planning (326)	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
386155	Planning and Design Code	PD Code	<p>52 Procedural Matter</p> <p>52.1 The power pursuant to and in accordance with the Planning and Design Code (the PD Code) to form the opinion development is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development and therefore is excluded from the operation of Sections 107(3) and (4) of the PDI Act.</p>	<p>Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)</p>	<p>File Note to be counter signed by other Statutory Planner prior to decision being made.</p>
386156	Planning and Design Code	PD Code	53. Procedural Referrals	<p>Assessment Manager (72), Director Development and</p>	

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			53.1 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature and would not warrant a referral when considering the purpose of the referral.	Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	File Note to be counter signed by other Statutory Planner prior to decision being made.
386157	Planning and Design Code	PD Code	53. Procedural Referrals 53.2 The power pursuant to and in accordance with the PD Code to form the opinion and deem:	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services	File Note to be counter signed by other Statutory Planner prior to decision being made.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>53.2.1 alteration to an existing access or public road junction;</p> <p>53.2.2 development that changes the nature of vehicular movements or increases the number or frequency of movements through an existing access, to be minor.</p>	(72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
386158	Planning and Design Code	PD Code	<p>53. Procedural Referrals</p> <p>53.3 The power pursuant to and in accordance with the PD Code to form the opinion an alteration or extension of an existing dwelling is minor.</p>	<p>Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy</p>	<p>File Note to be counter signed by other Statutory Planner prior to decision being made.</p>

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
386159	Planning and Design Code	PD Code	<p>53. Procedural Referrals</p> <p>53.4 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature or like for like maintenance and would not warrant a referral when considering the purpose of the referral.</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory	File Note to be counter signed by other Statutory Planner prior to decision being made.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
386160	Planning and Design Code	Part 9.4	<p>54. Referral Body: Minister Responsible for the Administration of the Aquaculture Act 2001</p> <p>54.1 The power pursuant to and in accordance with Part 9.4 of the PD Code to form the opinion that aquaculture development which involves an alteration to an existing or approved development is minor in nature.</p>	Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory	File Note to be counter signed by other Statutory Planner prior to decision being made.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
386161	State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019	cl6(4)	55. Responsibility to Undertake Notification 55.1 The power pursuant to clause 6(4) of the State Planning Commission Practice Direction 3 (Notification of Performance Assessed Development Applications) 2019 (PD3), should the applicant request the relevant authority to place the notice on the land and pay the relevant fee, to (either personally or by engagement of a contractor) give notice of the application to members of the public by notice placed on the relevant land in	Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			accordance with Section 107(3)(a)(ii) of the PDI Act.	(195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Statutory Planning (326)	
386162	State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019	cl8	<p>56. Preparing for Notification</p> <p>56.1 The power pursuant to clause 8 of PD3, if the applicant has confirmed they accept responsibility to place a notice on the land as per clause 6(3)(a) of PD3, to, at least 4 business days prior to the commencement of the notification period:</p> <p>56.1.1 give notice of the anticipated commencement date</p>	Administration Building Support Officer (418), Administration Support Officer (369), Administration Support Officer (76), Assessment Manager (72), Director Development and Regulatory Services (70), Manager	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			<p>and of the notification period to the applicant; and</p> <p>56.1.2 provide the applicant with a copy of the content of the notice to be placed on the relevant land; and</p> <p>56.1.3 advise the applicant of the position and number of notice(s) to be erected on the land in accordance with clause 10 of PD3.</p>	<p>Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Administration (77), Team Leader Statutory Planning (326)</p>	
386163	State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019	cl10(1)(a)	<p>57. Notice on Land</p> <p>57.1 The power pursuant to clause 10(2) of PD3, in relation to clause 10(1)(a) of PD3, to determine the most appropriate position for the notice on the land</p>	<p>Assessment Manager (72), Development Compliance Officer (211), Director Development and Regulatory Services</p>	NIL

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			in order to provide for maximum visibility from a public road, and in cases where the relevant land has more than 1 frontage to a public road, to determine that more than 1 notice must be erected on each of the public road frontages to ensure that notice of the development is reasonably apparent to members of the public.	(70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)	
386164	State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019	cl4(6)	58. Qualifications and Experience of Additional members 58.1 The power pursuant to clause 4(6) of the State Planning Commission Practice Direction (Appointment of Additional	Assessment Manager (72), Director Development and Regulatory Services (70)	With the concurrence of the Presiding Member of CAP.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
			Members to Assessment Panel) 2019 (PD5) where the delegate forms the view that additional expert advice is required for an application which requires assessment of a matter listed in Column 1 of PD5, to engage an additional assessment panel member provided that person maintains both the minimum experience detailed in Column 2 of PD5, as well as the minimum qualification listed in Column 3 of PD5.		
386165	State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019	cl4(7)	<p>58. Qualifications and Experience of Additional members</p> <p>58.2 The power pursuant to clause 4(7) of PD5 to be satisfied of the minimum experience and qualifications of an additional assessment panel member.</p>	Assessment Manager (72), Director Development and Regulatory Services (70)	With the concurrence of the Presiding Member of CAP.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
386166	State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019	cl5(1)	<p>59. Scheme Provisions</p> <p>59.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019 (PD6), to in undertaking a planning assessment or imposing controls, including through the imposition of conditions of planning consent, ensure that such assessment or controls do not conflict or duplicate matters dealt with or addressed under licencing or regulatory regimens under another Act.</p>	<p>Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)</p>	<p>Where not reported to CAP:</p> <ol style="list-style-type: none"> 1. New dwellings outside of townships which must have the assessment report to be concurred with by another Statutory Planner prior to decision being issued. 2. Licensed premises which must have the assessment report concurred with by Assessment Manager, Manager Development Services, Team Leader Statutory Planning or Senior Statutory Planner prior to the decision being issued. 3. Refusals must have assessment report concurred with by Assessment Manager, Manager Development Services, Team Leader Statutory Planning.

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
386167	State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019	cl5(3)	<p>59. Scheme Provisions</p> <p>59.2 The power pursuant to clause 5(3) of PD6 to, where the delegate is uncertain whether a matter conflicts with, or duplicates a matter dealt with under a licencing or regulatory regime under another Act, to seek the advice of that authority or agency.</p>	<p>Assessment Manager (72), Director Development and Regulatory Services (70), Manager Development Services (72), Senior Statutory Planner (80), Senior Strategic and Policy Planner (200), Statutory Planner (195), Statutory Planner (215), Statutory Planner (230), Statutory Planner (462), Statutory Planner (82), Statutory Planning Cadet (355), Team Leader Statutory Planning (326)</p>	<p>Where not reported to CAP:</p> <ol style="list-style-type: none"> 1. New dwellings outside of townships which must have the assessment report to be concurred with by another Statutory Planner prior to decision being issued. 2. Licensed premises which must have the assessment report concurred with by Assessment Manager, Manager Development Services, Team Leader Statutory Planning or Senior Statutory Planner prior to the decision being issued. 3. Refusals must have assessment report concurred with by Assessment Manager, Manager Development Services, Team Leader Statutory Planning.

ADELAIDE HILLS COUNCIL

RELIANSYS® DELEGATIONS - EXPORT OF UPDATES BY REGISTER - COMPLETE

INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF AN ASSESSMENT PANEL (INSTRUMENT C)

Note - Exported provisions are separated by category into NEW and then CHANGED and then DELETED.

