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TO: PRESIDING MEMBER: John Brak
COUNCIL MEMBERS: Mayor Talbot
INDEPENDENT MEMBERS: M. Weedon & S. Horsell

NOTICE is hereby given that the next ordinary meeting of the **Council Assessment Panel** will be held at the Kadina Town Hall, 51 Taylor Street, Kadina, on Wednesday, 10 March 2021 commencing at 5.30 p.m.

A copy of the Agenda for the above meeting is supplied containing the relevant reports and documents for the Council Assessment Panel Members' perusal.

Muller Mentz
ASSESSMENT MANAGER
5 March 2021

lifestyle location of choice

COUNCIL ASSESSMENT PANEL MEETING

AGENDA

Wednesday, 10 March 2021
Kadina Town Hall, 51 Taylor Street, Kadina
commencing at 5.30 p.m.

Presiding Member: John Peter Brak
Council Members: Mayor Talbot
Independent Members: S Horsell & M Weedon

1. Opening of Meeting:

2. Apologies:

- 2.1** Apologies
- 2.2** Leave of Absence

3. Confirmation of Minutes of previous meeting:

Recommendation

That the Minutes of the previous meeting of the Council Assessment Panel held on the 24 February 2021, be taken as read, and confirmed.

4. Business Arising from Previous Minutes:

5. Declaration of Conflict of Interest:

Pursuant to Section 83(1)(g) of the Planning, Development and Infrastructure Act 2016 and clauses 7 - 9 of the Assessment Panel Members – Code of Conduct, Members of the CAP who have a direct or indirect personal or pecuniary interest in any matter before the CAP (other than an indirect interest that exists in common with a substantial class of persons)

- (a) must as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the panel; and
- (b) must not take part in any deliberations or decision of the panel on the matter and must be absent from the room when any deliberations are taking place or decision is being made.

A member of the CAP will be taken to have an interest in a matter if an associate of the member has an interest in the matter.

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6. Development Officer's Reports:

6.1 Development Applications

6.1.1 Public Notification Applications – Category 3

Nil

6.1.2 Public Notification Applications – Category 2

Nil

6.1.3 Public Notification Applications – Category 1

7. Matters for Panels Attention:

7.1 Code of Conduct – Assessment Panel Members

7.2 Policy for Assessment Panel Review of Decision of Assessment Manager

7.3 Amendment to Delegations under the Planning, Development and Infrastructure Act 2016

8. Correspondence (for information only):

Nil

9. Confidential Items:

Nil

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MINUTES OF A MEETING OF THE COUNCIL ASSESSMENT

PANEL held at the Town Hall Function Room, 51 Taylor Street, Kadina on Wednesday, 24th February 2021, commencing at 4.33 p.m.

PRESENT: Presiding Member: John Brak.
Independent Members: Stephen Horsell and Mark Weedon.
Elected Member: Mayor Roslyn Talbot.

IN ATTENDANCE:

Mr. Müller Mentz, Director Development Services, Assessment Manager
Ms Rebeca Moyne, Planning Officer
Mrs Wendy Stevens, Planner
Mrs Wanita Gregory, Minute Secretary

1. Opening of Meeting:

Presiding Member, John Brak welcomed all in attendance and opened the meeting.

There were 5 members of the public and 1 member from the media in the gallery at the commencement of the meeting.

2. Apologies:

- 2.1 Apologies – Nil.
- 2.2 Leave of Absence – Nil.

3. Confirmation of Minutes of previous meeting:**CAP05:0221****Moved Member Talbot**

That the Minutes of the previous meeting of the Council Assessment Panel held on 11th February 2021, be taken as read and confirmed.

Seconded Member Weedon
Carried.

4. Business Arising from Previous Minutes: Nil**5. Declaration of Conflict of Interest: Nil**

6. Development Officer's Reports:**6.1 Development Applications**

- | | |
|--|------|
| 6.1.1 Public Notification Applications – Category 3 | Nil. |
| 6.1.2 Public Notification Applications – Category 2 | Nil. |
| 6.1.3 Public Notification Applications – Category 1 | Nil. |

7. Matters for Panels Attention:

Nil.

8. Correspondence:

Nil.

9. Confidential Items:

- 9.1 Deferred Confidential Item from 11th February 2021 – DA 340/180/20

CAP06:0221

Moved Member Talbot

That CAP, having formed the view that the meeting of CAP should be conducted in a place open to the public is outweighed by the need to keep the information and/or discussion of the next item of business confidential, and hereby pursuant to regulation 13(2)(a) of the *Planning, Development and Infrastructure (General) Regulations 2017*, that:

- the public be excluded from the meeting in order to consider, in confidence, the next item;
- the Presiding Member of CAP John Brak, CAP Member Stephen Horsell, CAP Member Mark Weedon, CAP Member Mayor Roslyn Talbot, Assessment Manager / Director Development Services Müller Mentz, Planner Wendy Stevens and Minute Secretary Wanita Gregory.
- the grounds for exclusion be recorded pursuant to Section 13(2)(a):
 - (viii) legal advice;
 - (ix) information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place;

Seconded Member Horsell

Carried.

The meeting was secured at 4.34 pm.

The ordinary meeting resumed at 4.53 pm.

10. Closure:

The Council Assessment Panel meeting closed at 4.53 pm.

The foregoing Minutes of a Meeting of the Development Assessment Panel were read and confirmed at a Meeting of Development Assessment Panel held on Wednesday, 10th March 2021.

PRESIDING MEMBER:.....

7.1 CODE OF CONDUCT

Author: Müller Mentz (Assessment Manager)

Date: 3 March 2021

Attachments: 1. Code of Conduct – Assessment Panel Members

1. REASON FOR REPORT

To inform the members of the *Council's Assessment Panel* of the *code of conduct* adopted by the *Minister for Planning*

2. BACKGROUND

The Minister for Planning has adopted a *code of conduct* under *Schedule 3* of the *Planning, Development and Infrastructure Act 2016*. The *code of conduct* sets out standards of conduct and professionalism that are to be observed by all members of an assessment panel. Please refer to **Attachment 1** for the *Department of Planning, Transport and Infrastructure's* practice direction setting out the *code of conduct*.

Regulation 11 of the *Planning, Development and Infrastructure (General) Regulations 2017* (operational from 1 October 2017) prescribes the process to be followed if a person believes that a member of an assessment panel has acted in contravention of the *code of conduct*.

3. RECOMMENDATION

That the *code of conduct* adopted by the *Minister for Planning* be noted and observed by all members of Council's Assessment Panel.



Assessment
Panel
Members

Assessment Panel Members – Code of Conduct

Introduction

Under Schedule 3 of the *Planning, Development and Infrastructure Act 2016* (PDI Act) the Minister may adopt a code of conduct to be observed by members of an assessment panel established under the PDI Act. This code of conduct sets out standards of conduct and professionalism that are to be observed by all members of assessment panels under the PDI Act. This code of conduct must be read in conjunction with the Act.

For the purposes of the PDI Act, a key requirement is that all members of assessment panels must carry out, and be seen to carry out, their functions with the highest ethical standards so as to maintain public confidence in the integrity of development assessment under the Act.

The code is the key tool to ensure that all members of assessment panels act honestly and ethically with a high degree of accountability. If a member of an assessment panel has any doubt in regard to any function they may perform under the Act they should seek the advice of the panel's assessment manager or some other appropriate person.

While some members of an assessment panel may also be bound by other codes of conduct or professional standards issued by their respective professional associations, they have no legal status under the Act. If there is a conflict between a requirement in this code of conduct and any other professional code or standard, this code prevails for the purposes of the Act.

