

Members – Council Assessment Panel  
**CITY OF MARION**



**NOTICE OF  
COUNCIL ASSESSMENT PANEL MEETING**

Notice is hereby given that a Council Assessment Panel Meeting will be held:

**Wednesday 06 July 2022**

**Commencing at 6.30 p.m.**

**Council Chamber**

**Council Administration Centre**

**245 Sturt Road, Sturt**

A copy of the Agenda for the meeting is attached. Meetings are open to the public and interested members of the community are welcome to attend. Access to the CAP Meeting is via the main entrance to the Administration building, 245 Sturt Road, Sturt.

A handwritten signature in blue ink, appearing to read "Alex Wright", is positioned above the printed name and title.

Alex Wright  
**ASSESSMENT MANAGER**

29 June 2022

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**CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 6 JULY 2022  
COMMENCING AT 6.30PM**

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**1. MEETING PROCEDURES**

**1.1 OPEN MEETING**

**1.2 PRESENT**

**1.3 APOLOGIES**

**1.4 IN ATTENDANCE**

**2. GENERAL OPERATIONS**

No items listed for discussion

**3. DEVELOPMENT ACT 1993 APPLICATIONS**

No items listed for discussion

**4. PDI ACT APPLICATIONS**

**4.1 DEVELOPMENT NO 22010672**

**717 & 719 Marion Road, Ascot Park**

**Construction of a two storey childcare centre with associated solar panels, roof mounted services/units, shade sails, fencing, advertisement displays and outbuilding**

Report Reference: CAP060722 - 4.1.....2

**4.2 DEVELOPMENT NO 21012619**

**1 Freya Avenue, Hallett Cove & 3 Freya Avenue, Hallett Cove – CONFIDENTIAL ITEM  
A change in land use from two detached dwellings to pre-school (childcare centre) with associated advertisements and advertising hoarding, outbuilding, earthworks, retaining walls and fencing.**

Report Reference: CAP060722 - 4.2.....25

**5. APPEALS UPDATE**

**5.1 APPEALS AGAINST PANEL DECISIONS**

Verbal Update Provided

**5.2 APPEALS AGAINST DELEGATED APPLICATIONS**

Verbal Update Provided

**6. POLICY OBSERVATIONS**

No items listed for discussion

**7. OTHER BUSINESS**

**7.1 Delegated powers of Assessment Panel as a Relevant Authority under the Planning, Development, and Infrastructure Act 2016 to Assessment Manager.**

**7.2 Appointment of Deputy Presiding Member**

**7.3 Council Assessment Panel General Analysis 2022**

**8. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING HELD ON 06 JULY 2022**

**9. MEETING CLOSURE**

**2. GENERAL OPERATING PROCEDURES  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 06 JULY 2022**

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No items listed for discussion

**REPORT REFERENCE: CAP060722 – 4.1  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 6 JULY 2022**



<b>Originating Officer:</b>	<b>Nicholas Timotheou Acting Team Leader – Planning</b>
<b>Applicant:</b>	<b>CK Ascot Park Pty Limited</b>
<b>Development Description:</b>	<b>Construction of a two storey childcare centre with associated solar panels, roof mounted services/units, shade sails, fencing, advertisement displays and outbuilding</b>
<b>Site Location:</b>	<b>717 and 719 Marion Road, Ascot Park</b>
<b>Zone &amp; Policy Area:</b>	<b>General Neighbourhood Zone</b>
<b>Lodgement Date:</b>	<b>22 April 2022</b>
<b>Planning and Design Code:</b>	<b>Version 2022.6</b>
<b>Referrals:</b>	<b>Internal Development Engineer Coordinator Traffic and Parking  External Commissioner of Highways (CoH) Environment Protection Authority (EPA)</b>
<b>Application Type:</b>	<b>Performance Assessed</b>
<b>Delegations Policy:</b>	<b>Instrument of Delegation – CAP, Clause 5.1.1.1</b> <i>The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which: Any Performance Assessed application that has undergone Public Notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>
<b>Public Notification</b>	<b>Public Notification required</b> <i>An application which involves a change in land use is not listed in Table 5 of the General Neighbourhood Zone to exclude it from Public Notification.</i>
<b>Application No:</b>	<b>22010672</b>
<b>Recommendation:</b>	<b>That Planning Consent be GRANTED subject to Conditions</b>

**Appendices**

*Appendix 1: Planning and Design Code guidelines*

**Attachments**

*Attachment I: Proposal Plan and supporting documentation  
Attachment II: Statement of Representations  
Attachment III: Applicant's Response to Representations  
Attachment IV: Referral comments*

## SUBJECT LAND

The subject land is located at 717 and 719 Marion Road, Ascot Park. The land is located on the eastern side of Marion Road which is classified as an arterial road in the road hierarchy. Each allotment is rectangular in shape, while 717 Marion Road incorporates a corner cut-off.

The subject site has a total area of 1,293m<sup>2</sup>, and a frontage of 32.14m to Fourth Avenue and 33.83m to Marion Road.

717 Marion Road features a single storey building which has been converted into a consulting room and its associated car parking area to the rear of the site. Advertisement displays are noted and present to Marion Road. Access to this allotment is presently available via a 6m wide crossover from Fourth Avenue.

719 Marion Road accommodates a single storey detached dwelling which features a large front and rear garden. Vehicular access to the site is available directly from Marion Road via a single width crossover. The property includes a standard good neighbour fence across the front boundary.

Each building incorporates a hipped roof form and represent a built area of approximately 30% of the land. The land as a whole is generally flat and devoid of any Regulated Trees.

Fourth Avenue includes two (2) 'no standing zone signs' between the existing crossover and the intersection of Marion Road while the Marion Road frontage contains a bus shelter and sign, stobie pole and a mature street tree.



Figure 1: Aerial Image of subject land

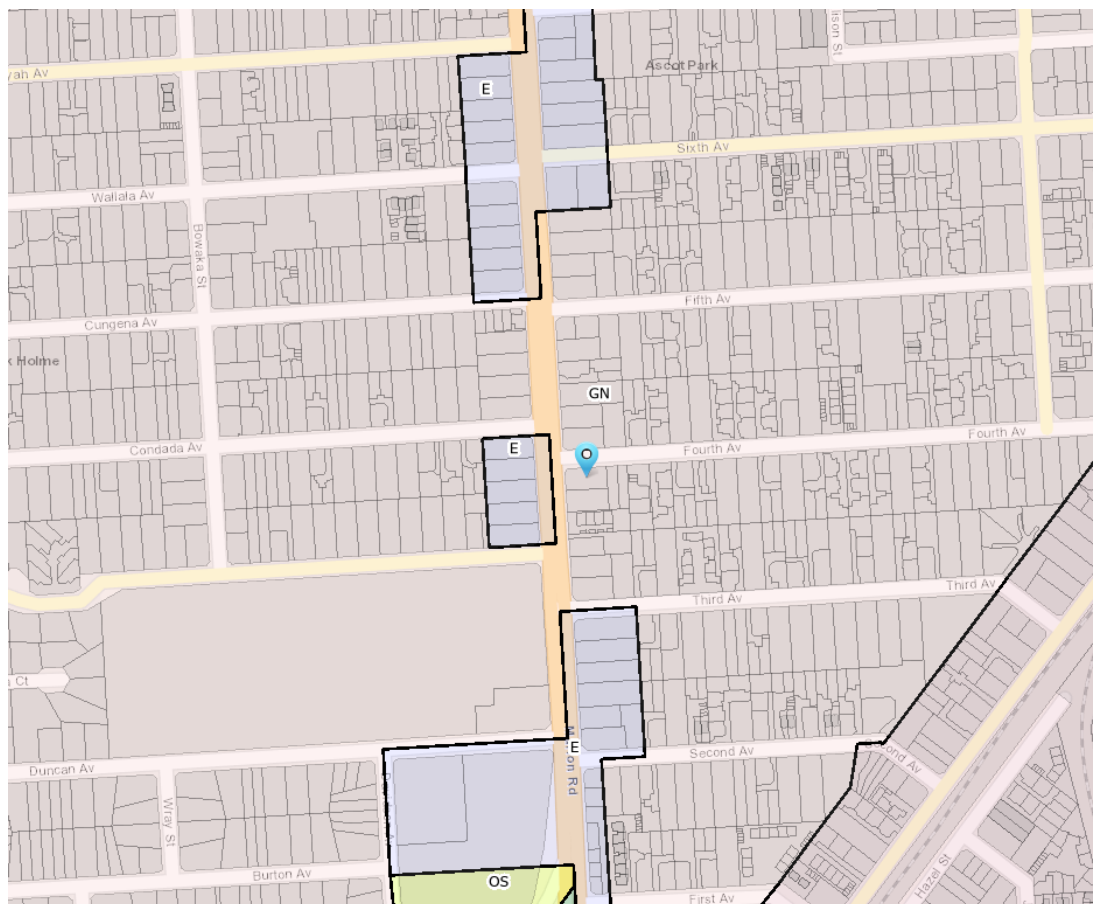
## LOCALITY

The locality is typically defined by low-rise, low-density dwellings. The original housing stock contains a mixture of detached dwellings with large front and rear gardens together with hammerhead type allotments containing residential flat and group dwellings. More recent development has occurred, mainly in the form of newly constructed residential flat/group dwellings and detached dwellings. Infill development remains low-rise and low-density as defined by the Planning and Design Code; however, has naturally resulted in smaller allotment sizes, higher site coverage and reduced setbacks from boundaries when compared to the original housing stock.

Marion Road features a mixture of residential and non-residential land uses. Non-residential land uses include consulting rooms, offices, retail, automotive collision repairs, service trade premises (motor vehicles), personal services establishments, Ascot Park Primary School, the Marion Mosque, a large vacant retail fuel outlet and Park Holme Community Hall. Many of these uses are contained within an Employment Zone, those of which are depicted in the below aerial image of Zoning boundaries in the immediate and wider locality.

Marion Road is a State Maintained Road, that is under the care and control of the Commissioner of Highways (CoH). Marion Road provides two (2) lanes for traffic travelling north and south, with traffic islands providing right turn movements and a bicycle lane along each edge. Marion Road carries approximately 41,700 vehicles per day (4% commercial vehicles) at this section and has a posted limit of 60km/h.

The subject site and locality can be viewed via this [google maps link](#).



**Figure 2: Zone boundaries of locality**





**Figure 3: Locality Map**



**Figure 4: Image of 717 Marion Road when viewed from Fourth Avenue**



**Figure 5: Image of 719 Marion Road (main façade)**



## PROPOSED DEVELOPMENT

The proposed development seeks to alter the use of the land from residential/consulting room to pre-school (childcare). A pre-school is defined by the Planning and Design Code as follows:

***Means a place primarily for the care or instruction of children of less than primary school age not resident on the site.***

The development includes the construction of buildings and structures in association with the use. Namely, a two-storey pre-school building and fencing, outbuilding, shade sails, car parking area, signage and landscaping.

The building has been architecturally designed to provide visual interest to each elevation. Elevations are articulated by way of their varied setbacks, high level of glazing and variation in materials, which includes rendered walls, varied textured cladding finishes and exposed brick work.

The building is a low scale, two-storey building by virtue of its overall building height of 7.8 metres. Associated car parking areas are at the eastern portion of the land, which locates the main building and outdoor play area on the western side of the land.

Shade sails are interspersed throughout the play areas, most notably adjacent to the southern side boundary and at the first floor. Fencing is concentrated to the southern and eastern boundaries of the land and comprise Colorbond materials or combined Colorbond/translucent panels up to 2.4 metres in height. This fencing is shared with residential land.

In addition to the above, the proposal involves the construction of an outbuildings used for storage and a bin enclosure. The storage building abuts the southern boundary of the land of the building and is setback behind the building line. The outbuilding used to for bin storage is integrated with the building and is located adjacent to car parking area. Both structures have a low vertical profile and are small in overall stature.