21 MAY 2021

NEW Provisions

#	Delegation Source	Provision	Item Delegated
502555	Planning, Development and Infrastructure (General) Regulations 2017	r 3(6)(b)	<p>25. Interpretation</p> <p>25.1 The power pursuant to Regulation 3(6)(b) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to require that a statement of site suitability provided to a relevant authority in connection with an application for development authorisation be issued by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application</p>
502556	Planning, Development and Infrastructure (General) Regulations 2017	r 32A(1)	<p>28. Site Contamination – Detailed Site Investigation Report</p> <p>28.1 The power pursuant to Regulation 32A(1) of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act in relation to an application to which Schedule 8 clause 2A applies, request the applicant to provide a detailed site investigation report if:</p> <p>28.1.1 the preliminary site investigation report indicates that site contamination is present, or is likely to be present, at the site of the proposed development; and</p> <p>28.1.2 the delegate considers that there is insufficient information to determine that the site is suitable for its intended use, having regard to:</p> <p>28.1.2.1 site contamination; and</p> <p>28.1.2.2 if remediation is required, the extent of that remediation; and</p> <p>28.1.3 the application is not required to be referred to the Environment Protection Authority under Item 9A or 9AB of the table in Schedule 9 clause 3.</p>

#	Delegation Source	Provision	Item Delegated
502557	Planning, Development and Infrastructure (General) Regulations 2017	r 32A(2)	28. Site Contamination – Detailed Site Investigation Report 28.2 The power pursuant to Regulation 32A(2) of the General Regulations to require that a detailed site investigation report be prepared by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application.
502558	Planning, Development and Infrastructure (General) Regulations 2017	r 32B	29. Site Contamination – Statement of Suitability .29.1 The power pursuant to Regulation 32B of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act, in relation to an application to which Schedule 8 clause 2A applies, require the applicant to provide a statement of site suitability that confirms that the site is suitable for its intended use before the relevant authority issues a planning consent in relation to the application.
502559	Planning, Development and Infrastructure (General) Regulations 2017	cl 2(1)(b)	49. New Dwellings 49.1 The power pursuant to clause 2(1)(b) of Schedule 6B 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, other than a previous use or activity that was for residential purposes.
502560	Site Planning Commission Practice	cl 12	61. Change of Use Where Remediation is Required After the Issue of Planning Consent – Section 127(1)(b) of Act 61.1 The power pursuant to clause 12 of the State Planning Commission Practice Direction (Site

#	Delegation Source	Provision	Item Delegated
	Direction 14 Site Contamination Assessment 2021		Contamination Assessment) 2021 (PD14) to be satisfied that a site is suitable for its intended use subject to remediation being undertaken and to issue a planning consent without the remediation work having been carried out, subject to Condition A, B or C in PD14 as relevant.
502561	Site Planning Commission Practice Direction 14 Site Contamination Assessment 2021	cl 13	<p>62. Land Division Where Remediation is Required After the Issue of Planning Consent – Section 127(1)(b) of Act</p> <p>62.1 The power pursuant to clause 13 of PD14 to be satisfied in relation to proposed land division that a site is suitable for its intended use subject to remediation being undertaken and to issue a planning consent without the remediation work having been carried out subject to the consent being subject to the following condition:</p> <p>A land division certificate under Section 138 of the Planning, Development and Infrastructure Act 2016 must not be issued until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.</p>
502562	Site Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme	cl 6(2)	<p>63. Reserved Matter</p> <p>63.1 The power pursuant to clause 6(2) of State Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme (PD16) to where an applicant has elected to reserve consideration of the DTS/DPF Policy in the Overlay, as provided for in the Code and under Section 102(4) of the PDI Act, to require the applicant to provide documents which are considered by the delegate as sufficient to confirm whether the relevant development site includes a Designated Soil Type.</p>
502563	Site Planning Commission	cl 7	<p>64. Process for Payments to the Fund</p> <p>64.1 The power pursuant to clause 7 of PD16 where an applicant has elected to make a</p>

#	Delegation Source	Provision	Item Delegated
	Practice Direction 16 Urban Tree Canopy Off-set Scheme		payment into the Fund, in lieu of planting a tree (or trees) as provided in the DTS/DPF Policy in the Overlay, to verify the payment as being correct in accordance with the Scheme, prior to the granting of development authorisation under the PDI Act.
502564	Site Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme	cl 8(3)	65. Development within Council Fund Designated Areas 65.1 The power pursuant to clause 8(3) of PD16, where a development application relates to a site which is located both within a Council Fund Designated Area and within the Overlay to impose a condition requiring payment into a Council Fund, irrespective of an election by the applicant to plant a tree or make a payment into the Fund as provided under the Scheme.
502565	Urban Tree Canopy Off-set Scheme	cl 6(4)	66. Payment into Fund 66.1 The power pursuant to clause 6(4) of the Urban Tree Canopy Off-set Scheme (UTCOS) where an applicant has elected to make a contribution to the fund under this scheme to impose a condition on the relevant development authorisation for planning consent requiring that payment of the amount specified in clause 6(1) of the UTCOS be made into the fund before the issue of development approval for the subject development application.

CHANGED Provisions

#	Delegation Source	Provision	Item Delegated
309539	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(1)	<p>4652. Calculation or Assessment of Fees</p> <p>4652.1 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>4652.1.1 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>4652.1.2 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>
309540	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(2)	<p>4652. Calculation or Assessment of Fees</p> <p>4652.2 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>
309541	Planning, Development and	r5(3)	<p>4652. Calculation or Assessment of Fees</p> <p>4652.3 The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and</p>

#	Delegation Source	Provision	Item Delegated
	Infrastructure (Fees, Charges and Contributions) Regulations 2019		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 regulations.
484529	Planning, Development and Infrastructure (General) Regulations 2017	r38(2)	2932. Withdrawing/Lapsing Applications 2932. 2 The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.
484530	Planning, Development and Infrastructure (General) Regulations 2017	r99(4)	4548. Construction Industry Training Fund 4548. 1 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable.
484531	Planning, Development and Infrastructure (General)	r99(5)	4548. Construction Industry Training Fund 4548. 2 The power pursuant to Regulation 99(5) of the General Regulations, if a notification is given under Regulation 99(4) of the General Regulations, if satisfactory evidence is not

#	Delegation Source	Provision	Item Delegated
	Regulations 2017		provided to the delegate within 20 business days after the date of the notification, to, if the delegate thinks fit, determine that the application has lapsed.
309538	Planning, Development and Infrastructure (General) Regulations 2017	cl4(3)	<p>4551. Plans for Building Work</p> <p>4551.1 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 must, if:</p> <p>4551.1.1 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>4551.1.2 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, 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.</p>
386161	State Planning Commission Practice Direction - 3 (Notification of	cl6(4)	<p>5456. Responsibility to Undertake Notification</p> <p>5456.1 The power pursuant to clause 6(4) of the State Planning Commission Practice Direction 3 (Notification of Performance Assessed Development Applications) 2019 (PD3), should the applicant request the relevant authority to place the notice on the land and pay the relevant fee, to (either personally or by engagement of a contractor) give notice of the application to members of the public by notice placed on the relevant land in accordance with Section 107(3)(a)(ii) of the PDI Act.</p>

#	Delegation Source	Provision	Item Delegated
	Performance Assessed Development Applications) 2019		
386162	State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019	cl8	<p>5257. Preparing for Notification</p> <p>5257.1 The power pursuant to clause 8 of PD3, if the applicant has confirmed they accept responsibility to place a notice on the land as per clause 6(3)(a) of PD3, to, at least 4 business days prior to the commencement of the notification period:</p> <p>5257.1.1 give notice of the anticipated commencement date and of the notification period to the applicant; and</p> <p>5257.1.2 provide the applicant with a copy of the content of the notice to be placed on the relevant land in PDF format; and</p> <p>5257.1.3 advise the applicant of the position and number of notice(s) to be erected on the land in accordance with clause 10 of PD3.</p>
386163	State Planning Commission Practice Direction - 3 (Notification of Performance Assessed	cl10(2(1) (a))	<p>5358. Notice on Land</p> <p>5358.1 The power pursuant to clause 10(2) of PD3, in relation to clause 10(2(1)(a)) of PD3, to determine the most appropriate position for the notice on the land in order to provide for maximum visibility from a public road, and in cases where the relevant land has more than 1 frontage to a public road, to determine that more than 1 notice must be erected on each of the public road frontages to ensure that notice of the development is reasonably apparent to members of the public.</p>

#	Delegation Source	Provision	Item Delegated
	Development Applications) 2019		
386155	Planning and Design Code	PD Code	48.53 Procedural Matter 48.53.1 The power pursuant to and in accordance with the Planning and Design Code (the PD Code) to form the opinion development is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development and therefore is excluded from the operation of Sections 107(3) and (4) of the PDI Act.
386156	Planning and Design Code	PD Code	49.54. Procedural Referrals 49.54.1 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature and would not warrant a referral when considering the purpose of the referral.
386157	Planning and Design Code	PD Code	49.54. Procedural Referrals 49.54.2 The power pursuant to and in accordance with the PD Code to form the opinion and deem: 49.54.2.1 alteration to an existing access or public road junction; 49.54.2.2 development that changes the nature of vehicular movements or increases the number or frequency of movements through an existing access, to be minor.
386158	Planning and Design Code	PD Code	49.54. Procedural Referrals 49.54.3 The power pursuant to and in accordance with the PD Code to form the opinion an alteration or extension of an existing dwelling is minor.