Legislative framework

Under section 15 of the PDI Act, all members of assessment panels are subject to a statutory duty as described in the section as follows:

- (1) *It is expected that a person or body that—*
- (a) *seeks to obtain an authorisation under this Act; or*
 - (b) *performs, exercises or discharges a function, power or duty under this Act; or*
 - (c) *takes the benefit of this Act or is otherwise involved in a process provided by this Act, will—*
 - (d) *act in a cooperative and constructive way; and*
 - (e) *be honest and open in interacting with other entities under this Act; and*
 - (f) *be prepared to find reasonable solutions to issues that affect other interested parties or third parties.*

- (2) *Without limiting subsection (1), a person or body performing, exercising or discharging a function, power or duty under this Act must-*
- (a) *exercise professional care and diligence; and*
 - (b) *act honestly and in an impartial manner; and*
 - (c) *be responsible and accountable in its conduct; and*
 - (d) *comply with any code of conduct, service benchmark or other requirement that applies in relation to the person or body.*
- (3) *The Minister may, after taking into account the advice of the Commission, establish and maintain service benchmarks for the purposes of this section.*
- (4) *The principles and benchmarks under this section— (a) do not give rise to substantive rights or liabilities; but (b) may lead to action being taken on account of a breach of a code of conduct or professional standard that applies in relation to a relevant person or body.*

Code of conduct requirements

In acting as a member of an assessment panel, a member must comply with the following requirements.

General duties

1. A member of an assessment panel must in performing, exercising or discharging a function, power or duty under the PDI Act, act in accordance with the general duties as set out in section 15 of the PDI Act.

Act in the public interest

2. A member of an assessment panel must act in a manner that promotes or protects the public interest.

Procedures

3. A member of an assessment panel must ensure that the procedures specified in the Act or prescribed in the *Planning Development and Infrastructure (General) Regulations 2017* are complied with.
4. A member of an assessment panel must comply with the panel procedures in relation to public comments and communication with the media

Regard for honesty

5. A member of an assessment panel must act with integrity, good faith and equity and must not discriminate toward any person in performing their duties.
6. A member of an assessment panel must advise the assessment manger and the Commission immediately if the member:
 - a. is the subject of a formal investigation into, or have been found to have, breached any other code of conduct, ethical standards or similar, either in another State or through a professional body of which they are a member; or
 - b. has been found guilty of a breach of any Act related to planning, building or a development related matter.

Conflict of interest

7. A member of an assessment panel who has a direct or indirect personal or pecuniary interest in a matter before the council development assessment panel (other than an indirect interest that exists in common with a substantial class of persons)—
 - a. must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the panel; and
 - b. must not take part in any hearings conducted by the panel, or in any deliberations or decision of the panel, on the matter and must be absent from the meeting when any deliberations are taking place or decision is being made.
8. A member of an assessment panel will be taken to have an interest in a matter for the purposes of item 7 if an associate of the member (within the meaning of section 3 (7) of the PDI Act) has an interest in the matter.
9. If an interest has been declared by a member of an assessment panel the nature of the interest must be recorded in the minutes of the meeting.

Making decisions and taking action

10. A member of an assessment panel must take all reasonable steps to obtain all relevant facts and information when making a decision on a matter before the panel.
11. A member of an assessment panel must ensure that the member's decisions and actions are reasonable, fair and appropriate to the circumstances, based on consideration of all relevant facts obtained, and supported by adequate documentation.
12. A member of an assessment panel must not approach or discuss with an applicant or representor any application which is either before the panel or will come before the panel at some future time expect during the course of a panel meeting where the application forms part of the agenda and the applicant or representor has a right to be heard by the panel.
13. Except where required as part of the assessment of a particular decision such as a formal panel viewing of a site of a proposed development, you should not enter the site even if invited by the land owner or a neighbouring property owner or any other person.
14. A member of an assessment panel must not:
 - a. engage in consultation outside of the panel process with any party on a proposed development application that is likely to be heard by the panel;
 - b. give advice to an applicant or other third party on a development application after it has been lodged outside of a panel meeting;
 - c. speak at a public meeting for or against a proposal where the purpose of the meeting is to discuss either a proposed development or a development application unless required by the Act;
 - d. express an opinion on a development application or a proposed development outside of a panel meeting; and
 - e. engage in any other act or omission which may give rise to a reasonable presumption that you have prejudged a development proposal or application.

Public comment

15. Only the presiding member or another person determined by the panel is permitted to speak publicly to the media and address the public on behalf of the panel. No other panel member may make comment to the media or the public in relation to any matter before the panel or any decision of the panel.

Protection and use of information

16. A member of an assessment panel must maintain the integrity and security of confidential information in their possession and must not use confidential information gained by virtue of the member's official position for the purpose of securing a private benefit for the member or any other person.
17. A member of an assessment panel must not disclose information acquired in the course of their professional work other than if consent of the relevant person has been granted or where there is a legal or professional duty to disclose such information.

Proper exercise of power

18. A member of an assessment panel must not take advantage of the member's position, power or duties for the purpose of obtaining, either directly or indirectly, any preferential treatment or other improper advantage for the member or any other person.

Gifts and benefits

19. A member of an assessment panel must not seek or accept a gift or benefit that is intended to, is likely to or could be perceived as likely to, cause them to act in an unfair or biased manner in the course of the member's duties.
20. A member of an assessment panel must take all reasonable steps to ensure that a person related to the member does not receive gifts or benefits that could appear to be an attempt to influence or secure or have the effect of influencing or securing a favour from the member of an assessment panel. A person is related to a member of an assessment panel for the purpose of this provision if the person is spouse, de facto partner, sibling, parent or child of the member of the assessment panel.

Bias

21. A member of an assessment panel should always have regard to any affiliation, disposition or any material, pecuniary or other interest that would lead to a reasonable apprehension that they may be biased in carrying out any aspect of their role under the Act.

7.2 POLICY FOR ASSESSMENT PANEL REVIEW OF DECISION OF ASSESSMENT MANAGER

Author: Müller Mentz (Assessment Manager)

Date: 3 March 2021

Attachments: 1. Code of Conduct – Assessment Panel Members

1. REASON FOR REPORT

To present the *Assessment Panel Review of Decision of Assessment Manager Policy* to Council's Assessment Panel (the *Panel*) for adoption.

2. BACKGROUND

In terms of *Section 203(1)* in *Part 16, Division 1* of the *Planning, Design and Infrastructure Act 2016* (the *Act*) the applicant for a *prescribed matter* (where Council's Assessment Manager acted as the relevant authority) can make an application for a review of the Assessment Manager's decision. *Section 203(1)* of the *Act* requires that the application be made to the *Panel* in the prescribed manner.

Based on legal advice provided to the Local Government Association of South Australia (the *LGA*), councils' assessment panels should adopt a policy, setting out the prescribed manner in which such an application should be made and processed.


In *Section 203(1)* of the *Act* a *prescribed matter*, in relation to an application for a development authorisation, means—

- (a) any assessment, request, decision, direction or act of a relevant authority under this Act that is relevant to any aspect of the determination of the application; or
- (b) a decision to refuse to grant the authorisation; or
- (c) the imposition of conditions in relation to the authorisation; or
- (d) subject to any exclusion prescribed by the regulations, any other assessment, request, decision, direction or act of a relevant authority under this Act in relation to the authorisation.

A draft policy titled "*Assessment Panel Review of Decision of Assessment Manager Policy*" is attached for consideration by the Panel (refer to *Attachment 1*). The attached draft policy is modelled after a template prepared by *Norman Waterhouse Lawyers* for the *LGA*.

3. RECOMMENDATION

That Council's Assessment Panel resolves to adopt the *Assessment Panel Review of Decision of Assessment Manager Policy* attached to this report as *Attachment 1*.

	Function: Council Assessment Panel	Adopted: 10 March 2021
	Policy Number:	Resolution No.:
	Version Number: 1	Last Review: 10 March 2021
	Frequency of Review: As required	Resolution No.: Next Review: As required
ASSESSMENT PANEL REVIEW OF DECISION OF ASSESSMENT MANAGER POLICY		

1. Policy Statement

This Policy applies as a guideline in addition to the statutory requirements for the review by the Council Assessment Panel (the *Panel*) of a decision of an Assessment Manager as set out in Part 16, Division 1 of the *Planning, Development and Infrastructure Act 2016 (Act)*.