The childcare centre cares for children ranging in age from 2 months to 3-5 years and has capacity to accommodate up to 77 children. The centre will operate Monday to Friday (6:30 am – 6:30 pm) and employ up to 14 staff members.

A total of 20 car parking spaces, inclusive of one accessible (disabled) car park, is proposed. The car parking area will be accessed via the existing two-way crossover from Fourth Avenue (albeit slightly modified).

## PROCEDURAL MATTERS

### Classification

Section 105 of the *Planning Development and Infrastructure Act 2016* (the Act) prescribes that development falls within the category of code assessed development if:

- a) *it is classified as deemed-to-satisfy, or*
- b) *it:*
  - i. *Does not fall within the category of accepted development, and*
  - ii. *Does not fall within the category of impact assessed development.*

The proposed development is not classified as deemed-to-satisfy. It does not fall within the categories of development in points *i.* and *ii.* above. For this reason, the proposed development is code assessed development pursuant to Section 105 of the Act.

If a Code assessed development cannot be assessed as deemed-to-satisfy, which this proposal cannot, then Section 107 of the Act prescribes that it is a performance assessed development that is to be assessed on its merits against the Planning and Design Code (the Code). As such, the development is 'Code Assessed – Performance Assessed Development'.

Rules of Interpretation in the Code explain Desired Outcomes (DO), Performance Outcomes (PO) and Designated Performance Features (DPF), which are the policies used for assessing performance assessed development.

Desired Outcomes provide an overarching agenda for the Zone. These are usually broad, qualitative provision. Performance Outcomes are more specific, qualitative provisions that speak to explicit policy expectations. Designated Performance Features are included alongside Performance Outcomes, as a means of achieving the Performance Outcome. Not all Performance Outcomes will include a Designated Performance Feature.

When using a Designated Performance Feature to determine if a Policy Outcome is achieved, it is relevant to note that it is one means of achieving the Policy Outcome. The DPF is not required to be met to satisfy the Policy Outcome - some other feature of the development may still satisfy the Policy Outcome. This notion is supported by the Code which provides the following guidance in using the policy:

*In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.*

(underline my emphasis)

## Notification

A 'change in land use' is not a form of development excluded from notification in Table 5 of the applicable zone. In addition, the resultant building works are also not listed as development excluded from public notification.

Given the above, the development was notified for a period of 15 business days.

## PUBLIC NOTIFICATION



<b>Properties Notified</b>	78 (shaded in light blue)
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**Representations**      3 – Oppose the development

<b>Representations received</b>	<b>Name</b>	<b>Address</b>	<b>Wish to be heard</b>
	Joylene White	2a Fourth Avenue, Ascot Park	Yes
	Lesley Slattery	Unit 3, 2 Fourth Avenue, Ascot Park	No
	Tracy Goh	Address not supplied	Yes

**Applicant Response** A response by the applicant is included within the Report attachments.

## **Referrals**

### **Internal**

#### **Development Engineer**

Council's Development Engineer has reviewed the application plans and advised they are satisfied with the proposed car parking dimensions and associated manoeuvring areas together with the stormwater disposal arrangements.

#### **Coordinator Transport**

Streets immediately to the north and south of the proposed development (third avenue and fourth avenue) are both currently operating well and within their expected service levels for a local street and would be able to accommodate for additional volumes potentially derived from the Childcare. Traffic volumes stated in the report for Fourth Avenue (following traffic survey from Stantec) are very close to what the previous traffic count indicated in the street which was installed 4 years ago, therefore hasn't been a lot of growth in this time.

Estimated trip generation during the AM and PM peaks is minimal and the existing street network would be able to safely accommodate this increase without resulting in traffic impacts these streets and or the surrounding area.

No known transport related issues are present in the locality. Other than periodic traffic congestion derived in peak times on the west side of Marion associated with Ascot Primary School and also again on the western side of Marion Road, from the Mosque situated on the corner of Condada Avenue, in regards to parking. Parking at times during events held from the Mosque does extend into local streets surrounding the Mosque, including Fourth Avenue, although is generally during the day and not during AM / PM peak times therefore cannot see this presenting any issues / conflicts although worthy of a mention.

No other points to raise from a traffic and parking perspective

### **External**

#### **Commissioner of Highways (CoH)**

A copy of the CoH referral can be found in Attachment IV of this report.

#### **Environment Protection Authority (EPA)**

A copy of the EPA referral can be found in Attachment IV of this report.

## ASSESSMENT

### Zone Assessment

#### Land Use

Desired Outcome 1 of the General Neighbourhood Zone states (my underline):

*Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.*

Performance Outcome 1.1, 1.2 and 1.3 are also of relevance. Broadly speaking, these provisions call for complementary non-residential uses (to residential development) located and designed to improve community accessibility to services. The provisions encourage development which is sited and designed to complement the residential character and amenity of the neighbourhood.

Pre-schools, and education establishments, are commonplace in neighbourhood type zones throughout the state. It is contemplated that pre-schools be co-located with residential land as well as other similar establishments to improve access to community facilities and services. Given the Zone expressly contemplates pre-schools as an envisaged land use for the Zone, I am of the view that the main considerations for the suitability of the use relate to whether it is of an appropriate scale for the locality and how amenity impacts are appropriately managed.

When considering the use in context of the locality, it is acknowledged the site is situated adjacent an arterial road where non-residential land uses are common. Being located adjacent to an arterial road in itself attracts a mixture of residential and non-residential land uses, whereby it can be argued the locality is not of a typical residential setting. It is clear the road is not strictly residential in nature as it features a varied built form and as a result of its function and operation and attracts a mixture of land uses. The development is therefore not considered out of place with the locality and Marion Road generally.

The overall building form and scale is contemplated by the Zone (discussed in further detail below) with its location being concentrated away from residential properties. The building has been positioned towards the western boundary with its main façade presenting to Fourth Avenue. In doing so, the building provides transition to the residential land uses on adjoining land as a result of the skillion roof design which steps to the outdoor play area and associated screening devices. The height of the screening devices are comparable to a two-level building, measuring 5.8m from ground level.

The proposal is considered to represent a reasonable form of non-residential development contemplated within the General Neighbourhood Zone and an arterial road which generally has less amenity compared to a traditional residential setting. The pre-school will aim to serve the needs of the local community and complement other well-established land uses in the locality. Provided the built form and amenity impacts upon the locality are managed, the land use is supported by the Zone provisions.

### Interface between Land Uses

Interface between Land Uses, Desired Outcome 1 states:

*Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.*



This outcome is reinforced by Performance Outcome 1.2 and 2.1 which seeks development adjacent to a site containing a sensitive receiver be designed to minimise adverse impacts together with its hours of operation.

### *Noise and Hours of Operation*

Noise is closely linked to operation hours, activities occurring on site and any proposed site features that will limit the impact of noise on adjoining land uses. The proposal is considered to remain in accordance with the desired outcomes of the Planning and Design Code Plan by limiting the hours of operation from 6:30am until 6:30pm of each day and through acoustic measures being implemented into the overall design. In this regard, I do not consider the additional noise generated to be of such a degree where it would detrimentally impact the amenity of nearby residents.

Performance Outcome 4.1 seeks:

*Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).*

This Performance Outcome contains a respective Deemed Performance Feature, identifying “Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria”

It should also be acknowledged, the Sonus report notes that PO 4.1 (Interface between Land Uses) references the Environment Protection (Noise) Policy.

The current version is the Environment Protection (Noise) Policy 2007 (‘the Policy’). However, the noise from children playing is specifically excluded from assessment under the Policy and nevertheless, is concentrated to daytime hours.

It is acknowledged the applicant has submitted an Environmental Noise Assessment which identifies the recommended acoustic treatments for the subject land in order to assist in minimising amenity impacts upon adjacent properties. This report concludes the installation of:

#### **Ground Floor**

- 1.5m high fencing for a portion of land along the western boundary to be constructed of sheet steel;
- 2.1m high fencing along the southern allotment boundary to be constructed of sheet steel;
- 2.4m high fencing along the southern allotment boundary to be constructed of sheet steel; and
- All fences are to be sealed airtight at all junctions, including between panels, at the building, at the retaining wall and at the ground.

#### **First Floor**

- 1.5m high solid material such as glass or Perspex or a solid wall material along the northern elevation;
- 1.8m high solid material such as glass or Perspex or a solid wall material along the eastern and southern elevation; and
- All materials are sealed airtight at all junctions, including with upper deck and at vertical junctions; and
- absorption material being applied to the underside of the soffit of the first floor above the car parking area.

The inclusion of fencing and enclosures at the first level is considered to assist in minimising any additional noise generated from the site upon the nearby residents. The fencing/enclosures as proposed have been assessed by an Independent Acoustic specialist who has prepared an environmental noise assessment report. This report concluded that the upgrade works to fencing

and enclosures at the first floor have been deemed sufficient to minimise any noise extending beyond the site.

It is therefore considered that the facility has been designed to minimise adverse impacts, avoid unreasonable interference on amenity, and will not detrimentally affect the amenity of the locality by the way of noise, thereby achieving the relevant provisions of the Planning and Design Code.

### *Overshadowing*

From an overshadowing perspective, it is acknowledged the “playspace” enclosure is setback 4.1m from the eastern boundary and 6.5m – 8m from the southern boundary. The “control” building walls are setback 20m from the eastern boundary and 8m from the southern boundary. In this regard, Performance Outcome 8.1 and 9.1 of the Zone are relevant together with General Development Policies, Interface between Land Uses Performance Outcome 3.1 and 3.2. These provisions state:

#### *Performance Outcome 8.1*

*Building walls are set back from side boundaries to provide:*

- a) separation between dwellings in a way that contributes to a suburban character and*
- b) access to natural light and ventilation for neighbours.*

#### *Performance Outcome 9.1*

*Dwelling walls are set back from rear boundaries to provide:*

- a) separation between dwellings in a way that contributes to a suburban character*
- b) access to natural light and ventilation for neighbours*
- c) private open space*
- d) space for landscaping and vegetation.*

#### *Performance Outcome 3.1*

*Overshadowing of habitable room windows of adjacent residential land uses in:*

- a) a neighbourhood-type zone is minimised to maintain access to direct winter sunlight*
- b) other zones is managed to enable access to direct winter sunlight.*

#### *Performance Outcome 3.2*

*Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:*

- a) a neighbourhood type zone is minimised to maintain access to direct winter sunlight*
- b) other zones is managed to enable access to direct winter sunlight.*

With regard to PO 8.1, it should be acknowledged that the respective Deemed Performance Feature is met in that the building wall is setback 20m. Similarly, the play space enclosure is setback 4m. Performance Outcome 9.1 relates to “dwelling walls” and is therefore not considered applicable to this development. It is nonetheless useful as a guide to the development and how it appears in the locality. This notwithstanding shadow diagrams submitted by the applicant demonstrate that:

- The property at 2 Fourth Avenue, Ascot Park shall only experience shadow from the development during afternoon hours, such that habitable room windows and areas of POS will remain unshaded;
- The building on adjoining land to the south shall experience a similar level of overshadowing to that of a standard 1.8m high good neighbour fence.

The main building itself achieves generous separation from the southern adjoining land to minimise overshadowing impacts upon the areas of private open space of each dwelling located at 721 Maron Road. With respect to acoustic fencing along the southern boundary, it is acknowledged a maximum height of 2.1m is proposed. A fence no higher than 2.1m above ground level does not constitute development and can be constructed “as of right” (i.e. does not require an application with

Council, nor any consideration on overshadowing or visual amenity impacts). As such, minimal change is contemplated with respect to the extent of shadow cast upon the southern adjoining land.

To this end, I am satisfied the overshadowing impacts caused by the development remain in-line with General Development Policies, Interface between Land Uses Performance Outcome 3.1 and 3.2.

#### *Visual Privacy*

The development manages visual privacy concerns by way of orienting the buildings main and secondary façade to Fourth Avenue and Marion Road. Upper-level windows facing the road are clear to promote an attractive streetscape outcome and passive surveillance.