#	Delegation Source	Provision	Item Delegated
386159	Planning and Design Code	PD Code	4954 . Procedural Referrals 4954 .4 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature or like for like maintenance and would not warrant a referral when considering the purpose of the referral.
386160	Planning and Design Code	Part 9.4	5055 . Referral Body: Minister Responsible for the Administration of the Aquaculture Act 2001 5055 .1 The power pursuant to and in accordance with Part 9.4 of the PD Code to form the opinion that aquaculture development which involves an alteration to an existing or approved development is minor in nature.
386164	State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019	cl4(6)	5459 . Qualifications and Experience of Additional members 5459 .1 The power pursuant to clause 4(6) of the State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019 (PD5) where the delegate forms the view that additional expert advice is required for an application which requires assessment of a matter listed in Column 1 of PD5, to engage an additional assessment panel member provided that person maintains both the minimum experience detailed in Column 2 of PD5, as well as the minimum qualification listed in Column 3 of PD5.

#	Delegation Source	Provision	Item Delegated
386165	State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019	cl4(7)	5459 . Qualifications and Experience of Additional members 5459 .2 The power pursuant to clause 4(7) of PD5 to be satisfied of the minimum experience and qualifications of an additional assessment panel member.
386166	State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019	cl5(1)	5560 . Scheme Provisions 5560 .1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019 (PD6), to in undertaking a planning assessment or imposing controls, including through the imposition of conditions of planning consent, ensure that such assessment or controls do not conflict or duplicate matters dealt with or addressed under licencing or regulatory regimens under another Act.
386167	State Planning Commission Practice Direction (Scheme to	cl5(3)	5560 . Scheme Provisions 5560 .2 The power pursuant to clause 5(3) of PD6 to, where the delegate is uncertain whether a matter conflicts with, or duplicates a matter dealt with under a licencing or regulatory regime under another Act, to seek the advice of that authority or agency.

#	Delegation Source	Provision	Item Delegated
	Avoid Conflicting Regimens) 2019		
309501	Planning, Development and Infrastructure (General) Regulations 2017	r25(7)(c)	<p>2426. Accredited Professionals</p> <p>2426.1 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>
309502	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>2527. Verification of Application</p> <p>2527.1 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>2527.1.1 determine the nature of the development; and</p> <p>27.1.2 if the application is for planning consent - determine:</p> <p>27.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and</p> <p>27.1.2.2 the category or categories of development that apply for the purposes of development assessment; and</p> <p>27.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and</p>

#	Delegation Source	Provision	Item Delegated
			<p><u>27.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application):</u></p> <p><u>27.1.4.1 check that the appropriate documents and information have been lodged with the application; and</u></p> <p><u>27.1.4.2 confirm the fees required to be paid at that point under the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019; and</u></p> <p><u>27.1.4.3 provide an appropriate notice via the SA planning portal; and</u></p> <p><u>27.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application):</u></p> <p><u>27.1.5.1 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</u></p> <p><u>27.1.5.2 provide an appropriate notice via the SA planning portal.</u></p>
309507	Planning, Development and Infrastructure (General) Regulations 2017	r33(4)	<p>2630. Application and Further Information</p> <p>2630.1 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>
309508	Planning, Development and	r35(3)	<p>2731. Amended Applications</p> <p>2731.1 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,</p>

#	Delegation Source	Provision	Item Delegated
	Infrastructure (General) Regulations 2017		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.
309509	Planning, Development and Infrastructure (General) Regulations 2017	r35(4)	27 <u>21</u> . Amended Applications 27 <u>31</u> .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.
309510	Planning, Development and Infrastructure (General) Regulations 2017	s119(14) <u>r38(1)</u>	28 <u>32</u> . Withdrawing/Lapsing Applications 28 <u>32</u> .1 The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify: 28 <u>32</u> .1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and 28 <u>32</u> .1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations, of the withdrawal.
309511	Planning, Development and Infrastructure (General) Regulations 2017	r38(3)	28 <u>32</u> . Withdrawing/Lapsing Applications 28 <u>232.3</u> 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: 28 <u>232.3.1</u> take reasonable steps to notify the applicant of the action under consideration; and 28 <u>232.3.2</u> allow the applicant a reasonable opportunity to make submissions to the

#	Delegation Source	Provision	Item Delegated
	Regulations 2017		delegate (in a manner and form determined by the delegate) about the proposed course of action.
309512	Planning, Development and Infrastructure (General) Regulations 2017	r40	29 <u>33</u> . Court Proceedings 29 <u>33</u> .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.
309513	Planning, Development and Infrastructure (General) Regulations 2017	r42(1)	30 <u>34</u> . Additional Information or Amended Plans 30 <u>34</u> .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.
309514	Planning, Development and Infrastructure (General) Regulations 2017	r45(1)	34 <u>35</u> . Building Matters 34 <u>35</u> .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: 34 <u>35</u> .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 34 <u>35</u> .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 34 <u>35</u> .1.3 special problems for fire fighting could arise due to hazardous conditions of

#	Delegation Source	Provision	Item Delegated
			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.
309515	Planning, Development and Infrastructure (General) Regulations 2017	r45(2)	34 <u>35</u> . Building Matters 34 <u>35</u> .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.
309516	Planning, Development and Infrastructure (General) Regulations 2017	r45(3)	34 <u>35</u> . Building Matters 34 <u>35</u> .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.
309517	Planning, Development and Infrastructure (General) Regulations 2017	r45(4)	34 <u>35</u> . Building Matters 34 <u>35</u> .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: 34 <u>35</u> .4.1 recommends against the granting of building consent; or 34 <u>35</u> .4.2 concurs in the granting of consent on conditions specified in its report, but the delegate: 34 <u>35</u> .4.3 proposes to grant building consent despite a recommendation referred to in

#	Delegation Source	Provision	Item Delegated
			<p>Regulation 45(4)(a) of the General Regulations; or</p> <p>34<u>35</u>.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>34<u>35</u>.4.5 refer the application to the Commission; and</p> <p>34<u>35</u>.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>34<u>35</u>. Building Matters</p> <p>34<u>35</u>.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>
309519	Planning, Development and Infrastructure (General) Regulations 2017	r46(6)	<p>32<u>36</u>. Preliminary Advice and Agreement (Section 123)</p> <p>32<u>36</u>.1 The power pursuant to Regulation 46(6) of the General Regulations, if:</p> <p>32<u>36</u>.1.1 the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and</p> <p>32<u>36</u>.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<u>36</u>.1.3 to obtain a variation to the agreement under Section 123 of the PDI Act; or</p> <p>32<u>36</u>.1.4 to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.</p>

#	Delegation Source	Provision	Item Delegated
309520	Planning, Development and Infrastructure (General) Regulations 2017	r46(7)	<p>3236. Preliminary Advice and Agreement (Section 123)</p> <p>3236.2 The power pursuant to Regulation 46(7) of the General Regulations if:</p> <p>3236.2.1 an application is withdrawn by the applicant; and</p> <p>3236.2.2 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.</p>
309521	Planning, Development and Infrastructure (General) Regulations 2017	r46(8)	<p>3236. Preliminary Advice and Agreement (Section 123)</p> <p>3236.3 The power pursuant to Regulation 46(8) of the General Regulations, if:</p> <p>3236.3.1 an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and</p> <p>3236.3.2 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.</p>
309522	Planning, Development and Infrastructure (General) Regulations 2017	r46(9)	<p>3236. Preliminary Advice and Agreement (Section 123)</p> <p>3236.4 The power pursuant to Regulation 46(9) of the General Regulations, if:</p> <p>3236.4.1 an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and</p> <p>3236.4.2 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.</p>
309523	Planning, Development	r48	<p>3337. Notification of Application of Tree-damaging Activity to Owner of Land</p> <p>3337.1 The power pursuant to Regulation 48 of the General Regulations, if an owner of</p>

#	Delegation Source	Provision	Item Delegated
	and Infrastructure (General) Regulations 2017		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: 3337 .1.1 give the owner notice of the application within 5 business days after the application is made; and 3337 .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.
309524	Planning, Development and Infrastructure (General) Regulations 2017	r49(3)	3438 . Public Inspection of Applications 3438 .1 The power pursuant to Regulation 49(3) of the General Regulations to request a person verify information in such manner as the delegate thinks fit.
309525	Planning, Development and Infrastructure (General) Regulations 2017	r50(5)	3539 . Representations 3539 .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: 3539 .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 3539 .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.