2. Introduction

Pursuant to Part 16, Division 1 of the **Act** and applicant may make an application to a *Panel* for review of a *prescribed matter* where an Assessment Manager acted as a relevant authority. Such application has to be made within 1 month after the applicant receives notice of the decision constituting the prescribed matter unless the *Panel*, in its discretion, allows an extension of time.

In this Division a *prescribed matter*, in relation to an application for a development authorisation, means—

- (a) any assessment, request, decision, direction or act of a relevant authority under this Act that is relevant to any aspect of the determination of the application; or
- (b) a decision to refuse to grant the authorisation; or
- (c) the imposition of conditions in relation to the authorisation; or
- (d) subject to any exclusion prescribed by the regulations, any other assessment, request, decision, direction or act of a relevant authority under this Act in relation to the authorisation.

3. Commencing a Review

3.1. An application for review must relate to a prescribed matter, as defined in Section 201 of the Act, for which an Assessment Manager was the relevant authority.

3.2. An application for review must be:

- a) made using the *Application to Assessment Panel for Assessment Manager's Decision Review* (the Form, attached to this Policy);
- b) lodged in a manner identified on the Form; and
- c) lodged within one month of the applicant receiving notice of the Prescribed Matter, unless the Presiding Member in his or her discretion grants an extension of time.

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- 3.3. In determining whether to grant an extension of time, the Presiding Member may consider:
- a) the reason for the delay;
 - b) the length of the delay;
 - c) whether any rights or interests of other parties would be affected by allowing the review to be commenced out of time;
 - d) the interests of justice;
 - e) whether the applicant has, or is within time to, appeal the prescribed matter to the ERD Court; and
 - f) any other matters the Presiding Member considers relevant.

4. Materials for Review Hearing

- 4.1. The Assessment Manager shall collate for the *Panel*:
- a) all materials which were before the Assessment Manager (or delegate) at the time of the decision on the *Prescribed Matter*, including but not limited to:
 - i) application documents, reports, submissions, plans, specifications or other documents submitted by the applicant;
 - ii) internal and/or external referral responses; and
 - iii) any report from Council staff or an external planning consultant written for the Assessment Manager;
 - b) any assessment checklist used by the Assessment Manager or delegate when making the decision on the *Prescribed Matter*;
 - c) any other information reasonably requested by the Presiding Member.
- 4.2. The Assessment Manager (or delegate) must prepare a report to the *Panel* setting out the details of the relevant development application, the prescribed matter the subject of the review and the reasons for the Assessment Manager (or delegate's) decision on the *Prescribed Matter*.

5. Review Hearing

- 5.1. The Assessment Manager must advise the applicant of the time and date of the *Panel* meeting at which the review application will be heard.
- 5.2. On review, the *Panel* will consider the *Prescribed Matter* afresh.
- 5.3. Information, materials and submissions which were not before the Assessment Manager at the time of the decision on the *Prescribed Matter* will not be considered by the *Panel*.
- 5.4. The *Panel* will not receive submissions or addresses from any party.

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- 5.5. The *Presiding Member* may permit *Panel* members to ask questions or seek clarification from the applicant and/or the Assessment Manager, in his or her discretion.
- 5.6. The Assessment Manager must be present at the *Panel* meeting to respond to any questions or requests for clarification from the *Panel*.
- 5.7. Where the decision on the *Prescribed Matter* was made by a delegate of the Assessment Manager, the delegate may appear in place of the Assessment Manager.
- 5.8. The Presiding Member will invite all *Panel* Members to speak on any matter relevant to the review.
- 5.9. The *Panel* may resolve to defer its decision if it considers it requires additional time or information to make its decision.

6. **Outcome on Review Hearing**

- 6.1. The *Panel* may, on a review:
 - a) affirm the Assessment Manager's decision on the *Prescribed Matter*;
 - b) vary the Assessment Manager's decision on the *Prescribed Matter*; or
 - c) set aside the Assessment Manager's decision on the *Prescribed Matter* and substitute its own decision.
- 6.2. An applicant should be advised in writing of the *Panel's* decision by the Assessment Manager.

7. **Draft Resolutions**

Draft resolutions 7.1 to 7.4 below are intended to provide guidance to the *Panel* as to how it may word resolutions to give effect to the decisions the *Panel* make on review. The *Panel* may adopt this wording, or amend it as appropriate.

- 7.1 Resolution to affirm a decision of the Assessment Manager:

*The Panel resolves to affirm the decision of the Assessment Manager
[insert description of decision, for example:]*

- *that the application is not seriously at variance with the Planning and Design Code (disregarding minor variations) and that planning consent be granted to DA No [insert] for [insert nature of development] subject to the [insert number] of conditions imposed by the Assessment Manager; or*
- *that DA No [insert] is classified as code assessed (performance assessed) development; or*
- *that the application is not seriously at variance with the Planning and Design Code (disregarding minor variations), but that DA No.*

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[insert] does not warrant planning consent for the following reasons:

[insert reasons]

7.2 Resolution to vary a decision of the Assessment Manager:

The Panel resolves to vary the decision of the Assessment Manager in relation to DA No [insert] by deleting condition [insert number] of planning consent and replacing it with the following condition:

[insert varied condition]

7.3 Resolution to set aside a decision of the Assessment Manager:

The Panel resolves to set aside the decision of the Assessment Manager to [insert description of decision being reversed, for example, refuse planning consent to DA No [insert]] and substitute the following decision:

- DA No [insert] is not seriously at variance with the Planning and Design Code (disregarding minor variations) and that planning consent is granted to the application subject to the following conditions:

[insert conditions]

7.4 Resolution to defer review hearing:

The Panel resolves to defer its decision in relation to its review of the decision of the Assessment Manager to [insert description of the decision] in relation to DA No [insert] until:

- the next ordinary meeting of the Panel; or
 - the next ordinary meeting of the Panel after [insert additional information which has been requested by the Panel] is provided; or
 - until the next ordinary meeting of the Panel after [insert date (i.e. giving an applicant 2 months to provide information)]; or
 - [insert other valid reason]
- (etc).

8. Application

The Assessment Panel Review of Decision of Assessment Manager Policy (and Form attached to the Policy), is the prescribed manner pursuant to Section 203(1) in Part 16, Division 1 of the Act, in which an application to the Panel for review of a prescribed matter must be made.

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9. Delegation

For further information regarding this Policy, contact a Planning Officer, or in his/her absence, the Director of Development Services.

10. Adoption and Review

This Policy will be reviewed as required by the Development Services Department and, if any changes are proposed, a report will be presented to the **Panel** for consideration and adoption.

11. Availability of Policy

This Policy will be available for inspection without charge at the Council's Principal Office during normal business hours, and on Council's website.

A copy of the Policy can be obtained on payment of a nominated fee from Councils' principal office. The Policy can be downloaded on Councils' website free of charge.