When visual privacy matters are concerned, the main areas for consideration relate to upper-level windows and the play space decked area facing east/south. In this regard, the building is designed to incorporate mixture of obscure glazing to all windows and balustrade materials, together with vertical cladding up to 2.1 metres in height. These design features are considered appropriate to mitigate overlooking of adjoining areas of private open space or habitable room windows.

#### *Waste Collection and Storage*

The location of waste storage receptacles are located adjacent the car parking area, which is screened from public view. A private waste collection service will be utilised outside of the childcare centre hours in order to minimise any safety risks. With respect to collection times, a condition has been included as part of the recommendation which states *“All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the Environment Protection (Noise) Policy 2007”*. This ensures that any waste collection shall only occur:

- between 9.00 a.m. and 7.00 p.m. on a Sunday or other public holiday; and
- between 7.00 a.m. and 7.00 p.m. on any other day.

To this end, I am satisfied the proposed waste collection and storage arrangements are appropriate for the land and shall not result in unreasonable amenity impacts.

#### **Built Form and Design and Appearance**

Given the proposed location, the building will largely present to the surrounding residential properties and Marion Road. The overall design and appearance of the building, commercial in nature, promotes a modern appearance and introduces an attractive building to the locality and Zone.

The proposal involves the construction of a two-storey building located somewhat central to the land. The building exhibits a modern design and appearance, albeit with a modest floor plan when compared to the size of the land. External to the main building, comprises a generous outdoor play space at the first floor, oriented to the east. The play area is cantilevered over the ground floor and car parking spaces. A balustrade around the play area measures 2.1 – 2.9m in height and incorporates a mixture of obscure glass and vertical cladding. The inclusion of a mixture of colours, materials and glazing provides a degree of permeability and visual interest when viewed from adjoining land, contributing to a built form outcome which minimises bulk and scale.

While the upper-level balustrade will present as the most prominent visual element from adjoining land (to 2 Fourth Avenue and 721 Marion Road), it is acknowledged the ground level of the building is recessed in from this building edge.. Landscaping at the ground and first floor is also noted and shall grow to heights which can be viewed above the fence line and balustrade. These elements assist in providing shading, visual interest and articulation rather than a bland upright appearance.

It is clear the building design is more commercial in nature rather than reflective of the typical style of residential dwellings within the locality.

I do not consider this inappropriate; however, as it would be considered impractical for such a development to replicate or mimic a residential dwelling given the proposed use and location in a varied locality. Further, the Code seeks development of a high design standard, not development which is designed to replicate existing uses. Provisions in the Zone call for complementary development rather than strict consistency. In this regard, it is relevant to note:

*Performance Outcome 1.2*

*Non-residential development located and designed to improve community accessibility to services, primarily in the form of:*

- a) small scale commercial uses such as offices, shops and consulting rooms*
- b) community services such as educational establishments, community centres, places of worship, pre-schools, and other health and welfare services*
- c) services and facilities ancillary to the function or operation of supported accommodation or retirement facilities*
- d) open space and recreation facilities.*

*Performance Outcome 1.3*

*Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.*

*Performance Outcome 3.1*

*Building footprints allow sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.*

*Performance Outcome 4.1*

*Buildings contribute to a low-rise suburban character.*

*Performance Outcome 5.1*

*Buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.*

*Performance Outcome 6.1*

*Buildings are set back from secondary street boundaries to achieve separation between building walls and public streets and contribute to a suburban streetscape character.*

*Performance Outcome 8.1*

*Building walls are set back from side boundaries to provide:*

- c) separation between dwellings in a way that contributes to a suburban character and*
- d) access to natural light and ventilation for neighbours.*

*Performance Outcome 9.1*

*Dwelling walls are set back from rear boundaries to provide:*

- e) separation between dwellings in a way that contributes to a suburban character*
- f) access to natural light and ventilation for neighbours*
- g) private open space*
- h) space for landscaping and vegetation.*

Broadly speaking, the provisions seek development that complement the residential character and amenity in a low-rise environment, together with building setbacks consistent with the development pattern.

It is also worthy to acknowledge “small scale” educational establishments and pre-schools are not referenced in PO 1.2 compared to offices, consulting rooms and shops. It is therefore suggested the Zone contemplates pre-schools of a larger scale to the other non-residential and uses envisaged in

the Zone. This is further emphasised by PO 3.1 which seeks *“Building footprints allow sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation”*. The building footprint and site coverage is limited to the main building, calculated at 25% of the land, noting site coverage is calculated by adding the total roof area of all roofed buildings/structures on a site (excluding any eaves surrounding a habitable building) dividing this by the site area and then multiplying it by 100. When the play area is included in a site coverage calculation, this figure increases to 61%.

Whilst the upper-level play area is cantilevered over the car park, there is an open environment beneath this portion of the building, creating a sense of space around the building. The proposal is considered to have sufficient space around and underneath the building to sufficiently limit visual impacts and provide access to light and ventilation as expressed by PO 3.1.

The building itself is low-rise as defined by the Planning and Design Code, in that it does not exceed two building levels, nor an overall height of 9m. This outcome is reinforced by DPF 4.1 which calls for buildings up to 9m in height and no more than 2 building levels. Despite the locality being predominantly single storey in nature, it is acknowledged complete consistency with this outcome is not the outcome sought by the Zone.

Marion Road features a number of non-residential land uses which incorporate taller built form outcomes and the development is considered to maintain this theme. The varying setbacks at ground and first floor together with the cantilevered play space and varying colours and materials are nonetheless considered to minimise the overall bulk and scale of the building and contribute to a suburban character. A “suburban character” is not defined by the Planning and Design Code; however, guidance can be provided by the Zone’s intent to accommodate a mixture of residential and non-residential land uses.

Landscaping throughout the site, particularly along the Marion Road and Fourth Avenue frontage is considered to contribute to a leafy, green environment and suburban character. The use of soft landscaping and a mixture of planting species at ground and first floor shall assist in minimising the bulk and scale of the building and provide an articulated outlook from adjoining land and the street. Landscaping throughout the land will be discussed in greater detail below.

Setbacks concerned in the locality are somewhat mixed, particularly along Marion Road and sites located along corner allotments. Non-residential buildings along Marion Road commonly include reduced setbacks to buildings or protruding elements which come close to the boundary. I am of the opinion the proposal is not so dissimilar to this characteristic of non-residential buildings contained within the locality.

While the development represents similar outcomes to existing buildings in the locality, it is considered to further enhance the Marion Road streetscape through the inclusion of attractive colours and materials and landscaping. Existing non-residential built form outcomes are noted at the followings sites:



**Marion Mosque**



**Shops located on the corner of Marion Road and Second Avenue**

**Park Holme Community Hall**



**Shop located on Marion Road and north of Sixth Avenue**



**Group of shops on the corner of Marion and Sixth Avenue**



Fourth Avenue is considered to be the primary frontage of the land in that is the road which has the shortest frontage. Regarding the front setbacks, the following points are noted:

- The first floor is set back 3m (including the play space and its enclosure) while the ground level wall achieves 3.3m separation
- The building is located closer to the street when compared to the adjacent property (set back approximately 6m)
- The existing building on the land is noted to accommodate a secondary street setback of 2.6m (approximately).

Despite the building incorporating a lesser front setback compared to the adjacent property and other dwellings within the locality, it is acknowledged the land has the benefit of comprising a corner allotment. Being a corner allotment, it is noted the built form has the opportunity to provide a general transition to existing buildings on adjoining land and the streetscape. It is also acknowledged that in the event the building were oriented to face Marion Road, a lesser setback to Fourth Avenue is generally contemplated and accepted as an appropriate built form outcome. While this is not considered complete justification for the proposed outcome, I am of the view that some regard can be had to this point.

The building design also results in a 4m setback from the eastern boundary, paired with an open environment at ground level. As a result, the development contributes to a sense of space around the building, which should contribute to a transition to built form on adjoining land. On balance, the separation achieved from Fourth Avenue is not considered a significant failing of the development.

The level of separation achieved from side and rear boundaries (east and south) remains generous and is considered to complement existing development on adjoining land. Amenity implications, in terms of overshadowing, visual privacy and noise have been considered earlier in this report and are determined to result in appropriate outcomes for the land and locality. In terms of the level of separation achieved and visual amenity outcomes, I am too of the opinion that the development is appropriate in this regard.

The building is highly articulated, incorporating a mixture of colours/materials/finishes together with landscaping throughout the land. These features are supplemented with generous separation from side and rear boundaries, while the building design should create shading at ground level, particularly beneath the car parking space. This is not to say there will not be a change in outlook from adjoining land; however, the visual amenity impacts are not considered to be of an outcome which exhibits bulk and scale or poor articulation. The building will be observable but not visually dominant and interspersed with landscaping.

As identified throughout this report, the varied setbacks and mixture of exposed brick, fenestration and vertical cladding contributes to an attractive streetscape outcome and provides visual interest when viewed from the public and private realm.

### **Outbuilding and Ancillary Structures**

A minor storage outbuilding measuring is proposed adjacent to the southern boundary of the land. The building achieves a floor area of 4sqm and a flat roof, resulting in a wall height of 3m.

The outbuilding is an ancillary structure to the childcare centre and is nonetheless considered appropriate for the General Neighbourhood Zone. The location of the outbuilding is such that any visual or overshadowing impacts are generally concealed from public view and screened by the associated fencing proposed as part of the subject application.

Shade sails are interspersed throughout the ground level and first floor play area. Shade sail post heights are generally 3.7m at their highest point at ground level and approximately 3.5m at the first floor. The design of the shade sails are lightweight in appearance and are not considered to contribute to any excessive bulk and scale of the main built form.

The outbuilding and shade sails are not considered to offend the Desired Outcomes and Performance Outcomes of the Airport Building Heights (Regulated) Overlay and General Development Policies - Clearance from Overhead Powerlines and Infrastructure and Renewable Energy Facilities.

Given the small scale of the outbuilding and shade sails, their design and appearance is considered an appropriate outcome for the land and locality and is not considered inconsistent with the residential character of the locality.

## Advertisements

Advertising is simple and mounted flush to walls, reflective of the Planning and Design Code provisions. A single freestanding sign is located at the entrance to the car parking area and is not considered to result in unreasonable clutter throughout the land.

None of the signage is illuminated and as such, is not considered to impact on drivers, cyclist or pedestrians. Advertisement displays relate to the lawful use of the land and to this end, this element of the proposal is considered appropriate from a planning assessment.

## Traffic and Parking

The proposed traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking and modified access/egress arrangements from the site. Additional traffic movements generated by the proposed development are not expected to compromise the safety or function of the surrounding road network. The layout of the development internalises vehicle movements and limits the number of vehicle access/egress points to the land.

The Planning and Design Code provides the following rates for on-site parking:

Childcare centre: 0.25 spaces per child

Based on the above, the development generates a parking demand of 20 spaces, which the development achieves. It is also acknowledged the site is provided with on-street parking opportunities which provides further merits to the overall merits of the proposal.

It is not anticipated that visitors to the land will need to rely on the adjacent road network for vehicle parking; however, this characteristic of the locality can be regarded.

Performance Outcome 5.1 of Transport, Access and Parking, General Development Policies states:

*Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:*

- a) *availability of on-street car parking*
- b) *shared use of other parking areas*
- c) *in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared*
- d) *the adaptive reuse of a State or Local Heritage Place.*

In this regard, it is acknowledged the land retains a number of on-street car parking opportunities, which should be regarded when considering the overall merits of the proposal with respect to on-site car parking.

Whilst additional traffic will be generated by the proposed development and create additional traffic impacts on the adjacent road network above what is already experienced, the increase is not anticipated to compromise the safety or function of the surrounding road network. Furthermore, it is important to note, the majority of traffic impacts associated with the proposed use will be concentrated to between day time hours.

The carpark dimensions and overall layout meet the relevant Australian Standards, which has been reviewed by Council's Development Engineer, who has formed the opinion that from a traffic safety point of view, the proposal is satisfactory. The development as a whole has also been reviewed by Council's Development Engineer, Council's Coordinator Transport, the applicant's traffic consultant

and the Commissioner of Highways who have all deemed the proposal to be appropriate from a traffic, parking and access perspective.