#	Delegation Source	Provision	Item Delegated
309526	Planning, Development and Infrastructure (General) Regulations 2017	r51(1)	3640 . Response by Applicant 3640 .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.
309527	Planning, Development and Infrastructure (General) Regulations 2017	r57(4)(a)	3741 . Notice of Decision (Section 126(1)) 3741 .1 The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.
309528	Planning, Development and Infrastructure (General) Regulations 2017	r60	3842 . Consideration of Other Development Authorisations 3842 .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.
309529	Planning, Development and	r61(4)(c)	3943 . Certificate of Independent Technical Expert in Certain Cases 3943 .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

#	Delegation Source	Provision	Item Delegated
	Infrastructure (General) Regulations 2017		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.
309530	Planning, Development and Infrastructure (General) Regulations 2017	r63(1)	4044. Urgent Work 4044. 1 The power pursuant to Regulation 63(1) of the General Regulations to, 4044. 1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and 4044. 1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.
309531	Planning, Development and Infrastructure (General) Regulations 2017	r63(2)	4044. Urgent Work 4044. 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.
309532	Planning, Development and Infrastructure (General)	r63(3)	4044. Urgent Work 4044. 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.

#	Delegation Source	Provision	Item Delegated
	Regulations 2017		
309533	Planning, Development and Infrastructure (General) Regulations 2017	r65(1)(a)	<p>44245. Variation of Authorisation (Section 128)</p> <p>44245.1 The power pursuant to Regulation 65(1)(a) 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.</p>
309534	Planning, Development and Infrastructure (General) Regulations 2017	r44 r76(2)	<p>44246. Advice from Commission</p> <p>44246.1 The power pursuant to Regulation 4476(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.</p>
309535	Planning, Development and Infrastructure (General) Regulations 2017	r78(3)	<p>4347. Underground Mains Area</p> <p>4347.1 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>

DELETED Provisions

#	Delegation Source	Provision	Item Delegated
309536	Planning, Development and Infrastructure (General) Regulations 2017	cl2(d)(ii)(B)	<p>46. Plans for Residential Alterations, Additions and New Dwellings</p> <p>46.1 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>
309537	Planning, Development and Infrastructure (General) Regulations 2017	cl2(d)(ii)(D)	<p>46. Plans for Residential Alterations, Additions and New Dwellings</p> <p>46.2 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>

This practice direction is issued by the State Planning Commission under sections 42 and 127 of the *Planning, Development and Infrastructure Act 2016*.

Introduction

Section 42 of the *Planning, Development and Infrastructure Act 2016* allows the State Planning Commission (the “Commission”) to issue practice directions for the purposes of the Act. Generally, practice directions specify procedural requirements or steps in connection with a matter arising under the Act. In certain cases, the Act provides that a particular matter may be addressed or dealt with by a practice direction.

Section 4 of the Act sets out rules that relate to a change in the use of land, which is a form of development under the Act. This practice direction is part of a scheme that provides for requirements that apply in relation to the assessment of potential site contamination when land use changes to a more sensitive use or where a land division proposes a sensitive use. Because site contamination is linked to land use, bringing about a change in land use can cause site contamination (under section 103D(2) of the *Environment Protection Act 1993* and regulation 51 of the *Environment Protection Regulations 2009*) even though the person who brought about the change of use may not be the original polluter.

In particular, this practice direction sets out some forms and related requirements that will support various requirements under the *Planning, Development and Infrastructure (General) Regulations 2017* when a relevant authority is considering an application for planning consent where the application proposes a change in land use to a more sensitive use or, in the case of land division, the application proposes a sensitive use. This practice direction also provides specified conditions (pursuant to section 127(1)(b) of the Act) for development authorisations where remediation may be necessary before occupation or use of land the subject of the application.

Practice direction

Part 1 – Preliminary

1 – Citation

This practice direction may be cited as the *State Planning Commission Practice Direction 14 (Site Contamination Assessment)*.

2 – Commencement of operation

This practice direction will come into operation on 19 March 2021.

3 – Objects of practice direction

The objects of this practice direction are:

- (a) to support site contamination assessment steps that must be taken when land use is proposed to be changed to a more sensitive use or, with respect to land division, where a sensitive use is proposed, and there is reason to believe that site contamination exists or may exist because of various activities or conditions; and
- (b) to set out forms and other requirements that are contemplated by provisions of the *Planning, Development and Infrastructure (General) Regulations 2017* that relate to assessment and remediation of site contamination in connection with applications for planning consent; and
- (c) to specify conditions that will apply in connection with a planning consent for land that may be subject to site contamination; and
- (d) to provide guidance and other information associated with the assessment and remediation of site contamination.

4 – Interpretation

In this practice direction, unless the contrary intention appears—

Act means the *Planning, Development and Infrastructure Act 2016*;

EPA means the Environment Protection Authority;

exposure in relation to site contamination means an exposure pathway that a chemical substance takes from its source to reach a human population, such as incidental ingestion of surface soil or indoor dust, indoor and outdoor inhalation of dust, or consumption of home grown produce;

class 1 activity means a class 1 activity specified in Schedule 1 undertaken in the course of a business;

class 2 activity means a class 2 activity specified in Schedule 1 undertaken in the course of a business;

class 3 activity means a class 3 activity specified in Schedule 1 undertaken in the course of a business, other than an activity that is also a class 1 or class 2 activity;

human population in relation to site contamination means a human receptor (for example a child resident or adult employee);

more sensitive use in relation to land—see clause 5;

National Environment Protection (Assessment of Site Contamination) Measure 1999 means the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (prepared under the *National Environment Protection Council Act 1994* of the Commonwealth), as in force from time to time;

notification of site contamination of underground water means a notification made under section 83A of the *Environment Protection Act 1993* as shown on the South Australian Property and Planning Atlas;

Note—The online atlas and search facility established under section 50 of the Act (known as the South Australian Property and Planning Atlas (SAPPA)) shows sites that are subject to notification of site contamination of underground water and Groundwater Prohibition Areas under ‘Layers’ then navigate to ‘Planning and Building’ > ‘Planning Reference’.

potentially contaminating activity means a class 1 activity, class 2 activity or class 3 activity;

relevant regulations means those parts of the *Planning, Development and Infrastructure (General) Regulations 2017* that are concerned with site contamination or potential site contamination;

remediation has the same meaning as in the *Environment Protection Act 1993*;

sensitive use is a use described in item 1 or 2 of the land use sensitivity hierarchy table in clause 5, subject to clause 6;

Note—Section 14 of the Acts Interpretation Act 1915 provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

Part 2 – Land use sensitivity

5 – Land use sensitivity

- (1) Subject this clause, for the purposes of determining whether a change in land use is to a more sensitive use for the purposes of the relevant regulations and the Planning and Design Code, the relevant authority must have regard to the land uses specified in the land use sensitivity hierarchy in Table 1.
- (2) In the event that the proposed or existing land use is not specified in Table 1, the relevant authority must have regard to:
 - (a) the sensitivity of the human populations proposed to be using the land following the change in use; and
 - (b) the potential for exposure of those populations to chemicals from site contamination following the change of use.
- (3) In the event of inconsistency, the level of sensitivity of a land use in Table 1 prevails.
- (4) Table 1 sets out the level of sensitivity in classes of land use that are represented in items 1 to 7 decreasing on a scale from the most sensitive uses specified in item 1 to the least sensitive uses specified in item 7.