Signed: _____

Presiding Member

Date

Signed _____

Witness

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Application to Assessment Panel¹

DECISION REVIEW REQUEST

Prescribed form pursuant to section 203(1) for review of a decision of an Assessment Manager under section 202(1)(b)(i)A) of the *Planning, Development and Infrastructure Act 2016* (Act)

Applicant details:	Name: Click here to enter text. Phone: Click here to enter text. Email: Click here to enter text. Postal address: Click here to enter text.
Development Application Number:	Click here to enter text.
Subject Land:	Click here to enter text. <i>[street number, street name, suburb, postcode]</i> <i>[lot number, plan number, certificate of title number, volume and folio]</i>
Date of decision of the Assessment Manager:	Click here to enter text.
Decision (prescribed matter²) for review by Assessment Panel:	Click here to enter text.
Reason for review:	Click here to enter text. <i>[Briefly state the facts, circumstances and other relevant matters upon which this application is based. Attach additional pages as necessary]</i>
Do you wish to be heard by the Assessment Panel?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date:	Click here to enter text.
Signature:	<input type="checkbox"/> <i>If being lodged electronically please tick to indicate agreement to this declaration.</i>

¹ This application must be made through the relevant facility on the SA planning portal. To the extent that the SA planning portal does not have the necessary facilities to lodge this form, the application may be lodged—

- (i) by email, using the main email address of the relevant assessment panel; or
- (ii) by delivering the application to the principal office or address of the relevant assessment panel.

² **Prescribed matter**, in relation to an application for a development authorisation, means—

- (a) any assessment, request, decision, direction or act of the Assessment Manager under the Act that is relevant to any aspect of the determination of the application; or
- (b) a decision to refuse to grant the authorisation; or
- (c) the imposition of conditions in relation to the authorisation; or
- (d) subject to any exclusion prescribed by the regulations, any other assessment, request, decision, direction or act of the assessment manager under the Act in relation to the authorisation.

This form constitutes the form of an application to an assessment panel under section 202(1)(b)(i)A) of the *Planning, Development and Infrastructure Act 2016*, determined by the Minister for Planning pursuant to regulation 116 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

7.3 AMENDMENT TO DELEGATIONS UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

Author: Müller Mentz (Assessment Manager)

Date: 4 March 2021

Attachments: 1. 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

1. REASON FOR REPORT

This report provides new and updated delegations for *the Planning, Development and Infrastructure Act 2016* (the *PDI Act*) and associated legislation and seeks delegation of these powers and functions from Council's Assessment Panel (the *Panel*).

2. BACKGROUND

Planning Consent

Pursuant to *Section 93(1)(a)* in *Division 5, Part 6* of the *PDI Act*, the *Panel* is the relevant authority to decide Development Applications. *Section 93* reads as follows:

Relevant authority—panels

- (1) *Subject to any other provision of this Act, an assessment panel will be a relevant authority in relation to a proposed development as follows:*
 - (a) *where the proposed development is to be undertaken within the area of a council then, subject to the succeeding paragraphs, an assessment panel appointed by the council is the relevant authority;*
 - (b) *despite paragraph (a), where the proposed development is within the area of a council in respect of which a local assessment panel has been appointed then, subject to the succeeding paragraphs, the local assessment panel is the relevant authority;*

- (c) *despite a preceding paragraph, where the proposed development is within an area of the State in relation to which a regional assessment panel has been constituted then, subject to the succeeding paragraphs, the regional assessment panel is the relevant authority;*
 - (d) *despite a preceding paragraph, where the proposed development is within an area of the State in relation to which a planning agreement applies and an assessment panel has been appointed by the joint planning board then, subject to paragraph (e), that assessment panel is the relevant authority;*
 - (e) *despite a preceding paragraph, where the proposed development is a matter designated by the Minister, by notice published in the Gazette, as being a matter that will be assessed by a combined assessment panel then the combined assessment panel is the relevant authority.*
- (2) *This section does not apply in a case where—*
- (a) *an assessment manager; or*
 - (b) *an accredited professional,*
- may act as a relevant authority under a scheme prescribed by the regulations for the purposes of this section.*
- (3) *This section does not apply in a case where section 94 or section 95 applies.*

Pursuant to Section 100 in Division 5, Part 6 of the PDI Act, the Panel may delegate any functions or powers. It I suggested that some of the functions and powers of the Panel be delegated to the Assessment Manager, who can then sub-delegate some of the delegated functions and powers to other qualified staff. Section 100 reads as follows:

100—Delegations

- (1) *A relevant authority, other than an accredited professional, may delegate any functions or powers of the relevant authority under this Act.*
- (2) *A delegation—*
 - (a) *may be made—*

- (i) *to a particular person or body; or*
- (ii) *to the person for the time being occupying a particular office or position; and*
- (b) *may be made subject to conditions or limitations specified in the instrument of delegation; and*
- (c) *if the instrument of delegation so provides, may be further delegated by the delegate; and*
- (d) *is revocable at will and does not derogate from the power of the relevant authority to act in any matter.*

It is suggested that some of the functions and powers of CAP be delegated to the *Assessment Manager* (Müller Mentz, Director Development Services), who can then sub-delegate some of the delegated functions and powers to other qualified staff.

Due to the complexity of the *PDI Act*, *Normans Waterhouse Lawyers* were engaged to prepare the delegations and sub-delegation based on Council's current delegations and sub-delegations under the *Development Act 1993* and *PDI Act*. Please refer to *Attachment 1* for the *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* as prepared by the lawyers.

Norman Waterhouse Lawyers also included some commentary on changes, particularly to sub-delegations which the delegates might wish to consider. After consideration it is recommended that the delegations and sub-delegations be accepted as suggested (refer to *Attachment 1*).

Building Consent

In accordance with the *PDI Act*, the *Panel* is also the relevant authority for assessing *Building Consent* applications under the *Building Code* when the *Panel* is the relevant authority for an application. However, only Council has the authority to delegate functions and powers to *accredited Building Officers*. It is therefore necessary that the *Panel* delegates the building powers and functions to Council to enable Council to sub-delegate the powers and functions to relevant *accredited Building Officers*.

3. RECOMMENDATION

1. In exercise of the power contained in *Section 100* of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed *Instrument of Delegation* (annexed to this Report dated 4 March 2021 and entitled "*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” and marked *Attachment 1* are hereby delegated this 10th day of March 2021 to the *Assessment Manager* Cornelius Müller Mentz, Director Development Services, subject to the conditions and/or limitations, if any, specified herein or in the *Schedule of Conditions* in the proposed *Instrument of Delegation*.

2. Such powers and functions may be further delegated by the *Assessment Manager*, in accordance with *Section 100(2)(c)* of the *Planning, Development and Infrastructure Act 2016* as sees fit, unless otherwise indicated herein or in the *Schedule of Conditions* contained in the proposed *Instrument of Delegation*.
3. That the *Panel* adopts the following standing referral to delegate building consent applications to Council:
 - a) The Copper Coast Council Assessment Panel (the *Panel*) determines to act under *Section 99(1)(b)* of the *Planning, Development and Infrastructure Act 2016* (the *Act*) in relation to all development applications received by it that involve the performance of building work.
 - b) Pursuant to *Section 99(1)(c)* of the *Act*, where the *Panel* has determined to act under *Section 99(1)(b)* of the *Act*, the *Panel* refers the assessment of the development in respect of the *Building Rules* to the Copper Coast Council.