To this end, I am reasonably satisfied the availability of on-site parking is appropriate to meet the likely demand generated from the facility and shall not result in unsafe traffic movements or compromise the flow of traffic upon the adjacent arterial and local roads.

## **Fencing**

The proposed fencing is considered commonplace for a neighbourhood type zone. Fencing is proposed along the eastern and southern boundary and adjoins residential allotments. The fencing is between 2.1 and 2.4 metres in height and comprises sheet steel (south boundary) and combination sheet steel and acrylic panels (east boundary). Fencing is to be sealed airtight at all junctions, including between panels, at the building, at the retaining wall and at the ground as recommended by the applicants Acoustic Engineer.

The proposed fencing is considered appropriate for the following reasons:

- The southern boundary can be constructed as of right as it does not exceed 2.1 metres and therefore does not constitute development under the Planning, Development and Infrastructure Act 2016
- The eastern boundary fencing represents a height, 300mm greater than that which could be constructed as of right. The additional 300mm is not considered an unreasonable outcome in a residential environment
- Notwithstanding the above, the fencing along the eastern boundary incorporates a mixture of materials and is considered to assist in providing visual interest when viewed from adjoining land.

On balance, fencing associated with the development is not considered to result in unreasonable amenity impacts. Fencing up to 2.4m in height is not uncommon for residential areas and to this end, no significant planning consequences are anticipated.

## **Landscaping**

The development involves landscaping throughout the land; however, is focused towards the site boundaries, car parking areas and interspersed throughout the play areas. The total area of soft landscaping measures approximately 220 square metres (17%), which is inclusive of planted areas at the first floor, but does not include any artificial turf. In addition to the soft landscaped area, there is an additional 38sqm of sandpit (12sqm on the Ground and 26sqm on the first floor).

While artificial turf is noted within play space areas, the development as a whole is considered to outweigh this element. It is also noted the artificial turf is located beneath shade sails and an area where lawn would not be conveniently located or maintained (noting the intended location of mounding and play equipment). Although not desirable, the inclusion of artificial turf for the development is not considered fatal to the overall merits of the application.

A range of trees, plants and shrubs have been selected to provide both visual interest and increased biodiversity to the site. The use of medium to high growing species is considered to assist in softening the appearance of the car park area and development generally when viewed from the public and private realm. The landscaping schedule includes numerous tree plantings which should assist in achieving an attractively landscaped environment and contribute to an overall urban tree canopy.

Landscaping throughout the land is provided in vantage points to maintain appropriate vehicle manoeuvring areas, while ensuring the streetscape presentation is enhanced. The use of medium to

high growing species is considered to assist in softening the appearance of the car park area and development generally when viewed from the public realm. The landscaping schedule includes a tree planting which should assist in achieving an attractively landscaped environment and contribute to an overall urban tree canopy.

Some of the key tree plantings include:

- *Adenanthos sericeus* 'Pencil Perfect' x 32 along the eastern boundary
- *Corymbia ficifolia* grafted x 2 and *Eucalyptus torquate* x 1 along the southern boundary
- *Eucalyptus torquate* x 1, *Lagerstroemia indica* x *fauriei* 'Acoma' x 2 & *Corymbia ficifolia* grafted x 1 within the first floor play area
- *Callistemon* hybrid 'Kings Park Special' x 4 & *Lagerstroemia indica* x *fauriei* 'Acoma' x 2 bordering the Fourth Avenue and Marion Road junction.

The provision of the abovementioned tree plantings shall significantly contribute to an overall urban tree canopy and green environment. Further, these mature tree plantings should be seen from adjoining land and primary areas of private open space and habitable room windows. This outcome is considered to contribute to a positive external outlook from adjoining land and minimising the overall bulk and scale of the building.

The proposed landscaping accords with relevant Code provisions as it will minimise heat absorption and reflection, enhance the appearance of land and streetscapes and contribute to biodiversity. As identified above, the design of the building is considered to be of a standard contemplated by the zone and the proposed landscaping adjacent the street/within the car park will assist in achieving an attractive presentation when viewed from the public road network.

### **Stormwater management and Energy Efficiency**

The proposed development includes a combined detention/retention tank with 5,000 litre capacity. The outflow has a restricted orifice which limits flows to two litres per second to manage peak flows.

The design of the building incorporates north and south facing play areas as well as large windows which will assist in providing natural light. Solar panels are provided with a northern orientation to gain exposure to sunlight throughout the year.

Council's Development Engineer has assessed the proposed development against Council's Commercial Stormwater Design Guidelines and has resolved the proposal is satisfactory from a stormwater management perspective. Finished floor and ground levels are appropriate to mitigate and flood impacts upon the building.

### **Site Contamination**

The development represents a more sensitive use when compared to the existing consulting room located at 717 Marion Road, Ascot Park. The land is also in an area within a Groundwater Prohibition Area as shown on the South Australian Property and Planning Atlas. As such, the proposal represents a development of a class to which Schedule 9 clause 3 item 9A of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

In this regard, the applicant has engaged Land and Water Consulting to carry out a Preliminary Site Investigation including Soil Vapour Investigation. Under the PDI Act, the development has also been referred to the Environment Protection Authority who have provided Direction to Council. A copy of the EPA referral comments can be found within Attachment IV of this report. In summary, the EPA raises no objection and has included conditions which are to be attached to the consent if supported.



## Conclusion

The proposed development seeks the construction of a two storey childcare centre with associated solar panels, roof mounted services/units, shade sails, fencing, advertisement displays and outbuilding. The preceding assessment has demonstrated the proposed development generally satisfies the applicable provisions of the Planning and Design Code.

The main considerations attributed to the development relate to the proposed land use, its scale and interface impacts from the use. The Zone envisages a number of non-residential land uses, including pre-schools and educational establishments. Pre-schools are commonly located in neighbourhood type zones and arterial roads, representing an area which is strategically located to service the community and locality. From a land use perspective, the development finds support with that contemplated by the General Neighbourhood Zone.

The overall built form and streetscape outcomes achieve a highly articulated building, providing visual interest and articulation when viewed from the public and private realm. The high quality design combined with substantial landscaping and separation from boundaries is considered to achieve an outcome which complements the suburban character and minimise the overall bulk and scale.

Traffic implications are appropriately managed through the provision of on-site car parking to meet the demand generated by the development. The location of a single access/egress point and on-site turning areas are provided to maintain the flow of traffic internal and external to the site, without impacting on the arterial road network.

The amenity impacts upon the locality are mitigated as a result of acoustic treatments at the ground and first floor, together with limitations upon hours of operation and waste collection. Overshadowing of adjoining areas of private open space and habitable room windows are found to result in acceptable outcomes for the residential properties on adjoining land, noting these areas will either see minimal change or receive at least 3 hours of direct sunlight.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016.

It is considered that the development exhibits sufficient merit when assessed on balance against the relevant Desired Outcomes and Performance Outcomes to warrant Planning Consent subject to the conditions and notes listed below.

## **RECOMMENDATION**

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel notes this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concurs that the proposed development is not seriously at variance to the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and
- (c) That Planning Consent for Development Application ID: 22010672 for the construction of a two storey childcare centre with associated solar panels, roof mounted services/units, shade sails, fencing, advertisement displays and outbuilding at 717 and 719 Marion Road, Ascot Park be GRANTED subject to the following Conditions.

## **CONDITIONS**

- 1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2. Hours of operation are limited to 6:30am until 6:30pm Monday to Friday (excluding public holidays).
- 3. Landscaping shall provide clear sightlines at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath, in accordance with Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004.
- 4. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).
- 5. Wheel stopping devices shall be placed and maintained within each parking bay to prevent damage to adjoining fences, buildings or landscaping in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6.2009).
- 6. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
- 7. Designated accessible (disabled) car parking spaces shall be designed, constructed and maintained in accordance with Australian Standards (AS/NZS 2890.6.2009).
- 8. All car parking areas, driveways and vehicle manoeuvring areas must be constructed in accordance with the approved plans and recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
- 9. All car parking spaces shall be line marked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.

10. The content of the advertisement(s) shall relate only to the legitimate use of the land and shall not display any third-party advertising.
11. The advertisement(s) and supporting structure(s) shall be maintained in good repair at all times.
12. All waste and other rubbish shall be stored in the designated areas and screened from public view in accordance with the approved plans.
13. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the Environment Protection (Noise) Policy 2007.
14. All external lighting must be designed and constructed in accordance with Australian Standard (AS 4282-1997).
15. Pedestrian walkways on the subject site shall be adequately lit in accordance with Australian / New Zealand Standard AS/NZS 1158.3.1:1999 "Road Lighting Part 3.1: Pedestrian area (Category P) lighting - Performance and installation design guidelines". Such lighting shall be maintained at all times, to the reasonable satisfaction of the Council.
16. Prior to the use and/or occupation of the structure(s), all infrastructure for the disposal of stormwater from buildings and paved areas shall be installed in accordance with the approved plans and details.
17. In accordance with the recommendations of Sonus Pty Ltd set out at pages 8-13 of report S7193C4 dated March 2022:
  - 17.1 all fences are to be sealed airtight at all junctions, including between panels, at the retaining wall and at the ground;
  - 17.2 absorption material shall be applied to the underside of the soffit of the first floor above the car parking area as indicated in Figure 2 and to the specifications in Detail 1 of the Sonus report.

***Commissioner of Highways Conditions***

18. All access to the development shall be gained via the existing access to Fourth Avenue as identified in Site Plan Prepared by Insite Architects Job No. J0000602 Sheet DA 01 Printed 19/04/2022.
19. Landscaping fronting Marion Road and Fourth Avenue shall be managed in such a way that sight distances in accordance with Major Urban Transport Routes Overlay DTS/DPF 5.1 are achieved at all times.
20. Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

***Environment Protection Authority Conditions***

21. A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued by a site contamination consultant certifying the land is suitable for the proposed use.

22. The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

**REPORT REFERENCE: CAP060722 – 4.2  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 06 JULY 2022**

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**CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES**

**Reason for confidentiality**

It is recommended that this Report be considered in CONFIDENCE in accordance with Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, which permits the meeting to be closed to the public for business relating to the following:

- (viii) provision of legal advice;
- (ix) information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place

**Recommendation**

1. The Council Assessment Panel orders pursuant to Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, that the public, with the exception of the Manager of Development and Regulatory Services, Team Leader - Planning, Development Officer – Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Assessment Manager of the Council Assessment Panel.
2. Under Clause 14 of the Planning, Development and Infrastructure Regulations, an order be made that Item 4.2 including the report, attachments and discussions having been dealt with in confidence under Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, shall be kept in confidence until a decision of the Environment, Resources and Development Court relevant to the item is made.
3. Further, that at completion of the confidential session, the meeting be re-opened to the public.

**5. APPEALS UPDATE  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 06 JULY 2022**



**5.1 APPEALS AGAINST PANEL DECISIONS**

***New Appeals***

<b>DA No.</b>	<b>Address</b>	<b>Appeal Lodged</b>	<b>Recommendation</b>	<b>Decision</b>	<b>Current Status</b>
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***On-going Appeals***

<b>DA No.</b>	<b>Address</b>	<b>Appeal Lodged</b>	<b>Recommendation</b>	<b>Decision</b>	<b>Current Status</b>
21012619	1 & 3 Freya Avenue Hallett Cove	10/11/21	APPROVE	REFUSE	Awaiting outcome from ERD Court

**5.2 APPEALS AGAINST DELEGATED APPLICATIONS**

<b>DA No.</b>	<b>Address</b>	<b>Appeal Lodged</b>	<b>Recommendation</b>	<b>Decision</b>	<b>Current Status</b>
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**6. POLICY OBSERVATIONS  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 06 JULY 2022**

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No items listed for discussion.