TABLE 1: Land Use Sensitivity Hierarchy

Item	Land use	Description and examples
1	Residential class 1	Domestic residential
	Educational premises class 1	Pre-school or primary school premises
2	Residential class 2	Commercial aged care or other residential care facility
3	Open space/recreation area	Parks, playgrounds, playing ovals and other recreational areas in the open
4	Educational premises class 2	Secondary school premises, university or other tertiary educational premises
	Hospitals	Hospitals and hospices where persons with vulnerable physiology typically reside
	Tourist Accommodation	Hotels, motels and other forms of tourist accommodation
	Community centre	Land used for social, recreational or educational purposes for local community, but not including school premises or university or other tertiary educational premises or indoor recreation centres

Item	Land use	Description and examples
5	Commercial class 1	Shops, offices, consulting rooms and the like
6	Primary production	Agriculture, including horticulture and intensive animal keeping
	Commercial class 2	Petrol stations, dry cleaners warehouses and other commercial uses (other than Commercial class 1)
7	Industrial	Light, service, general or special industry

(5) The following qualifications apply in relation to Table 1:

- (a) the land use sensitivity classification for a mixed or multi-use proposal will be taken to be that of the most sensitive use of the uses to which the proposed development relates;
- (b) if the land use changes from a use represented in an item in the table to another use represented within the same item (for example from tourist accommodation to a hospital: both uses falling within item 4), the change of use will not be taken to constitute a change to a more sensitive use;
- (c) if the proposed or previous land use is not represented in the land use sensitivity hierarchy, the use closest in nature to the use specified in the hierarchy should be considered;
- (d) in circumstances where there is no current land use, the proposed use will be taken to be a more sensitive use, other than where:
 - (i) the immediate previous use was for a residential purpose; or
 - (ii) the relevant allotment was lawfully created for a residential purpose; or
 - (iii) the proposed use is industrial.

6 – Definition of sensitive use

For the purpose of the definition of **sensitive use** in the relevant regulations, and clause 2A(1)(b) of Schedule 8 of those regulations, a use will not be regarded as a sensitive use in the case of land division if the allotment has already been lawfully created for a residential purpose.

Part 3 – Class 1, 2 and 3 activities

7 – Classification of activities

Class 1, 2 and 3 activities are defined in Schedule 1.

Note—In the tables in Schedule 1, unless the contrary intention appears, the term ‘listed substance’ has the same meaning as in the [Environment Protection Regulations 2009](#); and the terms ‘resource recovery’, ‘waste’ and ‘treatment’ have the same meaning as in the [Environment Protection Act 1993](#).

Part 4 – Forms

8 – Site contamination declaration form

- (1) A site contamination declaration form under the relevant regulations must be in the form set out in Schedule 2.
- (2) If an application for planning consent envisages the undertaking of development in stages (in accordance with section 119 (12) of the Act), a site contamination declaration form can be provided for separate stages.

9 – Preliminary site investigation report

- (1) A preliminary site investigation report under the relevant regulations must be sufficient to:
 - (a) identify potential onsite and offsite sources of contamination (known as **potentially contaminating activities**); and
 - (b) determine potential chemical substances of concern; and
 - (c) identify areas of potential contamination; and
 - (d) identify potentially affected media (being soil, water and vapour).
- (2) A preliminary site investigation report usually also includes:
 - (a) a desktop study to identify site characteristics - site location, site layout, building construction, geological and the hydro-geological setting; and
 - (b) a site history - identifying historical owners/operators/occupiers, land uses and activities; and
 - (c) a site inspection - to validate anecdotal evidence or historical information and to identify additional evidence of potential site contamination; and
 - (d) interviews with site owners, operators and/or occupiers.
- (3) A preliminary site investigation report must be sufficient to provide an assessment of whether site contamination exists, may exist or is unlikely to exist.

10 – Statement of site suitability

A statement of site suitability under the relevant regulations and this practice direction must be in the form set out in Schedule 3.

Part 5 – Guidance associated with referral to EPA

11 – Guidance associated with referral to EPA

- (1) When a referral is triggered, the EPA should have regard to a range of factors in deciding the most appropriate person to determine site suitability (that is, a site contamination consultant or a site contamination auditor), including the following:
 - (a) site specific information; and
 - (b) the identified potentially contaminating activities; and
 - (c) the nature of the proposed use or uses; and
 - (d) the conceptual site model (which is critical to understanding the relationship between the source of contamination potential exposure and human populations) where relevant.

- (2) The overall purpose of the referral is to ensure that an appropriate and proportionate assessment of site contamination or potential site contamination occurs.

Part 6 – Conditions

12 – Change of use where remediation is required after the issue of planning consent – section 127(1)(b) of Act

If a relevant authority is satisfied that a site is suitable for its intended use subject to remediation being undertaken and the relevant authority issues a planning consent without the remediation work having been carried out, the consent must be subject to Condition A, B or C as relevant:

Condition A: Where a certificate of occupancy is required

A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

Condition B: Where a certificate of occupancy is not required

A person must not occupy the building for the purpose authorised under the development approval [insert development application number] until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

Condition C: Where the application does not involve building work

A person must not use the relevant site for the purpose authorised under the development approval [insert development application number] until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

13 – Land division where remediation is required after the issue of planning consent – section 127(1)(b) of Act

If a relevant authority is satisfied in relation to proposed land division that a site is suitable for its intended use subject to remediation being undertaken and the relevant authority issues a planning consent without the remediation work having been carried out, the consent must be subject to the following condition:

A land division certificate under section 138 of the Planning, Development and Infrastructure Act 2016 must not be issued until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

Part 7 – Related matters

14 – Guidance associated with level of investigation

- (1) A site contamination declaration form and a preliminary site investigation report should be sufficient to provide an assessment of whether site contamination exists, may exist or is unlikely to exist.

(2) No further assessment of site contamination is required for the purposes of planning consent if:

- (a) the site contamination declaration form indicates that site contamination is unlikely to exist and the land is not located in a groundwater prohibition area; or
- (b) the land is subject to a notation under section 103P of the *Environment Protection Act 1993* on the relevant title that a site contamination audit report has been prepared in relation to the land within the previous 5 years and:
 - (i) the report states that—
 - (A) site contamination does not exist (or no longer exists) at the land; or
 - (B) the land is suitable for the proposed use or uses (without the need for any further remediation); or
 - (C) where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been undertaken or will be undertaken (and the applicant has provided a written undertaking that the remediation works will be undertaken in association with the development); and
 - (ii) no other *class 1 activity* or *class 2 activity* has taken place at the land since the preparation of the site contamination audit report (as declared in the site contamination declaration form).

Schedule 1 – Class 1, 2 and 3 activities

Class 1 activities

The activities specified in column 1 of the following table (as described in column 2), undertaken in the course of a business, constitute class 1 activities:

Activity	Description
Asbestos disposal	Disposal of asbestos or asbestos products
Defence works	Operation of military defence establishments (including training areas)
Drum reconditioning or recycling works	Operation of works for reconditioning or other treatment of metal or plastic drums
Dry cleaning	Operation of premises for dry cleaning
Electrical or electronics component manufacture	Manufacture of electrical or electronics components
Explosives or pyrotechnics facilities	Operation of facilities for manufacture of explosives or pyrotechnics
Fertiliser manufacture	Manufacture of agricultural fertiliser
Fire extinguisher or retardant manufacture	Manufacture of fire extinguishers or fire retardants
Fire stations	Underground storage of fuel at fire stations
Foundry	Manufacture of metal products by injecting or pouring molten metal into moulds
Gasworks	Operation of gasworks or gas holders
Iron or steel works	Operation of works for manufacture of iron or steel
Landfill sites	Operation of sites for disposal of waste to land
Listed substances—activities involving listed substances	<p>Manufacture, production (including as a by-product or waste) or resource recovery of a listed substance or product containing a listed substance</p> <p>Storage, at discrete business premises, of—</p> <p>(a) 500L or more of a liquid listed substance; or</p> <p>(b) 500kg or more of a listed substance other than a liquid.</p>
Metal coating, finishing or spray painting	Finishing, treating or coating of metal (including anodising, galvanising, pickling, electroplating, heat treatment, powder coating, enamelling and spray painting)
Metal processing, smelting, refining or metallurgical works	Operation of works for melting (by means of furnace) of ferrous or non-ferrous metal or smelting or reduction of ores to produce metal
Motor vehicle manufacture	Manufacture of motor vehicles
Oil recycling works	Operation of works for recycling of oil
Oil refineries	Operation of works for refining of crude petroleum oil or shale
Paint manufacture	Manufacture (including blending, mixing and formulation) of paint