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1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Assessment Panel decision to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Environment and Food Production Areas – Greater Adelaide	Delegation	Sub-delegation
1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.	N/A – Not within EFP Area	N/A
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.	N/A – Not within EFP Area	N/A
2. Appointment of Additional Members		
2.1 The power pursuant to Section 85(1) of the PDI Act to appoint 1 or 2 members to	Delegation not	N/A

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	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.	recommended	
3.	Relevant Authority – Commission		
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.	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on existing sub-delegations for s 34(1a) Development Act</p>
4.	Relevant Provisions		
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>We understand CAP will make a standing referral of all applications for building consent to Council. If this model is adopted, no delegations need be made under Item 4.</p> <p>Text of draft resolutions supplied by us with this advice.</p>	N/A
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;		

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or			
4.1.2	require that the assessment of the development in respect of the Building Rules be undertaken by a building certifier.	If standing referral made, no need to delegate this function. Even if Council ordinarily sends some DAs to private certifiers, the Council can do this via the standing referral.	
5.	Matters Against Which Development Must Be Assessed		
5.1	The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):		
5.1.1	-		
5.1.1.1	the relevant provisions of the Planning Rules; and	Assessment Manager with limitations (to be placed in the table at conclusion of delegations). Below is recommended for limitations. The bullet points are suggestions only, and can be amended at the discretion of the CAP The first three	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on existing sub-delegations for s 33(1)(a) Development Act</p>

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	limitations proposed below (for placing at the end of the instrument, if the CAP chooses to adopt them) relate to applications for which there are representors who wish to be heard (i.e. where there is an application which has received representations, and one or more representors wish to be heard, the application will not be delegated to the Assessment Manager). If the red text is retained, the CAP will only 'keep' applications where the representations are <i>against</i> the proposed development. If the CAP would prefer to keep all applications for which there are <i>any</i> representations (i.e. for or against), delete	
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	<p>the red text.</p> <p>The fourth limitation is to grant the Assessment Manager the power to approve an application for which a deemed approval notice has been served. The benefit of this is that the Assessment Manager can impose his own conditions on the consent, rather than relying on the standard conditions in the relevant Practice Direction.</p> <p>If there are any other circumstances in which the CAP would prefer to retain an application, i.e. even where there are no representations, that can be included by additional limitations also</p> <p><i>The delegation of the power to grant</i></p>	
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	<p><i>or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which one or more of the following apply:</i></p> <ol style="list-style-type: none">1. <i>No valid representations are received against the proposed development;</i>2. <i>All valid representations against the proposed development are withdrawn ;</i>3. <i>No represent or who has lodged a valid representation against the proposed development wishes to be heard;</i>4. <i>A deemed consent notice has</i>	
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		<i>been served on the Panel under Section 125(2) of the Act</i>	
5.1.1.2	to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development, (planning consent);	N/A	N/A
5.1.2	the relevant provisions of the Building Rules (building consent);	N/A (If standing referral made)	N/A
5.1.3	in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):	N/A Assessment Manager is the relevant authority, not CAP	N/A
5.1.3.1	requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;		
5.1.3.2	any relevant requirements set out in a design standard has been satisfied;		
5.1.3.3	the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to		

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	the provision of water supply and sewerage services are satisfied;		
5.1.3.4	where land is to be vested in a council or other authority - the council or authority consents to the vesting;		
5.1.3.5	requirements set out in regulations made for the purposes of Section 102(1)(c) of the PDI Act are satisfied;		
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):	N/A Assessment Manager is the relevant authority, not CAP	N/A
5.1.4.1	requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;		
5.1.4.2	any relevant requirements set out in a design standard has been satisfied;		
5.1.4.3	any encroachment of a lot or unit over other land is acceptable having regard to any provision made by the Planning and Design Code or a design standard;		
5.1.4.4	where land is to be		

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	vested in a council or other authority - the council or authority consents to the vesting;		
5.1.4.5	a building or item intended to establish a boundary (or part of a boundary) of a lot or lots or a unit or units is appropriate for that purpose;		
5.1.4.6	the division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 is appropriate having regard to the nature and extent of the common property that would be established by the relevant scheme;		
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;		
5.1.4.8	any building situated on the land complies with the Building Rules;		
5.1.4.9	requirements set out in the regulations made for the purposes of Section 102(d) of the PDI Act are satisfied;		
5.1.5	any encroachment of a building over, under, across or on a public	Assessment Manager	This power is currently only delegated to the CAP

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	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;		under the D Act (s 33(1)(e)). We recommend it be sub-delegated to the Assessment Manager (for situations in which planning consent is delegated at least). Whether it is further sub-delegated to staff will depend on the views of the AM. It could be delegated to the more senior positions delegated planning consent under 5.1.1.1 above (i.e. Director Development Services), or could even be sub-delegated to the CEO if it is preferred the decision sit at CEO level.
5.1.6	if relevant - requirements applying under Part 15 Division 2 of the PDI Act are satisfied;	Assessment Manager	<p>This is a new provision requiring confirmation that offset scheme requirements (car parking fund equivalent, open space, urban trees fund), have been met.</p> <p>If to be sub-delegated, it could be sub-delegated as per planning consent (5.1.1.1 above), or in a more limited manner, as discussed at 5.1.5 above.</p>
5.1.7	such other matters as may be prescribed.	Assessment Manager	This is another power which is currently only delegated to the CAP under the D Act (s 33(1)(f)). We repeat our comments in 5.1.5 above as to how the Assessment Manager may wish to sub-

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		delegate this power (if at all)
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:	Assessment Manager <ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development Based on existing sub-delegations for s 33(3) Development Act
5.2.1	until further assessment of the relevant development under the PDI Act; or	
5.2.2	until further assessment or consideration of the proposed development under another Act; or	
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.	
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.	Assessment Manager <p>This is a new provision mandating the use of reserved matters, at the request of an applicant, in very specific circumstances.</p> <p>We recommend it be sub-delegated to the same positions as 5.1.1.1 above, i.e.:</p> <ul style="list-style-type: none"> • Planning Officer • Director Development Services

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		<ul style="list-style-type: none"> • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development
6. Performance Assessed Development		
<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	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on existing sub-delegations for s 35(2) Development Act</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>	Assessment Manager	<p>This is a new power - to make a decision (in accordance with a practice direction), regarding notification (although, for the most part, we understand the relevant authority will be the AM, not the CAP, so this power may have little work to do in Instrument C</p> <p>For Assessment Manager to consider appropriate sub-delegates. Depending on how development applications are currently processed within Council, power could either be sub-delegated to all those positions able to determine DAs (i.e. 5.1.1.1) or a more limited sub-set, i.e. more senior</p>

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		team members.
6.3	The power pursuant to Section 107(4) of the PDI Act to limit the matters that the delegate will take into account to what should be the decision of the relevant authority as to planning consent in relation to the performance based elements of the development as assessed on its merits.	<p>Assessment Manager</p> <ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>(based on s 38 D Act, as no specific delegation for most closely aligned D Act provision (38(6)))</p>
7.	Building Consent	<p>It is not necessary to delegate any powers or functions under Item 7 if standing referral to Council is made.</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 conditions or exceptions as may be prescribed by the regulations).	N/A
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.	N/A
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	N/A

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Building Rules if:		
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:		
7.3.1.1 that:		
(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		
(b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the		

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	variance were not to be allowed; or		
	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.		
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.	N/A	N/A
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.	N/A	N/A
7.6	The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.	N/A	N/A
7.7	The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work	N/A	N/A

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	complies with the Building Rules to the extent that:		
	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		
	7.7.2 such compliance is certified by a building certifier.		
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	N/A	N/A
7.9	The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document):	N/A	N/A
	7.9.1 the variance; and		
	7.9.2 the grounds on which the decision is being made.		

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<p>8. Application and Provision of Information</p>		<p>These sub-delegations presume standing referrals for building consents back to the constituent councils have been made</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>Assessment Manager</p>	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on existing sub-delegations for s 39 Development Act</p>
<p>8.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant:</p>	<p>Assessment Manager</p>	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>(As per 8.1)</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>		

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8.2.4	to comply with any other requirement prescribed by the regulations.		
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	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on existing sub-delegations for s 39(3) Development Act</p>
8.3.1	subject to Section 119(6)(b)(ii) of the PDI Act, refuse the application; and		
8.3.2	refuse the application in prescribed circumstances (including, if the regulations so provide, in a case involving development that is deemed-to-satisfy development).		
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.	Assessment Manager	<p>Equivalent provision under s 39(3a) Development Act is not currently sub-delegated (i.e. the power currently sits with the CEO).</p> <p>For the AM to determine whether to retain this power, or sub-delegate it.</p> <p>(Unless there are regulated trees in the Council area, the need to sub-delegate will be moot).</p>