**7. OTHER BUSINESS  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 06 JULY 2022**

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**7.1: OTHER BUSINESS – Delegations  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 6 July 2022**



**Originating Officer:** Nicholas Timotheou  
Acting Team Leader - Planning

**Report:** Delegated powers of Assessment Panel as a Relevant Authority under the Planning, Development and Infrastructure Act 2016 to Assessment Manager.

**Report Type:** Delegations

**Recommendation:**

**That the Panel RESOLVES the following;**

- 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 the Report dated 6/07/2022 and entitled '*Marion Council Assessment Panel - Instrument of Delegation – Instrument C*' and marked Attachment II) are hereby delegated on 6<sup>th</sup> of July 2022 to the City of Marion Assessment Manager 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 City of Marion Assessment Manager in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Assessment Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.**

*Attachment I:* CAP Instrument of Delegations – marked up  
*Attachment II:* Marion CAP - Instrument of Delegation – Instrument C

## **Introduction**

The Planning and Development Infrastructure Act 2016 (the Act) introduced changes to the planning and development system.

Under the Act, the Council is no longer the relevant authority for planning consent. Rather, 'Relevant Authorities' for planning consent are assigned under the Act and Regulations and effectively operate autonomously from the Council. Pursuant to Section 93 (1)(a) of the Act (*Determination of relevant authority, Relevant authority—Panels*) the Panel is a 'relevant authority' in its own right.

An Assessment Panel will be the relevant authority for planning and building in relation to proposed development that is to be undertaken within the area of the council unless another authority is described by the Act or Regulations (section 93 of the Act).

It is acknowledged the Council Assessment Panel currently operates with delegations in place. The purpose of this reports is to address amendments made to the Planning, Development and Infrastructure Act 2016 and Planning, Development and Infrastructure (General) Regulations 2017.

It is also noted the Panel contains a new Presiding Member while a new term for members shall commence. This report is presented for the Panel to endorse the most current version of delegations. Changes made to the revised delegations as attached do not impact the Panel's ability to function, nor does it seek changes to the types of applications being considered.

## **Background & Analysis**

As the Panel is considered to be a 'Relevant Authority' in its own right it will be responsible for the provision of Planning Consent for Performance Assessed applications which have undergone Public Notification.

Under the new system, unless the application has undergone public notification the Panel will not be the relevant authority and therefore will not consider the application.

## **General Discussion**

Section 100 of the Planning, Development and Infrastructure Act outlines that a relevant authority may delegate any functions or powers held under the Act. A delegation may be made to a particular person, body or a person occupying a particular office or position.

The delegation may be made subject to conditions or limitations specified in the instrument of delegation and may be further delegated by the delegate. Importantly, delegations are revocable and do not derogate from the power of the relevant authority to act in any matter.

As the Panel has been assigned as a relevant authority in its own right, in exercising these duties the Panel will need to consider delegations to Council staff to undertake specific duties or exercise powers on its behalf.

Delegations enhance the decision-making processes and allow nominated matters to be resolved efficiently and effectively without the need for the Panel's consideration, in much the same way current delegations from Council operate under the Development Act.

Administration have provided a proposed Instrument of Delegation (Attachment II) which outlines the Planning, Development And Infrastructure Act 2016, Planning, Development And Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges And Contributions) Regulations 2019 and the proposed delegation and sub-delegations.

In essence the Delegations enable elements of the Act to be undertaken such as;

### *Administrative Tasks*

Whilst the Panel is the Relevant Authority for applications which require Public Notification it would be impractical for the Panel not to delegate responsibilities such as verification of Applications (i.e. requiring information and fees) and undertaking statutory referrals to the Assessment Manager of the Council.

Additionally, the Procedural Matters Notification Table within each Zone enables development to be excluded from Public Notification where, in the opinion of the relevant authority, the

development is of a minor nature and will not unreasonably impact owners or occupiers of land in the locality of the site of the development.

In this situation it is proposed that the ability to deem a development 'minor' will be limited to the Assessment Manager and qualified staff with planning experience (i.e. whilst a Planning Officer could deem an application 'minor' to preclude from notification, other officers such as a Planning Assistant could not).

#### *Public Notification of Applications*

It is proposed the Panel delegate the processing of applications and all administrative actions (such as creation and installation of signage, issuing of letters, collation of reps etc) associated with the Public Notification process to the Assessment Manager (and subsequently sub-delegated to appropriate staff).

It is proposed that the Manager, Development & Regulatory Services, Team Leader, Planning and Senior Development Officer, Planning will be sub-delegated the responsibility to physically attend the site and affix the sign. It is anticipated these positions will subsequently direct other positions to undertake these roles and responsibilities.

#### *Delegation of Planning Consent*

Whilst the Panel is the Relevant Authority for applications which have undergone Public Notification, the Panel can choose to delegate to the Assessment Manager (and sub-delegate to Planning staff) the ability to determine certain applications. Norman Waterhouse has used the Council's existing Development Delegations Policy to guide which applications may be sub-delegated back to Council staff for consideration.

To provide consistency with the current delegations, it is recommended the following development applications be delegated to the Assessment Manager (and sub-delegated back to staff).

The following applications are delegated from the Panel to staff, where;

1. *No valid representations are received against the proposed development;*
2. *All valid representations against the proposed development are withdrawn;*
3. *No representor who has lodged a valid representation against the proposed development wishes to be heard;*
4. *The application relates to a local heritage place or a State Heritage Place but does not seek total demolition of the place, and heritage advice commissioned by the Assessment Panel (or delegate) or State Government Department responsible for State Heritage have recommended that approval should be granted.*

For Members benefit, Section 5.1.1.1 of the Instrument of Delegation outlines the type of Development Applications delegated to the Assessment Manager (following notification), with some exceptions (see above).

## **Conclusion**

The purpose of this report is administrative in nature and is presented for the Panel to endorse the most current version of delegations. Amendments made to the delegations have come about in order to remain in-line with the legislation.

It is recommended that, pursuant to Section 100, the Assessment Panel delegate powers as a Relevant Authority under the Planning, Development and Infrastructure Act 2016 to the Assessment Manager as outlined in Attachment 2 *Marion CAP - Instrument of Delegation – Instrument C*

## **Recommendation**

**That the Panel RESOLVES the following;**

- 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 the Report dated 6/07/2022 and entitled '*Marion CAP - Instrument of Delegation – Instrument C*' and marked Attachment 2) are hereby delegated on 6<sup>th</sup> of July 2022 to the City of Marion Assessment Manager 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 City of Marion Assessment Manager in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Assessment Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.**

## **INSTRUMENT C**

### **INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

#### **NOTES**

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 resolution(s) to identify when these delegations were made, reviewed and or amended.

#### **References:**

- MDRS                      Manager Development & Regulatory Services
- TLP                        Team Leader Planning
- SDOP                     Senior Development Officer Planning
- DOP                       Development Officer Planning
- DOPA                     Development Officer Planning Assistant
- SPP                        Senior Policy Planner
- AC                         Administrator Coordinator
- ASODS                   Administration Support Officer Development Services
- SO                         Systems Officer
- DCO                       Development Compliance Officer
- MEAE                     Manager Engineering Assets and Environment

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

1. <b>Environment and Food Production Areas – Greater Adelaide</b>	<b>Delegation</b>	<b>Sub-delegation</b>
1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 ( <b>the PDI Act</b> ), 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	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	N/A
2. <b>Appointment of Additional Members</b>		
2.1 The power pursuant to Section 85(1) of the PDI Act to appoint 1 or 2 members to act as additional members of the assessment panel for the purposes of dealing with a matter that the assessment panel must assess as a relevant authority under the PDI Act.		N/A
3. <b>Relevant Authority – Commission</b>		
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> </ul>
4. <b>Relevant Provisions</b>		N/A
4.1 The power pursuant to Section 99(1) of the PDI Act, if a proposed development involves the performance of		



**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

building work to determine to act under Section 99(1) of the PDI Act to:		
4.1.1 refer the assessment of the development in respect of the Building Rules to the council for the area in which the proposed development is to be undertaken; or		
4.1.2 require that the assessment of the development in respect of the Building Rules be undertaken by a building certifier.		
<b>5. Matters Against Which Development Must Be Assessed</b>		
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	<p>The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which:</p> <p>1. Planning consent is not sought for:</p> <p>a) any development in relation to a Local Heritage Place or a State Heritage Place where</p>	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	<p>the heritage advice commissioned on behalf of the CAP or the State Government Department responsible for State Heritage have recommended that planning consent should not be granted;</p> <p>b) the total demolition of a Local Heritage Place or a State Heritage Place;</p> <p>c) land division that proposes the creation of three or more additional allotments (excluding an allotment identified as common property or as a free an unrestricted right of way) where one or more of the proposed allotments is more than 5% below the minimum site area recommended</p>	
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**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	<p>by the relevant policy in the Code; or</p> <p>d) three or more dwellings (including detached, semidetached, row and residential flat) where one or more dwelling sites are more than 5% below the minimum site area recommended by the relevant policy in the Code; and</p> <p>2. One or more of the following are satisfied:</p> <p>a) No valid representations are received against the proposed development;</p> <p>b) All valid representations against the proposed development are withdrawn;</p> <p>c) No representor who has lodged a valid representation against the proposed</p>	
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**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

		development wishes to be heard;	
		Except in cases where a deemed consent notice has been served on the Panel under Section 125(2) of the Act, in which case the limitation does not apply, and the Assessment Manager is delegated the power pursuant to Section 102(1)(a)(i) of the PDI Act to grant consent in respect of the relevant provisions of the Planning Rules without limitation.	
5.1.1.2	to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development,  <b>(planning consent);</b>	N/A	N/A
5.1.2	the relevant provisions of the Building Rules <b>(building consent);</b>	Delegations not required if standing referral of application for building consent is 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)	

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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 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)	
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		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	Planning and Design Code or a design standard;		
5.1.4.4	where land is to be vested in a council or other authority - the council or authority consents to the vesting;		
5.1.4.5	a building or item intended to establish a boundary (or part of a boundary) 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 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;	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
5.1.6	if relevant - requirements applying under Part 15 Division 2 of the PDI Act are satisfied;	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

		<ul style="list-style-type: none"> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• DCO</li> </ul>
5.1.7	such other matters as may be prescribed.	Assessment Manager <ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• TLB</li> </ul>
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
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 <ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
<b>6.</b>	<b>Performance Assessed Development</b>	
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).	Assessment Manager <ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
6.2	The power pursuant to Section 107(3) of the PDI Act, if a proposed development is to be assessed under	Assessment Manager <ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> </ul>



**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	Section 107 of the PDI Act to make a decision in accordance with a practice direction.		<ul style="list-style-type: none"> <li>• DOP</li> <li>• SPP</li> </ul>
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
<b>7.</b>	<b>Building Consent</b>	N/A	N/A
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).		
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.		
7.3	The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if:		
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		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	(b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or		
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 rules consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in respect of the development that are as good as can reasonably be achieved in the circumstances.	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 118(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	N/A	N/A

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	work 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.		
<b>8.</b>	<b>Application and Provision of Information</b>		
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• TLB</li> <li>• SDOB</li> <li>• DOPA</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

8.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant:		
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;	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• TLB</li> <li>• SDOB</li> <li>• DOPA</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
8.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• TLB</li> <li>• SDOB</li> <li>• DOPA</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
8.2.3 to consult with an authority or body prescribed by the regulations;	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• TLB</li> <li>• SDOB</li> <li>• DOPA</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