Activity	Description
Pest control works	Operation of premises for storage of pesticides or filling or washing of tanks used in pest control operations
Plastics manufacture works	Operation of works for manufacture (including blending, mixing and formulation) of plastics or plastic components (excluding processing and moulding of plastics manufactured elsewhere)
Printing works	Operation of printing works
Railway operations	Railway operations within the meaning of Schedule 1 Part A clause 7(2)(a) of the Environment Protection Act 1993
Rubber manufacture or processing	Manufacture or processing of rubber or rubber products
Service stations	Operation of retail fuel outlets
Tannery, fellmongery or hide curing	Operation of works for preservation or treatment of animal skins or hides
Tyre manufacture or retreading	Manufacture or retreading of tyres
Waste depots	Reception, storage or treatment (including recycling) of waste or other matter or disposal of waste to land or water
Wood preservation works	Operation of works involving treatment or preservation of timber using chemicals

Class 2 activities

The activities specified in column 1 of the following table (as described in column 2), undertaken in the course of a business, constitute class 2 activities:

Activity	Description
Abrasive blasting	Operation of works for abrasive blast cleaning or disposal of abrasive blasting material (including mobile abrasive blasting works and abrasive blast cleaning carried out in fully enclosed booths but excluding abrasive blast cleaning undertaken for residential purposes)
Agricultural activities	Any of the following activities undertaken in the course of agriculture: <ul style="list-style-type: none"> (a) burial of animals or parts of animals; (b) burial of waste or other matter; (c) irrigation using wastewater; (d) intensive application or administration of a listed substance to animals, plants, land or water (excluding routine spraying, in accordance with manufacturers' instructions, of pesticides used in broad-acre farming)
Airports, aerodromes or aerospace industry	Operation of premises for commercial or charter aircraft take-off and landing or manufacture, repair or maintenance of commercial or charter aircraft or aircraft equipment
Animal dips or spray race facilities	Operation of animal dips or spray race facilities
Asphalt or bitumen works	Operation of works for manufacture of asphalt or bitumen

Activity	Description
Battery manufacture, resource recovery or disposal	Assembly, disassembly, manufacture or resource recovery of batteries (excluding storage of batteries for sale)
Breweries	Production of beer by infusion, boiling or fermentation
Bulk shipping facilities	Operation of facilities for bulk handling of agricultural crop products, rock, ores, minerals or liquid organic chemical substances to or from wharf or wharfside facility (including sea-port grain terminals)
Cement works	Operation of works for production of cement clinker or grinding of cement clinker using argillaceous and calcareous materials
Ceramic works	Operation of works for manufacture of tiles, pipes, pottery goods, refractories or other ceramic products
Coke works	Production, quenching, cutting, crushing or grading of coke
Compost or mulch production or storage	Production or storage of compost, mulch or garden soils
Dredge spoil disposal or storage	Disposal of dredge spoil onto land or storage of dredge spoil
Electrical substations	Operation of electrical substations
Electrical transformer or capacitor works	Operation of works for manufacture, repair, storage or disposal of electrical transformers, capacitors or associated equipment or fluids
Fibreglass manufacture	Manufacture of fibreglass products
Fire training areas	Operation of premises for fire training involving the use of liquid fuel, fire accelerants, aqueous film forming foam or similar substances
Fuel burning facilities	Burning of solid or liquid fuel (including for generation of power or steam at rate of heat release exceeding 1MW)
Furniture restoration	Restoration of furniture
Glass works	Operation of works for manufacture of glass products
Hat manufacture or felt processing	Manufacture of hats or processing of felt
Incineration	Incineration within the meaning of Schedule 1 Part A clause 3(1) of the Environment Protection Act 1993
Laboratories	Operation of laboratories
Metal forging	Forging of metal products
Mineral processing, metallurgical laboratories or mining or extractive industries	Chemical or physical extraction or processing of metalliferous ores, storage of mining or exploration waste (for example, in tailings dams, overburden or waste rock dumps) mining or processing of minerals or operation of laboratories or pilot facilities for processing or testing of minerals
Mirror manufacture	Manufacture of mirrors
Motor vehicle racing or testing venues	Operation of facilities designed and used for motor vehicle competitions or motor vehicle speed or performance trials
Motor vehicle repair or maintenance	Operation of premises for repair or maintenance of motor vehicles or parts of motor vehicles (including engine reconditioning works)

Activity	Description
Motor vehicle wrecking yards	Operation of yards for wrecking or dismantling of motor vehicles or parts of motor vehicles
Pulp or paper works	Operation of works for manufacture of timber pulp or paper
Railway operations	Railway operations within the meaning of Schedule 1 Part A clause 7(2)(b) and (c) of the <i>Environment Protection Act 1993</i> .
Scrap metal recovery	Recovery (including cleaning) of scrap metal
Ship breaking	Wrecking or dismantling of ships
Spray painting	Spray painting other than spray painting of metal
Textile operations	Manufacture or dyeing of fabrics or materials
Transport depots or loading sites	Operation of transport depots or loading sites
Vessel construction, repair or maintenance	Operation of works or facilities (whether on water or land) for construction, repair or maintenance of vessels
Wastewater storage, treatment or disposal	Storage (including in tanks, lagoons and ponds) or treatment of wastewater or disposal of wastewater to land or water
Water discharge to underground aquifer	Direct discharge of water from surface of land to underground aquifer
Wetlands or detention basins	Operation of bodies of water less than 6 metres deep for collection and management of stormwater or other wastewater for urban amenity, flood mitigation or ecological or other environmental purposes
Woolscouring or wool carbonising works	Operation of works involving cleaning or carbonising of wool other than in course of handicraft business where wool is further processed for retail sale
Works depots	Operation of works depots by councils or utilities

Class 3 activities

The activities specified in column 1 of the following table (as described in column 2), undertaken in the course of a business, constitute class 3 activities:

Activity	Description
Acid sulphate soil generation	Oxidation of iron sulphide in potential acid sulphate soil material (sulphidic material) resulting in formation of actual acid sulphate soil material or sulphuric material
Agricultural activities	Agricultural activities (including horticulture)
Animal burial	Burial of animals or parts of animals other than in the course of agriculture
Animal feedlots	Operation of confined yards or areas for holding of animals and feeding of animals principally by mechanical means or by hand
Animal saleyards	Operation of yards at which cattle, sheep or other animals are gathered and confined for the purpose of their sale, auction or exchange (including associated transport loading facilities and associated wastewater disposal)

Activity	Description
Brickworks	Production of bricks (including glazing of bricks)
Charcoal manufacture	Manufacture of charcoal
Coal handling or storage	Handling of coal, coke or carbonaceous material by any means or storage of coal, coke or carbonaceous reject material
Concrete batching works	Operation of works for production of concrete or concrete products manufactured by inclusion of cement, sand, rock, aggregate or similar materials
Curing or drying works	Operation of works for smoking, drying or curing meat, fish or other edible products by application of heat or smoke
Desalination plants	Operation of desalination plants
Glazing	Glazing of ceramics or pottery
Lime burner	Manufacture (by means of kiln) of cement or lime from limestone (including associated storage of waste or other matter)
Mushroom farming	Farming of mushrooms
Vermiculture	Cultivation of earthworms for production of earthworms or earthworm castings
Wineries or distilleries	Operation of works for processing grapes or other produce to make wine or spirits