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8.5	The power pursuant to Section 119(9) of the PDI Act to:		
8.5.1	permit an applicant:	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on existing sub-delegation for s 39(4)(a) and (5) Development Act</p>
	8.5.1.1 to vary an application;		
	8.5.1.2 to vary any plans, drawings, specifications or other documents that accompanied an application,		
	(provided that the essential nature of the proposed development is not changed);		
8.5.2	permit an applicant to lodge an application without the provision of any information or document required by the regulations;	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on existing sub-delegation for s 39(4)(b) and (5) Development Act</p>

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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);	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on existing sub-delegation for s 39(4)(c) and (5) Development Act</p>
8.5.4	if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on existing sub-delegation for s 39(4)(e) Development Act</p>
8.6	The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.	Assessment Manager	<p>This sub-delegation should be to all of those positions for which powers in Item 8.5 are sub-delegated</p> <ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development

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<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</p>	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on existing sub-delegation for s 39(8) Development Act</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</p>	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on existing sub-delegation for s 39(9) Development Act</p>
<p>9. Outline Consent</p>		
<p>9.1 The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.</p>	<p>It is difficult to delegate the power in item 9 at present, as the practice direction necessary to enable section 120 to operate has not yet been published.</p> <p>Either the Panel could choose not to delegate this power until the practice direction is published, or it</p>	<p>We do not recommend sub-delegation until the practice direction necessary to enable operation of s 120 is published</p>

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		could delegate the powers in item 9 to the Assessment Manager with similar limitations as per 5.1.1.1	
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:	As per 9.1	As per 9.1
9.2.1	grant any consent contemplated by the outline consent; and		
9.2.2	not impose a requirement that is inconsistent with the outline consent.		
10. Design Review			
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).	Assessment Manager	Same positions as 5.1.1.1 ie: <ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development
11. Referrals to Other Authorities or Agencies			
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:	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance

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		<ul style="list-style-type: none"> Coordinator Strategic Planning Development <p>Based on existing sub-delegations for s 37(1) Development Act</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	
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	
	where the regulations so provide, subject to Section 122 of the PDI Act.	
11.2	The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:	<p>Assessment Manager</p> <ul style="list-style-type: none"> Planning Officer Director Development Services Para Planner Coordinator of Building & Compliance Coordinator Strategic Planning Development (As per 11.1)
11.2.1	to refuse the application; or	
11.2.2	consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body)	
	where the regulations so provide.	
11.3	The power pursuant to Section 122(7) of	<p>Assessment</p> <p>No existing sub-</p>

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	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.	Manager	delegations for equivalent power under s 37(6) Development Act (i.e. power currently sits with CEO). If it is desired to retain decision-making at CEO level, the AM could sub-delegate to the CEO (or the CAP could delegate this power directly to the CEO rather than the AM), or if the decision will now be made by the AM, the AM would simply retain the power and not sub-delegate it.
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.	Assessment Manager (This is a new power, although we note the heavy constraint on its application in Schedule 9 Clause 2 of the PDI (General) Regulations – it is only possible to defer a referral to the Technical Regulator on the matter of electricity infrastructure)	If a request is made under s 122(10), the relevant authority must comply. Accordingly, recommend sub-delegation to same positions for which Item 5.1.1.1 is sub-delegated, ie: <ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development
12.	Preliminary Advice and Agreement		
12.1	The power pursuant to Section 123(2) of the PDI Act, if:		<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building

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		& Compliance • Coordinator Strategic Planning Development Based on existing sub-delegations for s 37AA(2)(e) Development Act
12.1.1	a proposed development is referred to a prescribed body under Section 123(1) of the PDI Act; and	
12.1.2	the prescribed body agrees to consider the matter under Section 123 of the PDI Act after taking into account any matter prescribed by the regulations; and	
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),	
	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 that agreement and any relevant plans and other documentation).	
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	Assessment Manager • Planning Officer • Director Development Services • Para Planner

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Section 132 of the PDI Act.		<ul style="list-style-type: none"> • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on existing sub-delegations for s 37AA(4) Development Act</p>
13. Proposed Development Involving Creation of Fortifications		
<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	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on existing sub-delegations for s 37A(1) Development Act</p> <p>We note that in these delegations, we haven't recommended delegations to CEO (whereas, under the current system under the D Act, the CEO receives the head delegation from the Council, then sub-delegates to staff. If preferred, the CEO could also be a sub-delegate here and elsewhere in instruments C and/or D</p>
<p>13.2 The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:</p>	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance

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		<ul style="list-style-type: none"> Coordinator Strategic Planning Development <p>Based on existing sub-delegations for s 37A(5) Development Act</p>
13.2.1	if the proposed development consists only of the creation fortifications - refuse the application; or	
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	
13.3	The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.	<p>Assessment Manager</p> <ul style="list-style-type: none"> Planning Officer Director Development Services Para Planner Coordinator of Building & Compliance Coordinator Strategic Planning Development <p>Based on existing sub-delegations for s 37A(6) Development Act</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 to be joined as a party to the appeal.	<p>Assessment Manager</p> <p>This power relates to whether to apply to be joined as a party to an appeal.</p> <p>We refer to our comments regarding power 11.2 above as to whether this power is sub-delegated.</p>
14. Time Within Which Decision Must be Made		
14.1	The power pursuant to Section 125(6) of	<p>Assessment</p> <p>As this is also a power</p>

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	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>Manager</p> <p>This power is to commence an appeal against a deemed approval.</p> <p>We <u>do</u> recommend it be delegated, particularly as appeals must be commenced within one month.</p>	which relates to whether to commence an appeal, we repeat our comments at 11.2 above as to whether it will be sub-delegated and, if so, to whom.
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.	Assessment Manager	As per 14.1
15.	Determination of Application		
15.1	The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on existing sub-delegations for s 40(1) Development Act</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 prescribed under Section 126(2) of the PDI Act.	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on existing sub-</p>

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		delegations for s 40(3) Development Act
16. Conditions		
16.1 The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on existing sub-delegations for s 42(1) and (3) Development Act</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.	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>(based on other s 42 Development Act delegations. Specific power – s 42(2)(b) not currently delegated)</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	Assessment Manager	We repeat our comments in 8.4 above as to whether this power is sub-delegated.

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	cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).		
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.	Assessment Manager	As per 16.3
16.5	The power pursuant to Section 127(8)(b) of the PDI Act to:	Assessment Manager	As per 16.3
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;		
16.5.2	to seek the Minister's concurrence to grant an exemption under Section 127(8)(b) of the PDI Act.		
17. Variation of Authorisation			
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.	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on existing sub-delegations for s 39(7)(d)</p>

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		Development Act
18. Requirement to Up-grade	Not necessary to delegate this power if standing referral of applications for building consent is made to Council (these powers are then delegated in Instrument B).	
18.1 The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.	N/A	N/A
18.2 The power pursuant to Section 134(1) of the PDI Act, if:	N/A	N/A
18.2.1 an application for a building consent relates to:		
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		
18.2.1.2 a change of classification of a building; and		
18.2.2 the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition,		
to require that building work that conforms with the requirements of the Building		

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	Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.		
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.	N/A	N/A
18.4	The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:	N/A	N/A
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		
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		
18.5	The power pursuant to Section 134(4) of the PDI Act if:	N/A	N/A
18.5.1	an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and		
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		

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	building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities,		
	to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be).		
18.6	The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:	N/A	N/A
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		
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.		
19.	Cancellation of Development Authorisation		
19.1	The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on existing sub-</p>

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		delegations for s 43 Development Act
19.2 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.	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development (As per 19.1)
20. Professional Advice to be Obtained in Relation to Certain Matters		
20.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development Based on existing delegations for s 101(1) Development Act
20.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development Based on existing delegations for s 101(2) Development Act