8.2.4	to comply with any other requirement prescribed by the regulations.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• TLB</li> <li>• SDOB</li> <li>• DOPA</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
8.5	The power pursuant to Section 119(9) of the PDI Act to:		
8.5.1	permit an applicant:		
8.5.1.1	to vary an application;	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• DOPA</li> <li>• SPP</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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);	Assessment Manager  <ul style="list-style-type: none"><li>• MDRS</li><li>• TLP</li><li>• SDOP</li><li>• DOP</li><li>• DOPA</li><li>• SPP</li></ul>
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"><li>• MDRS</li><li>• TLP</li><li>• SDOP</li><li>• DOP</li><li>• SPP</li><li>• DOPA</li></ul>
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"><li>• MDRS</li></ul>
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"><li>• MDRS</li><li>• TLP</li><li>• SDOP</li><li>• DOP</li><li>• SPP</li><li>• DOPA</li></ul>
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  <ul style="list-style-type: none"><li>• MDRS</li><li>• TLP</li><li>• SDOP</li><li>• DOP</li><li>• SPP</li><li>• DOPA</li></ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• DCO</li> </ul>
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> </ul>
<b>9. Outline Consent</b>			
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>N/A</p> <p><i>No delegation until practice direction necessary to enable operation of s 120 is published.</i></p>
9.2	The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:	As per 9.1 above	As per 9.1 above
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.		
<b>10. Design Review</b>			
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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
<b>11. Referrals to Other Authorities or Agencies</b>			



**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• DOPA</li> <li>• SPP</li> <li>• DCO</li> </ul>
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:	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• DOPA</li> <li>• SPP</li> <li>• DCO</li> </ul>
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 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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
<b>12. Preliminary Advice and Agreement</b>			
12.1	The power pursuant to Section 123(2) of the PDI Act, if:	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
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 Section 132 of the PDI Act.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

<b>13. Proposed Development Involving Creation of Fortifications</b>		
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).	Assessment Manager	• MDRS
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:	Assessment Manager	• MDRS
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.	Assessment Manager	• MDRS
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.	Assessment Manager	• MDRS
<b>14. Time Within Which Decision Must be Made</b>		
14.1 The power pursuant to Section 125(6) of the PDI Act to form the opinion and consider that the relevant application for planning consent should have been refused and apply to the Court for an order quashing the consent.	Assessment Manager	• MDRS

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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.	As per 14.1	<ul style="list-style-type: none"> <li>MDRS</li> </ul>
<b>15.</b>	<b>Determination of Application</b>		
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"> <li>MDRS</li> <li>TLP</li> <li>SDOP</li> <li>DOPP</li> <li>SPP</li> <li>DOPA</li> <li>AC</li> <li>ASODS</li> <li>SO</li> <li>DCO</li> </ul>
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"> <li>MDRS</li> <li>TLP</li> </ul>
<b>16.</b>	<b>Conditions</b>		
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"> <li>MDRS</li> <li>TLP</li> <li>SDOP</li> <li>DOP</li> <li>DOPA</li> <li>SPP</li> <li>DCO</li> </ul>
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"> <li>MDRS</li> <li>TLP</li> <li>SDOP</li> <li>DOP</li> <li>SPP</li> </ul>
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	Assessment Manager	<ul style="list-style-type: none"> <li>MDRS</li> <li>TLP</li> <li>SDOP</li> <li>DOP</li> <li>SPP</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).		<ul style="list-style-type: none"> <li>• DOPA</li> <li>• DCO</li> </ul>
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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• DCO</li> </ul>
16.5 The power pursuant to Section 127(8)(b) of the PDI Act to:	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• DCO</li> </ul>
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.		
<b>17. Variation of Authorisation</b>		
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DCO</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

		Based on current sub-delegations for s 40(3) Development Act
<b>18. Requirement to Up-grade</b>	N/A	N/A
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 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		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	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 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.		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

<b>19. Cancellation of Development Authorisation</b>		
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"><li>• MDRS</li><li>• TLP</li><li>• TLB</li></ul>
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"><li>• MDRS</li><li>• TLP</li><li>• TLB</li></ul>
<b>20. Professional Advice to be Obtained in Relation to Certain Matters</b>		
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"><li>• MDRS</li></ul>
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"><li>• MDRS</li></ul>
<b>21. General Transitional Schemes for Panels</b>		
21.1	The power pursuant to Clause 12(7) of Schedule 8 of the PDI Act, to	N/A
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	
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	



**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

21.1.3	deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and		
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		
21.1.5	deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act.		
<b>22. Continuation of Processes</b>			
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 or ensure a smooth transition on account of the		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.		
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**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL)  
REGULATIONS 2017**

<b>23. Accredited Professionals</b>	<b>Delegation</b>	<b>Sub-delegation</b>
23.1 The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 ( <b>the General Regulations</b> ) 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.	N/A	N/A
<b>24. Verification of Application</b>		
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• DCO</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

24.1.2	if the application is for planning consent - determine:		
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; and	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• DCO</li> </ul>
24.1.2.2	the category or categories of development that apply for the purposes of development assessment; and	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• DCO</li> </ul>
24.1.3	determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• DCO</li> </ul>
24.1.4	if the relevant authority is the correct entity to assess the application (or any part of the application):		
24.1.4.1	check that the appropriate documents and information have been lodged with the application; and	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

		<ul style="list-style-type: none"> <li>• SDOB</li> <li>• DCO</li> </ul>
24.1.4.2	confirm the prescribed fees required to be paid at that point; fees required to be paid at that point under the <i>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</i> ; and	Assessment Manager <ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
24.1.4.3	provide an appropriate notice via the SA planning portal; and	Assessment Manager <ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• DCO</li> </ul>
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• DCO</li> </ul>
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	

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	relevant authority in accordance with any practice direction; and		
	24.1.5.2 provide an appropriate notice via the SA planning portal.		
<b>25.</b>	<b>Application and Further Information</b>		
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
<b>26.</b>	<b>Amended Applications</b>		
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 not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• DCO</li> </ul>
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• DCO</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

<b>27. Withdrawing/Lapsing Applications</b>		
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:	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
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:		
27.2.1 take reasonable steps to notify the applicant of the action under consideration; and	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> </ul>
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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> </ul>
<b>28. Court Proceedings</b>		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

28.1	The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> </ul>
29.	<b>Additional Information or Amended Plans</b>		
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> </ul>
30.	<b>Building Matters</b>	N/A	N/A
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	N/A	N/A

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	Regulations within 20 business days, to presume that the fire authority does not desire to make a report.		
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 application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:	N/A	N/A
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.	<b>Preliminary Advice and Agreement (Section 123)</b>		



**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

31.1	The power pursuant to Regulation 46(6) of the General Regulations, if:		
31.1.1	the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
31.1.2	the delegate determines that the application no longer accords with the agreement indicated by the prescribed body,	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
	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	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
31.1.4	to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
31.2	The power pursuant to Regulation 46(7) of the General Regulations if:	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> </ul>
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,		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> </ul>
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 General Regulations, if:	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> </ul>
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.	<b>Notification of Application of Tree-damaging Activity to Owner of Land</b>		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• DOPA</li> <li>• SPP</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• DOPA</li> <li>• SPP</li> <li>• DCO</li> </ul>
<b>33.</b>	<b>Public Inspection of Applications</b>		
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DCO</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• DOB</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
<b>34.</b>	<b>Representations</b>	N/A	N/A
34.1	The power pursuant to Regulation 50(5) of the General Regulations to, if the delegate considers that it would assist	N/A	N/A

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

the delegate in making a decision on the application, allow a person:		
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.		
<b>35. Response by Applicant</b>		
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 allow.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOPA</li> <li>• DOP</li> <li>• SPP</li> </ul>
<b>36. Notice of Decision (Section 126(1))</b>		
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
<b>37. Consideration of Other Development Authorisations</b>		
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	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.		<ul style="list-style-type: none"> <li>• DOP</li> <li>• SPP</li> </ul>
<b>38.</b>	<b>Certificate of Independent Technical Expert in Certain Cases</b>	N/A	N/A
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
<b>39.</b>	<b>Urgent Work</b>		
39.1	The power pursuant to Regulation 63(1) of the General Regulations to,	Assessment Manager	<ul style="list-style-type: none"> <li>• TLB</li> </ul> <p>Stephen.Zillante @marion.sa.gov.au</p> <p>8375 6696</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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLB</li> <li>• SDOB</li> <li>• DOB</li> </ul>
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLB</li> <li>• SDOB</li> <li>• DOB</li> </ul>
<b>40.</b>	<b>Variation of Authorisation (Section 128)</b>		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
<b>41. Advice from Commission</b>			
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
<b>42. Underground Mains Area</b>			
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 any electricity mains be placed underground.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> </ul> <p>Subject to concurrence of the UMES.</p>
<b>43. Plans for Residential Alterations, Additions and New Dwellings</b>			
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
43.2	The power pursuant to Clause 2(d)(ii)(D) of Schedule 8 of the General Regulations to be satisfied a site contamination	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

audit report (within the meaning of the Environment Protection Act 1993) is not required.		• SPP
<b>44. Plans for Building Work</b>	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.		

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

<b>45. Calculation or Assessment of Fees</b>		
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**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

45.1	The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 ( <b>the Fees Regulations</b> ) in relation to an application which is duly lodged with the council under a related set of regulations (including via the SA planning portal):	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
45.1.1	to require the applicant to provide such information as the delegate may reasonably require to calculate <b>a prescribed fee</b> ; any fee payable under <del>the Fees Regulations or a related set of regulations</del> ; and		
45.1.2	to make any other determination for the purposes of the Fees Regulations or a related set of regulations <b>or a fee notice</b> (even if the assessment panel is not a relevant authority).		
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 <b>a prescribed</b> <del>any</del> fee on the basis of estimates made by the delegate.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> </ul>



**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

		<ul style="list-style-type: none"> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
<b>46. Waiver or Refund of Fee</b>		
46.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> </ul>
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.		

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**PLANNING AND DESIGN CODE**

<b>47. Procedural Matter</b>	<b>Delegation</b>	<b>Sub-delegation</b>
47.1 The power pursuant to and in accordance with the Planning and Design Code ( <b>the PD Code</b> ) 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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
<b>48. Procedural Referrals</b>		
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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
48.2 The power pursuant to and in accordance with the PD Code to form the opinion and deem:	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>

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INSTRUMENT C

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
48.5	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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
48.6	The power pursuant to and in accordance with the PD Code to form the opinion alterations to an existing access or public road junction are minor.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
48.7	The power pursuant to and in accordance with the PD Code to form the opinion development that changes the nature of vehicular movements or increase the number or frequency of movements through an existing access is minor.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
49.	<b>Referral Body: Minister Responsible for the Administration of the Aquaculture Act 2001</b>		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
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**STATE PLANNING COMMISSION PRACTICE DIRECTION 3 (NOTIFICATION OF PERFORMANCE  
ASSESSED DEVELOPMENT APPLICATIONS) 2019**

<b>50. Responsibility to Undertake Notification</b>			
50.1	The power pursuant to clause 6(4) of the State Planning Commission Practice Direction 3 (Notification of Performance Assessed Development Applications) 2019 ( <b>PD3</b> ), 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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> </ul>
<b>51. Preparing for Notification</b>			
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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• DOPA</li> <li>• SPP</li> <li>• DCO</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> </ul>
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		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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.		
<b>52. Notice on Land</b>			
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• DOPA</li> <li>• DCO</li> <li>• SPP</li> </ul>

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

<b>53. Qualifications and Experience of Additional members</b>			
53.1	The power pursuant to clause 4(6) of the State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019 ( <b>PD5</b> ) 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.	Not delegated	Not sub-delegated
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.	Not delegated	Not sub-delegated

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

<b>54. Scheme Provisions</b>			
54.1	The power pursuant to clause 5(1) of the State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019 ( <b>PD6</b> ), to in undertaking a planning assessment or imposing controls, including through the imposition of conditions of planning consent,	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	ensure that such assessment or controls do not conflict or duplicate matters dealt with or addressed under licencing or regulatory regimens under another Act.		<ul style="list-style-type: none"> <li>• SPP</li> </ul>
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 or agency.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

**SCHEDULE OF CONDITIONS**

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

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

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

**Version:**

Endorsed Date	Amendments
<i>3/2/2021</i>	<i>Endorsed by CAP</i>

## **INSTRUMENT C**

### **INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

#### **NOTES**

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 resolution(s) to identify when these delegations were made, reviewed and or amended.

#### **References:**

- MDRS                      Manager Development & Regulatory Services
- TLP                        Team Leader Planning
- SDOP                     Senior Development Officer Planning
- DOP                       Development Officer Planning
- DOPA                     Development Officer Planning Assistant
- SPP                        Senior Policy Planner
- AC                         Administrator Coordinator
- ASODS                   Administration Support Officer Development Services
- SO                         Systems Officer
- DCO                       Development Compliance Officer
- MEAE                     Manager Engineering Assets and Environment



**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

1. <b>Environment and Food Production Areas – Greater Adelaide</b>	<b>Delegation</b>	<b>Sub-delegation</b>
1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 ( <b>the PDI Act</b> ), 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	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	N/A
2. <b>Appointment of Additional Members</b>		
2.1 The power pursuant to Section 85(1) of the PDI Act to appoint 1 or 2 members to act as additional members of the assessment panel for the purposes of dealing with a matter that the assessment panel must assess as a relevant authority under the PDI Act.		N/A
3. <b>Relevant Authority – Commission</b>		
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> </ul>
4. <b>Relevant Provisions</b>		N/A
4.1 The power pursuant to Section 99(1) of the PDI Act, if a proposed development involves the performance of		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

building work to determine to act under Section 99(1) of the PDI Act to:		
4.1.1 refer the assessment of the development in respect of the Building Rules to the council for the area in which the proposed development is to be undertaken; or		
4.1.2 require that the assessment of the development in respect of the Building Rules be undertaken by a building certifier.		
<b>5. Matters Against Which Development Must Be Assessed</b>		
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	<p>The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which:</p> <p>1. Planning consent is not sought for:</p> <p>a) any development in relation to a Local Heritage Place or a State Heritage Place where</p>	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	<p>the heritage advice commissioned on behalf of the CAP or the State Government Department responsible for State Heritage have recommended that planning consent should not be granted;</p> <p>b) the total demolition of a Local Heritage Place or a State Heritage Place;</p> <p>c) land division that proposes the creation of three or more additional allotments (excluding an allotment identified as common property or as a free an unrestricted right of way) where one or more of the proposed allotments is more than 5% below the minimum site area recommended</p>	
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**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	<p>by the relevant policy in the Code; or</p> <p>d) three or more dwellings (including detached, semidetached, row and residential flat) where one or more dwelling sites are more than 5% below the minimum site area recommended by the relevant policy in the Code; and</p> <p>2. One or more of the following are satisfied:</p> <p>a) No valid representations are received against the proposed development;</p> <p>b) All valid representations against the proposed development are withdrawn;</p> <p>c) No representor who has lodged a valid representation against the proposed</p>	
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**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

		development wishes to be heard;	
		Except in cases where a deemed consent notice has been served on the Panel under Section 125(2) of the Act, in which case the limitation does not apply, and the Assessment Manager is delegated the power pursuant to Section 102(1)(a)(i) of the PDI Act to grant consent in respect of the relevant provisions of the Planning Rules without limitation.	
5.1.1.2	to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development,  <b>(planning consent);</b>	N/A	N/A
5.1.2	the relevant provisions of the Building Rules <b>(building consent);</b>	Delegations not required if standing referral of application for building consent is 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)	

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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 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)	
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		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	Planning and Design Code or a design standard;		
5.1.4.4	where land is to be vested in a council or other authority - the council or authority consents to the vesting;		
5.1.4.5	a building or item intended to establish a boundary (or part of a boundary) 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 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;	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
5.1.6	if relevant - requirements applying under Part 15 Division 2 of the PDI Act are satisfied;	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

		<ul style="list-style-type: none"> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• DCO</li> </ul>
5.1.7	such other matters as may be prescribed.	Assessment Manager <ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• TLB</li> </ul>
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
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 <ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
<b>6.</b>	<b>Performance Assessed Development</b>	
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).	Assessment Manager <ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
6.2	The power pursuant to Section 107(3) of the PDI Act, if a proposed development is to be assessed under	Assessment Manager <ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> </ul>



**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	Section 107 of the PDI Act to make a decision in accordance with a practice direction.		<ul style="list-style-type: none"> <li>• DOP</li> <li>• SPP</li> </ul>
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
<b>7.</b>	<b>Building Consent</b>	N/A	N/A
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).		
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.		
7.3	The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if:		
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		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	(b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or		
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 rules consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in respect of the development that are as good as can reasonably be achieved in the circumstances.	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 118(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	N/A	N/A

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	work 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.		
<b>8.</b>	<b>Application and Provision of Information</b>		
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• TLB</li> <li>• SDOB</li> <li>• DOPA</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

8.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant:		
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;	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• TLB</li> <li>• SDOB</li> <li>• DOPA</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
8.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• TLB</li> <li>• SDOB</li> <li>• DOPA</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
8.2.3 to consult with an authority or body prescribed by the regulations;	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• TLB</li> <li>• SDOB</li> <li>• DOPA</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

8.2.4	to comply with any other requirement prescribed by the regulations.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• TLB</li> <li>• SDOB</li> <li>• DOPA</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
8.5	The power pursuant to Section 119(9) of the PDI Act to:		
8.5.1	permit an applicant:		
8.5.1.1	to vary an application;	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• DOPA</li> <li>• SPP</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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);	Assessment Manager  <ul style="list-style-type: none"><li>• MDRS</li><li>• TLP</li><li>• SDOP</li><li>• DOP</li><li>• DOPA</li><li>• SPP</li></ul>
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"><li>• MDRS</li><li>• TLP</li><li>• SDOP</li><li>• DOP</li><li>• SPP</li><li>• DOPA</li></ul>
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"><li>• MDRS</li></ul>
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"><li>• MDRS</li><li>• TLP</li><li>• SDOP</li><li>• DOP</li><li>• SPP</li><li>• DOPA</li></ul>
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  <ul style="list-style-type: none"><li>• MDRS</li><li>• TLP</li><li>• SDOP</li><li>• DOP</li><li>• SPP</li><li>• DOPA</li></ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• DCO</li> </ul>
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> </ul>
<b>9. Outline Consent</b>			
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>N/A</p> <p><i>No delegation until practice direction necessary to enable operation of s 120 is published.</i></p>
9.2	The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:	As per 9.1 above	As per 9.1 above
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.		
<b>10. Design Review</b>			
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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
<b>11. Referrals to Other Authorities or Agencies</b>			

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• DOPA</li> <li>• SPP</li> <li>• DCO</li> </ul>
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:	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• DOPA</li> <li>• SPP</li> <li>• DCO</li> </ul>
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 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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> </ul>



**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
<b>12. Preliminary Advice and Agreement</b>			
12.1	The power pursuant to Section 123(2) of the PDI Act, if:	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
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 Section 132 of the PDI Act.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

<b>13. Proposed Development Involving Creation of Fortifications</b>		
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).	Assessment Manager	• MDRS
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:	Assessment Manager	• MDRS
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.	Assessment Manager	• MDRS
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.	Assessment Manager	• MDRS
<b>14. Time Within Which Decision Must be Made</b>		
14.1 The power pursuant to Section 125(6) of the PDI Act to form the opinion and consider that the relevant application for planning consent should have been refused and apply to the Court for an order quashing the consent.	Assessment Manager	• MDRS

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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.	As per 14.1	<ul style="list-style-type: none"> <li>• MDRS</li> </ul>
<b>15.</b>	<b>Determination of Application</b>		
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOPP</li> <li>• SPP</li> <li>• DOPA</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
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"> <li>• MDRS</li> <li>• TLP</li> </ul>
<b>16.</b>	<b>Conditions</b>		
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• DOPA</li> <li>• SPP</li> <li>• DCO</li> </ul>
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
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	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).		<ul style="list-style-type: none"> <li>• DOPA</li> <li>• DCO</li> </ul>
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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• DCO</li> </ul>
16.5 The power pursuant to Section 127(8)(b) of the PDI Act to:	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• DCO</li> </ul>
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.		
<b>17. Variation of Authorisation</b>		
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DCO</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

		Based on current sub-delegations for s 40(3) Development Act
<b>18. Requirement to Up-grade</b>	N/A	N/A
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 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		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	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 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.		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

<b>19. Cancellation of Development Authorisation</b>		
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"><li>• MDRS</li><li>• TLP</li><li>• TLB</li></ul>
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"><li>• MDRS</li><li>• TLP</li><li>• TLB</li></ul>
<b>20. Professional Advice to be Obtained in Relation to Certain Matters</b>		
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"><li>• MDRS</li></ul>
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"><li>• MDRS</li></ul>
<b>21. General Transitional Schemes for Panels</b>		
21.1	The power pursuant to Clause 12(7) of Schedule 8 of the PDI Act, to	N/A
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	
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	

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

21.1.3	deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and		
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		
21.1.5	deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act.		
<b>22. Continuation of Processes</b>			
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 or ensure a smooth transition on account of the		



**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.		
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**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL)  
REGULATIONS 2017**

<b>23. Accredited Professionals</b>	<b>Delegation</b>	<b>Sub-delegation</b>
23.1 The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 ( <b>the General Regulations</b> ) 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.	N/A	N/A
<b>24. Verification of Application</b>		
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• DCO</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

24.1.2	if the application is for planning consent - determine:		
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; and	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• DCO</li> </ul>
24.1.2.2	the category or categories of development that apply for the purposes of development assessment; and	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• DCO</li> </ul>
24.1.3	determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• DCO</li> </ul>
24.1.4	if the relevant authority is the correct entity to assess the application (or any part of the application):		
24.1.4.1	check that the appropriate documents and information have been lodged with the application; and	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

		<ul style="list-style-type: none"> <li>• SDOB</li> <li>• DCO</li> </ul>
24.1.4.2	confirm the prescribed fees required to be paid at that point; and	Assessment Manager <ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
24.1.4.3	provide an appropriate notice via the SA planning portal; and	Assessment Manager <ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• DCO</li> </ul>
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• DCO</li> </ul>
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	

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	relevant authority in accordance with any practice direction; and		
	24.1.5.2 provide an appropriate notice via the SA planning portal.		
<b>25.</b>	<b>Application and Further Information</b>		
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
<b>26.</b>	<b>Amended Applications</b>		
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 not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• DCO</li> </ul>
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• DCO</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

<b>27. Withdrawing/Lapsing Applications</b>		
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:	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
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:		
27.2.1 take reasonable steps to notify the applicant of the action under consideration; and	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> </ul>
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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> </ul>
<b>28. Court Proceedings</b>		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

28.1	The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.	Assessment Manager	<ul style="list-style-type: none"> <li>MDRS</li> </ul>
29.	<b>Additional Information or Amended Plans</b>		
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.	Assessment Manager	<ul style="list-style-type: none"> <li>MDRS</li> <li>TLP</li> <li>SDOP</li> <li>DOP</li> <li>SPP</li> <li>DOPA</li> </ul>
30.	<b>Building Matters</b>	N/A	N/A
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	N/A	N/A

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	Regulations within 20 business days, to presume that the fire authority does not desire to make a report.		
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 application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:	N/A	N/A
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.	<b>Preliminary Advice and Agreement (Section 123)</b>		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

31.1	The power pursuant to Regulation 46(6) of the General Regulations, if:		
31.1.1	the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
31.1.2	the delegate determines that the application no longer accords with the agreement indicated by the prescribed body,	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
	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	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
31.1.4	to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
31.2	The power pursuant to Regulation 46(7) of the General Regulations if:	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> </ul>
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,		



**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> </ul>
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 General Regulations, if:	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> </ul>
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.	<b>Notification of Application of Tree-damaging Activity to Owner of Land</b>		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• DOPA</li> <li>• SPP</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• DOPA</li> <li>• SPP</li> <li>• DCO</li> </ul>
<b>33.</b>	<b>Public Inspection of Applications</b>		
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DCO</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• DOB</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
<b>34.</b>	<b>Representations</b>	N/A	N/A
34.1	The power pursuant to Regulation 50(5) of the General Regulations to, if the delegate considers that it would assist	N/A	N/A

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

the delegate in making a decision on the application, allow a person:		
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.		
<b>35. Response by Applicant</b>		
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 allow.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOPA</li> <li>• DOP</li> <li>• SPP</li> </ul>
<b>36. Notice of Decision (Section 126(1))</b>		
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
<b>37. Consideration of Other Development Authorisations</b>		
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	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.		<ul style="list-style-type: none"> <li>• DOP</li> <li>• SPP</li> </ul>
<b>38.</b>	<b>Certificate of Independent Technical Expert in Certain Cases</b>	N/A	N/A
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
<b>39.</b>	<b>Urgent Work</b>		
39.1	The power pursuant to Regulation 63(1) of the General Regulations to,	Assessment Manager	<ul style="list-style-type: none"> <li>• TLB</li> </ul> <p>Stephen.Zillante @marion.sa.gov.au</p> <p>8375 6696</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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLB</li> <li>• SDOB</li> <li>• DOB</li> </ul>
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLB</li> <li>• SDOB</li> <li>• DOB</li> </ul>
<b>40.</b>	<b>Variation of Authorisation (Section 128)</b>		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
<b>41. Advice from Commission</b>			
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
<b>42. Underground Mains Area</b>			
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 any electricity mains be placed underground.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> </ul> <p>Subject to concurrence of the UMES.</p>
<b>43. Plans for Residential Alterations, Additions and New Dwellings</b>			
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
43.2	The power pursuant to Clause 2(d)(ii)(D) of Schedule 8 of the General Regulations to be satisfied a site contamination	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

audit report (within the meaning of the Environment Protection Act 1993) is not required.		• SPP
<b>44. Plans for Building Work</b>	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.		

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

<b>45. Calculation or Assessment of Fees</b>		
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**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

45.1	The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 ( <b>the Fees Regulations</b> ) in relation to an application which is duly lodged with the council under a related set of regulations (including via the SA planning portal):	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
45.1.1	to require the applicant to provide such information as the delegate may reasonably require to calculate a prescribed fee; and		
45.1.2	to make any other determination for the purposes of the Fees Regulations or a related set of regulations or a fee notice (even if the assessment panel is not a relevant authority).		
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 a prescribed fee on the basis of estimates made by the delegate.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> <li>• DCO</li> </ul>
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"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> <li>• DOPA</li> <li>• TLB</li> <li>• SDOB</li> <li>• AC</li> </ul>

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

		<ul style="list-style-type: none"> <li>ASODS</li> <li>SO</li> <li>DCO</li> </ul>
<b>46. Waiver or Refund of Fee</b>		
46.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:	Assessment Manager	<ul style="list-style-type: none"> <li>MDRS</li> </ul>
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.		

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**PLANNING AND DESIGN CODE**

<b>47. Procedural Matter</b>	<b>Delegation</b>	<b>Sub-delegation</b>
47.1 The power pursuant to and in accordance with the Planning and Design Code ( <b>the PD Code</b> ) 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	<ul style="list-style-type: none"> <li>MDRS</li> <li>TLP</li> <li>SDOP</li> <li>DOP</li> <li>SPP</li> </ul>
<b>48. Procedural Referrals</b>		
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	<ul style="list-style-type: none"> <li>MDRS</li> <li>TLP</li> <li>SDOP</li> <li>DOP</li> <li>SPP</li> </ul>
48.2 The power pursuant to and in accordance with the PD Code to form the opinion and deem:	Assessment Manager	<ul style="list-style-type: none"> <li>MDRS</li> <li>TLP</li> <li>SDOP</li> <li>DOP</li> <li>SPP</li> </ul>

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**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
48.5	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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
48.6	The power pursuant to and in accordance with the PD Code to form the opinion alterations to an existing access or public road junction are minor.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
48.7	The power pursuant to and in accordance with the PD Code to form the opinion development that changes the nature of vehicular movements or increase the number or frequency of movements through an existing access is minor.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
49.	<b>Referral Body: Minister Responsible for the Administration of the Aquaculture Act 2001</b>		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>
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**STATE PLANNING COMMISSION PRACTICE DIRECTION 3 (NOTIFICATION OF PERFORMANCE  
ASSESSED DEVELOPMENT APPLICATIONS) 2019**

<b>50. Responsibility to Undertake Notification</b>		
50.1 The power pursuant to clause 6(4) of the State Planning Commission Practice Direction 3 (Notification of Performance Assessed Development Applications) 2019 ( <b>PD3</b> ), 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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> </ul>
<b>51. Preparing for Notification</b>		
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	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• DOPA</li> <li>• SPP</li> <li>• DCO</li> <li>• AC</li> <li>• ASODS</li> <li>• SO</li> </ul>
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		

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

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.		
<b>52. Notice on Land</b>			
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.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• DOPA</li> <li>• DCO</li> <li>• SPP</li> </ul>

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

<b>53. Qualifications and Experience of Additional members</b>			
53.1	The power pursuant to clause 4(6) of the State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019 ( <b>PD5</b> ) 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.	Not delegated	Not sub-delegated
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.	Not delegated	Not sub-delegated

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

<b>54. Scheme Provisions</b>			
54.1	The power pursuant to clause 5(1) of the State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019 ( <b>PD6</b> ), to in undertaking a planning assessment or imposing controls, including through the imposition of conditions of planning consent,	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> </ul>

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ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

	ensure that such assessment or controls do not conflict or duplicate matters dealt with or addressed under licencing or regulatory regimens under another Act.		<ul style="list-style-type: none"> <li>• SPP</li> </ul>
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 or agency.	Assessment Manager	<ul style="list-style-type: none"> <li>• MDRS</li> <li>• TLP</li> <li>• SDOP</li> <li>• DOP</li> <li>• SPP</li> </ul>

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ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

**SCHEDULE OF CONDITIONS**

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

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

**INSTRUMENT C**

**INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE  
ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017  
AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS)  
REGULATIONS 2019 OF POWERS OF AN ASSESSMENT PANEL**

**Version:**

Endorsed Date	Amendments
<i>3/2/2021</i>	<i>Endorsed by CAP</i>

**7.2: OTHER BUSINESS – Appointment of Deputy Presiding Member  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 06 JULY 2022**

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Appointment of Deputy Presiding Member

**7.3: OTHER BUSINESS – General Analysis**  
**CITY OF MARION**  
**COUNCIL ASSESSMENT PANEL AGENDA**  
**FOR MEETING TO BE HELD ON**  
**WEDNESDAY 6 JULY 2022**



**Originating Officer:** Nicholas Timotheou  
**Acting Team Leader - Planning**

**Report:** Council Assessment Panel General Analysis

**Report Type:** General Business

**Recommendation:** Council Assessment Panel NOTES the report.

The Marion Council Assessment Panel was appointed as a relevant authority under Section of 82 and 83 of the Planning, Development and Infrastructure Act 2016 by Council resolution in August 2017. The Council Assessment Panel first met on 1 November 2017.

This report provides members with a snapshot of the CAP operations over the last five years. The report includes statistical data on the following;

- The number of applications presented to the CAP and their general type
- The number of representors and applicants present
- The average length of CAP meetings
- The reason for delegation to the CAP
- Administration recommendation to CAP
- Panel Decisions, including the percentage of decisions not in line with administration recommendation

The following tables provides a summary and comparison of key indicators relating to Development Applications assessed by the Panel since inception:

**General Meeting Statistics**

Meetings	2018	2019	2020	2021	2022 <sup>1</sup>
No of Meetings	12	10	15	12	4
Ave duration (hours)	1:48	1:42	1:44	0:38	0:47
Average No. Reports per meeting	4.25	3.2	2	2.54	2.25
Avg Applicants Per Meeting	1.5	2.5	2	1.8	2
Average Reps per Meeting	1.1	3.2	2	1.8	0.75
Total Site Visits	4	1	3	1	1
Total Items	57	32	50	33	9

<sup>1</sup> From January to June 2022



### Generalised Types of Applications Considered by the Panel.

Meetings	2018	2019	2020	2021	2022
<b>Residential</b> (Dwellings/Land Divisions)	49	20	32	16	3
<b>Residential</b> (Additions/ancillary structures)	1	0	1	1	3
<b>Commercial/Industrial</b>	4	6	8	5	0
<b>Other</b> (School, Signage, Phone towers etc)	3	6	9	7	3
Total Items	57	32	50	29	9

It is noted the vast majority of applications presented to the Panel comprise residential forms of development, most commonly consisting of dwelling (single or multiple) and/or residential land division applications.

### Delegations

Meetings	2018	2019	2020	2021	2022
<b>Non-Complying</b>	2	3	6	5	0
<b>Application requiring Public Notification and subject to Representations which were against and wished to be heard</b>	17	10	17	17	4
<b>Relates to demolition of a local or state heritage place</b>	0	0	0	0	0
<b>Undersized land division</b>	3	6	4	0	0
<b>Undersized land use</b>	12	2	2	0	1
<b>Undersized combined land use/division*</b>	5	4	4	0	0
<i>Total Applications assessed due to undersized nature</i>	20	12	10	0	1
<b>Minister declined to determine application</b>	0	0	1	0	0
<b>Application subject to an appeal</b>	10	2	8	2	3
<b>Manager determines application warrants CAP consideration</b>	0	5	5	5	0
<b>Application Deferred by CAP#</b>	2	0	4	0	1
<i>The following delegations were removed following consideration by Council in September 2018.</i>					
<b>Application previously considered by the CAP</b>	4	-	-	-	-
<b>Signage face area exceeded 10 square metres</b>	0	-	-	-	-
<b>Reason for CAP consideration unclear</b>	2	-	-	-	-

\* Falls into either undersized land use and/or land division delegated clause

# Application originally considered by CAP and deferred applications considered reports in their own right

The majority of applications considered by the Panel involved applications which were Publicly Notified and received representations against who wished to be heard, followed by appeal matters.

It is noted the Panel considered a reduced number of applications in 2021 than 2020, with a large decrease in residential type applications. Non-residential application's presented to the Panel have reduced by smaller amounts.

## **Recommendations & Decisions**

### **Administration Recommendations**

<b>Decisions</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Total</b>
<b>Approve Application</b>	51	29	48	28	8	149
<b>Refuse Application</b>	6	3	2	1	0	11
<b>Administrative report</b>	-	-	-	4	1	5

### **Panel Decisions**

<b>Decisions</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Total</b>
<b>Approve Application</b>	34	20	35	22	6	116
<b>Refuse Application</b>	19	9	13	5	2	48
<b>Defer Application</b>	3	3	2	2	0	10
<b>Administrative report</b>	-	-	-	4	1	5
<b>Decisions not in line with recommendation</b>	14/56	9/32	15/50	6/32	0/6	44/176
<b>Percentage of decisions not in line with recommendation</b>	25%	28%	30%	18.75%	0%	20.35%
<b>Application withdrawn</b>	1	0	0	0	0	1

It is noted approximately 20% of decisions made by the Panel were not in-line with the recommendation of administration. Of the decisions made; the Panel deferred 10 applications, refused 48 and approved 116.

### **Appeals**

Each of the 2 application's refused by the Panel in 2022 were appealed to the Environment, Resources and Development Court.

These applications are currently progressing through the appeal process with the Court and further update will be provided in due course.

### **Planning, Development & Infrastructure Act 2016**

The Planning, Development and Infrastructure Act 2016 was 'switched on' on 19 March 2021.

Under the PDI Act 2016 only applications which require Public Notification will, unless further delegated to the Assessment Manager, require consideration by the Panel.

In general, residential development within a residentially based zone will only require consideration by the Panel in the following instances;

- The proposal either exceeds the specified building height (predominantly 9 metres in most zones)
- The proposal exceeds the height and/or length requirements for boundary development
- A proposal within the Hills Neighbourhood Zone incorporates retaining exceeding 1.5 metres and/or proposes more than 9 cubic metres of earthworks.

Having operated under the new system for more than one year, it is evident the Panel has considered a reduced number of applications, noting a downward trend.

The types of applications considered by the Panel under the PDI Act are generally residential in nature; however, it is noted a third of the total involve non-residential developments, all of which have been for the construction of childcare centres.

### **Conclusion**

In summary, these statistics are provided for the panel to gain an understanding of the types and nature of applications that are delegated to CAP for decision.