Schedule 2 — Site contamination declaration form

Site contamination declaration form
Council area: <i>[insert name of council area]</i>
Regarding the land comprised in Certificate(s) of Title Register Book Volume <i>[insert Register Book Volume and Folio number(s), Lot Number, Deposited Plan, Hundred and Locality or Suburb, also provide commonly known street address]</i> (the subject land)
I <i>[insert name of site contamination consultant / site contamination auditor]</i> , a site contamination consultant / site contamination auditor, certify the following details:
Part 1—Investigations (a) I have relied on the following reports to complete this statement: <i>[insert details of reports relied on]</i> ; (b) Investigations were conducted in accordance with the <i>National Environment Protection (Assessment of Site Contamination) Measure 1999</i> . (ASC NEPM) <i>[if investigations were not conducted in strict accordance with the ASC NEPM state why not]</i>
Part 2—Site contamination unlikely to exist (for the purposes of planning consent)* (a) A potentially contaminating activity (as defined in the <i>State Planning Commission Practice Direction 14 (Site Contamination Assessment)</i>) is not known to have occurred on the subject land; (b) A class 1 activity (see the <i>State Planning Commission Practice Direction 14 (Site Contamination Assessment)</i>) is not known to have occurred on adjacent land.
Part 3—Site contamination exists or may exist* (a) site contamination exists or may exist on or below the surface of the land as a result of a class 1 activity (including where a class 1 activity exists or previously existed on adjacent land), class 2 activity, class 3 activity (see the <i>State Planning Commission Practice Direction 14 (Site Contamination Assessment)</i>), or notification of site contamination of underground water (as shown on the South Australian Property and Planning Atlas) including where such a notification exists on adjacent land; (b) the site contamination originated or is likely to have originated— (i) on the subject land*— (A) as a result of the following activities carried on there <i>[insert details of the class 1, class 2 or class 3 activity or activities or notification of site contamination of underground water]</i> ; (B) at the following location: <i>[insert or attach a map showing the site(s) or possible site(s) of those activities]</i> ; or (ii) on adjacent land (i.e. class 1 activity or notification of site contamination of underground water (as shown on the South Australian Property and Planning Atlas))*— (A) as a result of the following activities carried on there <i>[insert details of the class 1 activity or activities]</i> ; (B) at the following location: <i>[insert or attach a map showing the site(s) or possible site(s) of those class 1 activities]</i> ; and (C) the subject site is impacted by a notification of site contamination of underground water originating from adjacent land: <i>[insert or attach details of relevant investigations]</i> .

Part 4—Observations*

The subject land is located on land within a *[select any that apply]*—

- ☐ Groundwater prohibition area (as shown on the South Australian Property and Planning Atlas)
- ☐ subject of a notation under section 103P of the *Environment Protection Act 1993* on the relevant title that a site contamination audit report has been prepared in respect of the land.

Date

[insert date]

Signature of site contamination consultant / site contamination auditor

[insert signature]

Name of consultant's or auditor's company or business

[insert name of consultant's company or business] / [accreditation body and number]

** Delete whichever is not applicable*

Note 1—Investigations found the existence of 'fill or soil importation' on-site (i.e. importation, to a premises of a business, of soil or other fill originating from a site at which another potentially contaminating activity has taken place pursuant Schedule 3 of the *Environment Protection Regulations 2009*). Fill or soil importation is not a potentially contaminating activity for the purposes of the *State Planning Commission Practice Direction: (Site Contamination Assessment)*, but remains a potentially contaminating activity under the *Environment Protection Regulations 2009*. The EPA's Industry Guideline on '*Construction environmental management plans (CEMP)*' provides assistance on meeting the obligations of the *Environment Protection Act 1993*. *

Note 2—It is an offence to provide false or misleading information on this Form. Maximum penalty: \$20 000 pursuant to section 217 of the *Planning, Development and Infrastructure Act 2016*.

Schedule 3 — Statement of site suitability form

<p>Statement of site suitability form</p> <p>Development application number <i>[insert number]</i></p> <p>Council area of <i>[insert name of council area]</i></p> <p>Regarding the land comprised in Certificate(s) of Title Register Book Volume <i>[insert Register Book Volume and Folio number(s), Lot Number, Deposited Plan, Hundred and Locality or Suburb, also provide commonly known street address]</i> (the subject land)</p> <p>I <i>[insert name of site contamination consultant / site contamination auditor]</i>, a site contamination consultant / site contamination auditor, certify the following details:</p>
<p>Part 1—Investigations</p> <p>(a) I have relied on the following reports to complete this statement: <i>[insert details of reports relied on, and attach relevant site contamination declaration form(s)]</i>;</p> <p>(b) The investigations documented in the above reports were conducted in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM) <i>[if investigations were not conducted in accordance with the ASC NEPM state why not]</i>.</p>
<p>Part 2—Remediation*</p> <p>(a) Remediation works have been undertaken in accordance with: <i>[insert details of remediation plan(s) forming part of development application]</i>.</p>
<p>Part 3—Site suitability</p> <p>(a) I consider the site is suitable for the proposed land use(s):</p> <p style="margin-left: 40px;">i. <i>[insert proposed land use(s)]</i></p> <p style="margin-left: 40px;">ii. ...</p> <p style="margin-left: 40px;">iii. ...</p> <p><i>[subject to any specific remediation requirements which should be referenced in any attached report(s) etc.]</i></p> <p>I understand that I must clearly qualify any statement of my opinion as to the existence of site contamination at the site by specifying the land uses that were taken into account in forming that opinion (section 103ZA of the <i>Environment Protection Act 1993</i>).</p> <p>Date <i>[insert date]</i></p> <p>Signature of site contamination consultant / site contamination auditor <i>[insert signature]</i></p> <p>Name of consultant's company or business <i>[insert name of consultant's or auditor's company or business] / [accreditation body and number]</i></p> <p><small>* Delete whichever is not applicable</small></p>
<p>Note—It is an offence to provide false or misleading information on this Form. Maximum penalty: \$20 000 pursuant to section 217 of the <i>Planning, Development and Infrastructure Act 2016</i>.</p>

This practice direction is issued by the State Planning Commission under section 42 of the *Planning, Development and Infrastructure Act 2016*.

Introduction

Section 42 of the *Planning, Development and Infrastructure Act 2016* (the Act) allows the State Planning Commission (the Commission) to issue practice directions for the purposes of the Act. Generally, practice directions specify procedural requirements or steps in connection with a matter arising under the Act. In certain cases, the Act requires a particular matter to be addressed or dealt with by a practice direction.

This practice direction is being made by the Commission to support the operation of section 197, of the Act with respect to the operation of the Urban Tree Canopy Off-set Scheme established by the Minister.

Practice direction

Part 1 – Preliminary

1 – Citation

This practice direction may be cited as the *State Planning Commission Practice Direction 16 (Urban Tree Canopy Off-set Scheme) 2021*.

2 – Commencement of operation

This practice direction will come into operation on the day on which it is published on the SA Planning Portal.

3 – Object of practice direction

The object of this practice direction is to specify certain procedural matters required for the effective operation of the Urban Tree Canopy Off-set Scheme.

4 – Interpretation

In this practice direction, unless the contrary intention appears –

Act means the *Planning, Development and Infrastructure Act 2016*.

Commission means the State Planning Commission.

Council means a council constituted under the *Local Government Act 1999*.

Council Fund means an urban trees fund established by a council under section 200 of the Act (which includes an urban trees fund established under section 50B of the *Development Act 1993*

which continues in operation pursuant to Schedule 8 (Transitional Provisions) section 33(3) of the Act).

Council Fund Designated Area means the designated area of a Council Fund as provided under section 200(1) of the Act.

Designated Soil Type means a designated soil type as that term is defined in the Scheme.

DTS/DPF Policy means the deemed-to-satisfy criteria and the designated performance feature 1.1, as provided for in the Overlay.

Fund means the Urban Tree Canopy Off-set Fund established under the Scheme.

Overlay means the Urban Tree Canopy Overlay in the Planning and Design Code.

Regulations means the *Planning, Development and Infrastructure (General) Regulations 2017*.

Scheme means the Urban Tree Canopy Off-set Scheme established by the Minister for Planning and Local Government under section 197 of the Act.

Note: Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

Part 2 – Payments to the Fund

5 – Information required for development applications

A development application which proposes a dwelling within the Overlay must include, when lodged for planning consent under section 102(1)(a) of the Act, an election from the applicant to:

- (1) make payment into the Fund as required under the Scheme; or
- (2) plant a tree (or trees) as provided in the DTS/DPF Policy in the Overlay; or
- (3) reserve consideration of the DTS/DPF Policy in the Overlay, as provided for in the Code and under section 102(4) of the Act.

6 – Reserved Matter

Where an applicant has elected to reserve consideration of the DTS/DPF Policy in the Overlay, as provided for in the Code and under section 102(4) of the Act, in order to satisfy the reserved matter, and at any time prior to granting of development authorisation, the applicant may:

- (1) make an election to plant a tree (or trees) as provided in the DTS/DPF Policy in the Overlay; or
- (2) if required, provide documents which are considered by the relevant authority as sufficient to confirm whether the relevant development site includes a Designated Soil Type; and
- (3) make an election to make payment into the Fund as required under the Scheme.

7 – Process for payments to the Fund

Where an applicant has elected to make a payment into the Fund, in lieu of planting a tree (or trees) as provided in the DTS/DPF Policy in the Overlay, the payment will:

- (1) be made via the Development Application Processing (DAP) system on the SA Planning Portal at <http://plan.sa.gov.au>; and
- (2) be verified by the relevant authority as being correct in accordance with the Scheme, prior to the granting of development authorisation under the Act.

Part 3 – Application of Council Funds

8 – Development within Council Fund Designated Areas

Where a development application relates to a site which is located both within a Council Fund Designated Area and within the Overlay:

- (1) Where an applicant has elected to make a payment into the Fund, in lieu of planting a tree (or trees) as provided in the DTS/DPF Policy in the Overlay, such payment will be made into the Fund, as opposed to into a Council Fund; and/or
- (2) Except as provided in clause 8(3), where an applicant has elected to plant a tree (or trees) as provided in the DTS/DPF Policy in the Overlay, the relevant authority must not impose a condition on a development authorisation under the Act which requires payment into a Council Fund; and/or
- (3) Where the development application includes the killing, destruction or removal of a regulated or significant tree, the relevant authority may impose a condition requiring payment into a Council Fund, irrespective of an election by the applicant to plant a tree or make a payment into the Fund as provided under the Scheme.

Versions

Version 1: Commenced operation on 25 March 2021

Urban Tree Canopy Off-set Scheme

This scheme is established by the Minister for Planning and Local Government under section 197 of the *Planning, Development and Infrastructure Act 2016*.

Introduction

Section 197 of the *Planning, Development and Infrastructure Act 2016* (the **Act**) allows the Minister for Planning and Local Government (the **Minister**) to establish a scheme that is designed to support or facilitate:

- a) development that may be in the public interest or otherwise considered by the designated entity as being appropriate in particular circumstances (including by the provision of facilities at a different site); or
- b) planning or development initiatives that will further the objects of the Act or support the principles that relate to the planning system established by the Act; or
- c) any other initiative or policy—
 - i. designated by the Planning and Design Code; or
 - ii. prescribed by regulations made under the Act.

This scheme is being established by the Minister as a scheme for contributions to be made to a fund to be called the Urban Tree Canopy Off-set Fund (the **fund**).

As provided for under s197(3)(b) of the Act, the scheme includes the ability for provisions specified in the Urban Tree Canopy Overlay within the Planning and Design Code (the **Code**) to be varied as set out in this scheme. Specifically, the scheme provides that where an applicant seeks development approval for a dwelling in a location covered by the Code Urban Tree Canopy Overlay, the applicant may in specified circumstances elect to make a contribution to the fund instead of planting a tree or trees as required under the Deemed-to-Satisfy Criteria or Designated Performance Feature set out in the overlay (depending on the classification of the development).

Urban Tree Canopy Off-set Scheme

1. Citation

This scheme may be cited as the *Urban Tree Canopy Off-set Scheme*.

2. Commencement of operation

This scheme will commence operation on the date published on the SA Planning Portal.

3. Object of scheme

This scheme is designed to support the planning initiative reflected in the desired outcome for the Urban Tree Canopy Overlay in the Code so as to promote development that preserves and enhances the urban tree canopy through the planting of new trees and the retention of existing trees by providing that an applicant for development approval may, in appropriate cases, elect to make a contribution to a fund instead of planting the trees required by the overlay, and thus further the objects of the Act in the manner contemplated by section 197(2)(b) of the Act.

4. Interpretation

(1) In this scheme, unless the contrary intention appears:

Act means the *Planning, Development and Infrastructure Act 2016*;

council means a council constituted under the *Local Government Act 1999*;

designated local government area means the whole of a local government area within which the overlay applies (even if the overlay only applies to a portion of that local government area);

designated soil type means the following soil types in accordance with Australian Standard AS2870:

- a) H1-D: Highly reactive clay sites, which may experience high ground movement (41-60 mm) from deep-seated moisture changes; or
- b) H2-D: Highly reactive clay sites, which may experience very high ground movement (61-75 mm) from deep-seated moisture changes; or
- c) E-D: Extremely reactive sites, which may experience extreme ground movement (>75 mm) from deep-seated moisture changes;

DTS/DPF policy means the deemed-to-satisfy criteria and the designated performance feature 1.1, as provided for in the overlay;

fund means the Urban Tree Canopy Off-set Fund established under this scheme;

overlay means the Urban Tree Canopy Overlay in the Code;

scheme means this Urban Tree Canopy Off-set Scheme;

tree size means tree sizes as described in Table 1 of the DTS/DPF policy.

(2) This scheme is to be read and applied in conjunction with:

- a) the requirements of the Act; and
- b) the Code.

- (3) A term used in this scheme that is defined in the Act has the same meaning in this scheme as it has in the Act (unless the contrary intention appears).

5. Establishment of fund

- (1) For the purposes of section 197(3)(a) of the Act, this scheme establishes a fund that consists of:
- a) all amounts paid to the credit of the fund under clause 6(1); and
 - b) any income paid into the fund under clause 6(3).
- (2) The fund is intended to provide for the planting, establishment and maintenance of trees in the relevant area where it is not practicable or appropriate, in a particular case, to plant the trees that would otherwise be required in order to comply with the DTS/DPF policy.

6. Payments into fund

- (1) Where:
- a) an applicant seeks planning consent for a dwelling in a location where the overlay applies; and
 - b) the site of the proposed development is located within either:
 - (i) a Housing Diversity Neighbourhood Zone, Urban Renewal Neighbourhood Zone or City Living Zone in the Code; or
 - (ii) an area with a designated soil type; and
 - c) the applicant elects to make a contribution to the fund in lieu of planting a tree (or trees) as provided for by the DTS/DPF policy in the overlay,

then payment must be made to the fund at the following rates:

Tree Size	Rate (\$ per tree)
Small	\$300
Medium	\$600
Large	\$1,200

- (2) For the avoidance of doubt, where multiple trees are provided for in the DTS/DPF policy, an applicant may elect to make a contribution to the fund and also plant a tree (or trees), provided that the amount paid to the fund is equivalent to the shortfall in the number of trees provided for in the DTS/DPF policy.

- (3) Any money in the fund that is not for the time being required for the purpose of the fund may be invested by the Minister and any resultant income must be paid into the fund.
- (4) Where an applicant has elected to make a contribution to the fund under this scheme:
 - a) the relevant authority will impose a condition on the relevant development authorisation for planning consent requiring that payment of the amount specified in clause 6(1) must be made into the fund before the issue of development approval for the subject development application; and
 - b) payment must be made through the SA planning portal.

7. Variation of code

For the purposes of section 197(3)(b) of the Act, the overlay will apply as if it provided that a contribution to the fund in accordance with clause 6 of this scheme will be taken to form part of, and to satisfy, the DTS/DPF policy.

8. Payments from fund

Subject to any directions or approvals of the Treasurer made or given after consultation with the Minister under section 197(4)(b) of the Act:

- (1) money standing to the credit of the fund may be distributed by the Minister to a council within a designated local government area; and
- (2) the amount distributed to a council will be the total sum of moneys paid into the fund within the designated local government area for the relevant council in the previous financial year, which payment will be made following:
 - a) the end of the relevant financial year; or
 - b) following an application being made to the Minister by the relevant council, prior to the end of that financial year, at the Minister's discretion.

9. Use of money from fund

- (1) Money distributed from the fund may be used for any of the following purposes (and for no other purpose):
 - a) to provide for the planting, establishment and maintenance of trees within reserves or public land anywhere within a designated local government area; or
 - b) the purchase of land within a designated local government area to ensure:
 - (i) the preservation of trees; or

- (ii) that trees can be established in an area with a low urban tree canopy level or a demonstrated urban tree canopy loss.
- (2) Unless otherwise approved by the Minister, in relation to 9(1)(b), money from the fund must not be used:
 - (i) to purchase land at a value which exceeds the market value of the land (determined by the most recent valuation published by the Valuer-General of South Australia as at the date of purchase); or
 - (ii) towards legal costs, transfer fees, stamp duty or compensation arising from the compulsory acquisition of land.

10. Auditing

The fund must be audited by an auditor determined by the Minister at the end of each financial year and the audited accounts of the fund must be included as part of the annual report for the Act required under the *Public Sector Act 2009*.