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<p>21. General Transitional Schemes for Panels</p>	<p>These powers do not require adoption, unless there are legacy DAs which were commenced when CDAP was still the Panel, and decisions of CDAP have not been adopted by the CAP</p>	
<p>21.1 The power pursuant to Clause 12(7) of Schedule 8 of the PDI Act, to</p>	<p>N/A</p>	<p>N/A</p>
<p>21.1.1 adopt any findings or determinations of a council development assessment panel under the repealed Act that may be relevant to an application made before the relevant day under the repealed Act; and</p>		
<p>21.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application made before the relevant day under the repealed Act; and</p>		
<p>21.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and</p>		
<p>21.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act; and</p>		
<p>21.1.5 deal with any requirement or grant any variation imposed or</p>		

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	proposed in connection with an application made before the relevant day under the repealed Act.		
22. Continuation of Processes		This Clause will not become operational. Delegations are not required.	
22.1	The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:	N/A	N/A
22.1.1	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		
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 to which Clause 18(1) of Schedule 8 of the PDI Act applies; and		
22.1.3	deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and		
22.1.4	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		
22.1.5	take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote		

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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.		
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23. Accredited Professionals	Delegation	Sub-delegation
23.1 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.	Not necessary to delegate this power if standing referral to Council is made	N/A
24. Verification of Application		
24.1 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:		
24.1.1 determine the nature of the development; and	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building &

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		<p>Compliance</p> <ul style="list-style-type: none"> Coordinator Strategic Planning Development <p>Based on current sub-delegations for r 16(1) Development Regulations</p>
24.1.2 if the application is for planning consent - determine:	Assessment Manager	<p>These determinations are fundamental to determining the development assessment pathway for a DA. We recommend the delegates be appropriately qualified and experienced to make these decisions. Based on other delegations, we recommend:</p> <ul style="list-style-type: none"> Planning Officer Director Development Services Para Planner Coordinator of Building & Compliance Coordinator Strategic Planning Development (or the more senior of these positions)
24.1.2.1 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;		

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	and		
	24.1.2.2		
24.1.3	determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and	Assessment Manager	As per 24.1.2
24.1.4	if the relevant authority is the correct entity to assess the application (or any part of the application):		<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development
24.1.4.1	check that the appropriate documents and information have been lodged with the application; and		
24.1.4.2	confirm the fees required to be paid at that point under the <i>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</i> ; and		
24.1.4.3	provide an appropriate notice via the SA planning portal; and		
24.1.5	if the relevant authority is not the correct entity to assess the application (or any part of the application):	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator

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		Strategic Planning Development Based on current sub- delegations for r 15(5) Development Regulations
24.1.5.1	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	
24.1.5.2	provide an appropriate notice via the SA planning portal.	
25. Application and Further Information		
25.1	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>Assessment Manager</p> <ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on current sub-delegations for s 39(2) Development Act</p>
26. Amended Applications		
26.1	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	<p>Assessment Manager</p> <ul style="list-style-type: none"> • Planning Officer • Director Development Services

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<p>not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.</p>		<ul style="list-style-type: none"> • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on current sub-delegations for r 20(4) Development Regulations</p>
<p>26.2 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>	<p>Assessment Manager</p>	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on current sub-delegations for r 20(5) Development Regulations</p>
<p>27. Withdrawing/Lapsing Applications</p>		
<p>27.1 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>Assessment Manager</p>	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on current sub-delegations for r 22(1) Development</p>

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		Regulations
27.1.1	any agency to which the application has been referred under Division 2 of the General Regulations; and	
27.1.2	any person who has made a representation in relation to the application under Division 3 of the General Regulations,	
	of the withdrawal.	
27.2	The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations, to:	<ul style="list-style-type: none"> • Director Development Services • Planning Officer • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on current sub-delegations for r 22(3) Development Regulations</p>
27.2.1	take reasonable steps to notify the applicant of the action under consideration; and	Assessment Manager
27.2.2	allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.	Assessment Manager
28. Court Proceedings		
28.1	The power pursuant to Regulation 40 of the General Regulations to, subject to Section	Assessment <ul style="list-style-type: none"> • Director Development

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<p>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>	<p>Manager</p>	<p>Services</p> <ul style="list-style-type: none"> • Planning Officer • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on current sub-delegations for r 23(2) Development Regulations</p>
<p>29. Additional Information or Amended Plans</p>		
<p>29.1 The power pursuant to Regulation 42(1) of the General Regulations if a delegate has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.</p>	<p>Assessment Manager</p>	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on current sub-delegations for r 27(1) Development Regulations</p>
<p>30. Building Matters</p>	<p>It is not necessary to delegate any powers or functions under Item 31 if standing referral to Council is made. In that case, these delegations</p>	

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		will be made by the Council under Instrument B	
30.1	The power pursuant to Regulation 45(1) of the General Regulations to, if in assessing an application for building consent, the delegate considers that:	N/A	N/A
30.1.1	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		
30.1.2	the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or		
30.1.3	special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,		
	refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the delegate that a referral is not required.		
30.2	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.	N/A	N/A
30.3	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.	N/A	N/A
30.4	The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an	N/A	N/A

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	application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:		
30.4.1	recommends against the granting of building consent; or		
30.4.2	concurs in the granting of consent on conditions specified in its report,		
	but the delegate:		
30.4.3	proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or		
30.4.4	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,		
	to:		
30.4.5	refer the application to the Commission; and		
30.4.6	not grant consent unless the Commission concurs in the granting of the consent.		
30.5	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.	N/A	N/A
31.	Preliminary Advice and Agreement (Section 123)		
31.1	The power pursuant to Regulation 46(6) of the General Regulations, if:	Assessment Manager	<ul style="list-style-type: none"> Planning Officer Director Development Services

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		<ul style="list-style-type: none"> • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on current sub-delegations for r 31A(6) Development Regulations</p>
31.1.1	the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and	
31.1.2	the delegate determines that the application no longer accords with the agreement indicated by the prescribed body,	
	to refer the application (unless withdrawn) to the prescribed body:	
31.1.3	to obtain a variation to the agreement under Section 123 of the PDI Act; or	
31.1.4	to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.	
31.2	The power pursuant to Regulation 46(7) of the General Regulations if:	<p>Assessment Manager</p> <ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on current sub-</p>

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		delegations for r 31A(7) Development Regulations
31.2.1	an application is withdrawn by the applicant; and	
31.2.2	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.	
31.3	The power pursuant to Regulation 46(8) of the General Regulations, if:	Assessment Manager <ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development Based on current sub- delegations for r 31A(8) Development Regulations
31.3.1	an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and	
31.3.2	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.	
31.4	The power pursuant to Regulation 46(9) of the	Assessment <ul style="list-style-type: none"> • Planning Officer • Director

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General Regulations, if:	Manager	<p>Development Services</p> <ul style="list-style-type: none"> • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on current sub-delegations for r 31A(9) Development Regulations</p>
31.4.1 an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and		
31.4.2 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.		
32. Notification of Application of Tree-damaging Activity to Owner of Land		
32.1 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:		
32.1.1 give the owner notice of the application within 5 business days after the application is made; and	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Development Officer Building • Director Development Services • Strategic Planning & Special Projects

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		<p>Officer</p> <p>Based on current sub-delegations for r 18(a) Development Regulations</p>
<p>32.1.2 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>Assessment Manager</p>	<p>This power relates to assessment. Recommend delegation to those delegates in 5.1.1.1 above, i.e.:</p> <ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development
<p>33. Public Inspection of Applications</p>		
<p>33.1 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>Assessment Manager</p>	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on current sub-delegations for r 34(4) Development Regulations</p>

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34. Representations	Powers in Item 34 do not require delegation unless the Panel is considering delegating to Assessment Manager the power to determine applications in relation to which representors wish to be heard.	
34.1 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:	N/A	N/A
34.1.1 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		
34.1.2 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.		
35. Response by Applicant		
35.1 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	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services

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allow.		<ul style="list-style-type: none"> • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on current sub-delegations for r 36 Development Regulations</p>
36. Notice of Decision (Section 126(1))		
36.1 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.	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on current sub-delegations for r 42 Development Regulations</p>
37. Consideration of Other Development Authorisations		
37.1 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.	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development

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		(As per 5.1.1.1)
38. Certificate of Independent Technical Expert in Certain Cases	This power relates to building consent – delegation not necessary if standing referral to Council is made	
38.1 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.	N/A	N/A
39. Urgent Work		
39.1 The power pursuant to Regulation 63(1) of the General Regulations to,	Assessment Manager	<p>This is the power to determine <i>which</i> Council phone number and email address are to be the phone number for urgent work</p> <p>This power is also delegated by Council in Instrument B and the Assessment Manager in Instrument D.</p> <p>It is important that each is consistent, so that only one phone number and email</p>

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		<p>address are provided.</p> <p>We strongly recommend this sub-delegation (if sub-delegated) be to the same position in instruments B and D.</p> <p>Practically speaking, the easiest way is to not sub-delegate, and have Assessment Manager in this role.</p>
39.1.1	determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and	
39.1.2	determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.	
39.2	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</p> <ul style="list-style-type: none"> • Director Development Services • Coordinator of Building & Compliance <p>Based on current sub-delegations for s 54(2)(d) Development Act</p>
39.3	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</p> <ul style="list-style-type: none"> • Director Development Services • Coordinator of Building & Compliance <p>Based on current sub-delegations for s 54(2)(d) Development Act</p>

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40. Variation of Authorisation (Section 128)		
<p>40.1 The power pursuant to Regulation 65(1) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.</p>	Assessment Manager	<ul style="list-style-type: none"> • Director Development Services • Planning Officer • Para Planner • Coordinator Strategic Planning Development <p>Based on current sub-delegations for r 47A(1) Development Regulations</p>
41. Advice from Commission		
<p>41.1 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	<ul style="list-style-type: none"> • Para Planner • Planning Officer • Director Development Services • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on current sub-delegations for r 29(2) Development Regulations</p>
42. Underground Mains Area		
<p>42.1 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</p>	Assessment Manager	<p>No current sub-delegations under r 30(4) Development Regulations (i.e. power currently sits with CEO). For AM to consider whether sub-delegation is appropriate. If the</p>

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any electricity mains be placed underground.		<p>power is not used within the Council area, it may not be necessary.</p> <p>As we have mentioned above, if it is desired that this decision remain with the CEO, either the CAP could delegate directly to the CEO, or the AM could sub-delegate to the CEO.</p>
43. Plans for Residential Alterations, Additions and New Dwellings		
<p>43.1 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>	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on current sub-delegations for Clause 2B(4)(b) of Schedule 4 to the Development Regulations</p>
<p>43.2 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>	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator

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		Strategic Planning Development (as per 43.1)
44. Plans for Building Work	Not necessary to delegate any powers or functions under Item 45 if standing referral to Council is made.	
44.1 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:	N/A	N/A
44.1.1 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		
44.1.2 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,		
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.		

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**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)
REGULATIONS 2019**

45. Calculation or Assessment of Fees		
<p>45.1 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>	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on current sub-delegations for r 95(2) Development Regulations</p>
<p>45.1.1 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>45.1.2 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>		
<p>45.2 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>	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development

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		Based on current sub-delegations for r 95(3) Development Regulations
45.3 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.	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development <p>Based on current sub-delegations for r 95(4) Development Regulations</p>
46. Waiver or Refund of Fee		
46.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:	Assessment Manager	<p>Sub-delegations for waiver and refund of fee under s 39(4)(c) and 39(5) is set out at 8.5.3 above.</p> <p>Recommend this delegation be consistent with 8.5.3 above, i.e., to:</p> <ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic

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		Planning Development
46.1.1	waive the payment of the fee, or the payment of part of the fee; or	
46.1.2	refund the whole or a part of the fee.	

PLANNING AND DESIGN CODE

47.	Procedural Matter	Delegation	Sub-delegation
47.1	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.	Assessment Manager	<p>This is a new power. It involves the forming opinions that development is minor and so does not warrant public notification.</p> <p>Based on other delegations as to what is “minor development”, i.e. 34.1 above, consider:</p> <ul style="list-style-type: none"> • Director Development Services • Planning Officer • Para Planner • Coordinator Strategic Planning Development <p>However, due to the more extensive consequences of this decision to that in 34.1 above, consider whether to restrict to more senior team members (based on skills and qualifications of each</p>

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position)			
48. Procedural Referrals			
48.1	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.	Assessment Manager	As per 47.1
48.2	The power pursuant to and in accordance with the PD Code to form the opinion and deem:	Assessment Manager	As per 47.1
48.2.1	alteration to an existing access or public road junction;		
48.2.2	development that changes the nature of vehicular movements or increases the number or frequency of movements through an existing access,		
to be minor.			
48.3	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.	Assessment Manager	As per 47.1
48.4	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.	Assessment Manager	As per 47.1
49. Referral Body: Minister Responsible for the Administration of the Aquaculture Act 2001			
49.1	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.	Assessment Manager	As per 47.1
STATE PLANNING COMMISSION PRACTICE DIRECTION 3 (NOTIFICATION OF PERFORMANCE ASSESSED DEVELOPMENT APPLICATIONS) 2019			
50. Responsibility to Undertake Notification	Delegation	Sub-delegation	

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50.1	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.	Assessment Manager	<p>This is the power to physically place signs on land. Recommend sub-delegation begin with:</p> <ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning <p>For Assessment Manager to consider whether other position(s) are appropriate for sub-delegation (i.e. the position(s) most likely to physically attend the site and affix the sign), or whether they will do so at the direction of a sub-delegate without themselves having a delegation</p>
51. Preparing for Notification			
51.1	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:	Assessment Manager	This is the power to make decisions as to the content of signs to be placed on land and where they are to be placed. For AM to determine how broadly to sub-delegate this power.

INSTRUMENT C

**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**

		Based on other delegations, we recommend:
		<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development
51.1.1	give notice of the anticipated commencement date and of the notification period to the applicant; and	
51.1.2	provide the applicant with a copy of the content of the notice to be placed on the relevant land in PDF format; and	
51.1.3	advise the applicant of the position and number of notice(s) to be erected on the land in accordance with clause 10 of PD3.	
52. Notice on Land		
52.1	The power pursuant to clause 10(2) of PD3, in relation to clause 10(2) 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>Assessment Manager</p> <p>As per 51.1</p>

**STATE PLANNING COMMISSION PRACTICE DIRECTION (APPOINTMENT OF ADDITIONAL
MEMBERS TO ASSESSMENT PANEL) 2019**

INSTRUMENT C

**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**

53. Qualifications and Experience of Additional members		
53.1 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 not recommended	Sub-delegation not recommended
53.2 The power pursuant to clause 4(7) of PD5 to be satisfied of the minimum experience and qualifications of an additional assessment panel member.	Delegation not recommended	Sub-delegation not recommended

STATE PLANNING COMMISSION PRACTICE DIRECTION (SCHEME TO AVOID CONFLICTING REGIMENS) 2019

54. Scheme Provisions		
54.1 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.	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner • Coordinator of Building & Compliance • Coordinator Strategic Planning Development (consistent with 5.1.1.1. above)
54.2 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	Assessment Manager	<ul style="list-style-type: none"> • Planning Officer • Director Development Services • Para Planner

INSTRUMENT C

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ACT 2016, REGULATIONS, PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS OF
POWERS OF AN ASSESSMENT PANEL**

or agency.		<ul style="list-style-type: none">• Coordinator of Building & Compliance• Coordinator Strategic Planning Development (consistent with 5.1.1.1. above)
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INSTRUMENT C

**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**

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

[Instructions for use: any conditions or limitations which apply to delegations under this Act should be inserted here – DELETE this note once conditions/limitations are entered. If no conditions apply insert 'NIL']

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil