

INSTRUMENT A

INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING & DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF A COUNCIL AS:

- **A COUNCIL;**
- **A DESIGNATED AUTHORITY;**
- **A DESIGNATED ENTITY**

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

References:

Abbreviation	Position Title
• 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
• DCO	Development Compliance Officer
• TLB	Team Leader Building
• SDOB	Senior Development Officer Building
• DOB	Development Officer Building
• AC	Administrator Coordinator
• ASODS	Administration Support Officer Development Services
• SO	Systems Officer
• UMES	Unit Manager Engineering Services
• GMCD	General Manager City Development
• GMCiS	General Manager City Services
• GMCoS	General Manager Corporate Services
• MEFS	Manager Engineering Field Services
• MF	Manager Finance
• UMC	Unit Manager Civil Services
• OE	Operations Engineer
• DE	Development Engineer
• MEAE	Manager Engineering Assets and Environment
• MCP	Manager City Property

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POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Environment and Food Production Areas – Greater Adelaide	Delegation	Sub-delegation
1.1 The power pursuant to Section 7(5)(b) 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 1 or more additional allotments to concur in the granting of the development authorisation to the development.	N/A	N/A
2. Functions		
2.1 The power pursuant to Section 22(4)(a)(i) of the PDI Act to, if an inquiry is conducted by the Commission under Section 22(1)(e) of the PDI Act make submissions or representations.	N/A	N/A
3. Planning Agreements		
3.1 The power pursuant to Section 35(1)(a) of the PDI Act and subject to Section 35 of the PDI Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State subject to Section 35 of the PDI Act.	Not delegated	
3.2 The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:	Not delegated	
3.2.1 the setting of objectives, priorities and targets for the area covered by the agreement; and		

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3.2.2	the constitution of a joint planning board including, in relation to such a board:		
3.2.2.1	the membership of the board, being between 3 and 7 members (inclusive); and		
3.2.2.2	subject to Section 35(4) of the PDI Act, the criteria for membership; and		
3.2.2.3	the procedures to be followed with respect to the appointment of members; and		
3.2.2.4	the terms of office of members; and		
3.2.2.5	conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and		
3.2.2.6	the appointment of deputy members; and		
3.2.2.7	the procedures of the board; and		
3.2.3	the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and		

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3.2.4	the staffing and other support issues associated with the operations of the joint planning board; and		
3.2.5	financial and resource issues associated with the operations of the joint planning board, including:		
3.2.5.1	the formulation and implementation of budgets; and		
3.2.5.2	the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and		
3.2.6	such other matters as the delegate thinks fit.		
3.3	The power pursuant to Section 35(5)(a) of the PDI Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).	Not delegated	
3.4	The power pursuant to Section 35(5)(b) of the PDI Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.	Not delegated	
4.	Community Engagement Charter		
4.1	The power pursuant to Section 44(6)(a) of the PDI Act, to make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 of the PDI Act that is relevant to the Council (unless	CEO	<ul style="list-style-type: none"> • MDRS • SPP • TLP

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	the proposal has been initiated by the Council).		
4.2	The power pursuant to Section 44(9)(b) of the PDI Act to the extent that Section 44(9)(a) of the PDI Act does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case.	CEO	<ul style="list-style-type: none"> • MDRS • SPP • TLP
4.3	The power pursuant to Section 44(10) of the PDI Act to:		
4.3.1	seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the charter; and	CEO	<ul style="list-style-type: none"> • MDRS • SPP • TLP
4.3.2	with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the charter.	CEO	<ul style="list-style-type: none"> • MDRS • SPP • TLP
5.	Preparation and Amendment of Charter		
5.1	The power pursuant to Section 45(2)(c) of the PDI Act to make representations (including in writing or via the SA planning portal) on a proposal to prepare or amend the charter.	CEO	<ul style="list-style-type: none"> • GMCD • MDRS • TLP • SPP
6.	Preparation and Amendment		
6.1	The power pursuant to Section 73(6) of the PDI Act where the Council is authorised or approved under Section 73 of the PDI Act, after all of the requirements of Section 73 of the PDI Act have been satisfied:	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SPP
6.1.1	to prepare a draft of the relevant proposal; and		

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6.1.2	to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and		
6.1.3	to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board –consult with the joint planning board; and		
6.1.4	to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:		
6.1.4.1	an owner or occupier of the land; and		
6.1.4.2	an owner or occupier of each piece of adjacent land,		
	a notice in accordance with the regulations; and		
6.1.5	to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and		

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6.1.6	to carry out such investigations and obtain such information specified by the Commission; and		
6.1.7	to comply with any requirement prescribed by the regulations.		
6.2	The power pursuant to Section 73(8) of the PDI Act, after the Council has furnished a report to the Minister under Section 73(7) of the PDI Act, to ensure that a copy of the report is published on the SA planning portal in accordance with a practice direction that applies for the purposes of Section 73 of the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SPP
6.3	The power pursuant to Section 73(9) of the PDI Act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the PDI Act (subject to the requirement to charge costs under Section 73(4)(b) of the PDI Act (if relevant)).	CEO	.
7.	Parliamentary Scrutiny		
7.1	The power pursuant to Section 74(8)(c) of the PDI Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the PDI Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SPP
8.	Complying Changes – Planning and Design Code		
8.1	The power pursuant to Section 75(3) of the PDI Act to effect an amendment under Section 75 of the PDI Act by an instrument deposited on the SA Planning database (in accordance with	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SPP

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	requirements established by the Chief Executive).		
9.	Entities Constituting Relevant Authorities		
9.1	The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel.	Not delegated	
10.	Panels Established by Joint Planning Boards or Councils	Not delegated	
10.1	The power pursuant to Section 83(1) of the PDI Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the PDI Act, to:		
10.1.1	appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess;		
10.1.2	determine:		
10.1.2.1	the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a Council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and		
10.1.2.2	the procedures to be followed with respect to		

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	the appointment of members; and		
10.1.2.3	the terms of office of members; and		
10.1.2.4	conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and		
10.1.2.5	the appointment of deputy members; and		
10.1.2.6	who will act as the presiding member of the panel and the process for appointing an acting presiding member.		
10.2	The power pursuant to Section 83(1)(h) of the PDI Act to arrange the staffing and support required for the purposes of the operations of the panel.	CEO	• MDRS
10.3	The power pursuant to Section 83(1)(i) of the PDI Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the PDI Act.	Not delegated	
10.4	The power pursuant to Section 83(2) of the PDI Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is	Not delegated	

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<p>a member, or former member, of a Council is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.</p>		
<p>11. Substitution of Local Panels</p>		
<p>11.1 The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry.</p>	<p>Not Delegated</p>	
<p>12. Notification of Acting</p>		
<p>12.1 The power pursuant to Section 89(b) of the PDI Act to require an accredited professional to provide such information or documentation as the delegate may require.</p>	<p>CEO</p>	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • DOPA • SPP • TLB • SDOB • DOB • AC • ASODS • SO • DCO
<p>13. Matters Against which Development Must be Assessed</p>		
<p>13.1 The power pursuant to Section 102(1)(c)(iv) of the PDI Act in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) where land is to be vested in the Council, to consent to the vesting.</p>	<p>CEO</p>	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
<p>13.2 The power pursuant to Section 102(1)(d)(iv) of the PDI Act in relation to a proposed division of land under the Community Titles Act 1996 or the Strata</p>	<p>CEO</p>	<ul style="list-style-type: none"> • MDRS • TLP • SDOP

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	Titles Act 1988 where land is to be vested in the Council, to consent to the vesting.		
13.3	The power pursuant to Section 102(11)(b) of the PDI Act to impose a reasonable charge on account of an encroachment over land under the care, control and management of the Council when the relevant development is undertaken.	CEO	<ul style="list-style-type: none"> • MCP In consultation with Manager Development & Regulatory Services
14.	Restricted Development		
14.1	The power pursuant to Section 110(2)(b) of the PDI Act to, in accordance with the regulations and within a period prescribed by the regulations, make representations to the Commission in relation to the granting or refusal of planning consent.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
14.2	The power pursuant to Section 110(c)(ii) of the PDI Act to appear personally or by representative before the Commission to be heard in support of the Council's representation.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
14.3	The power pursuant to Section 110(7) of the PDI Act to appeal against a decision on a development classified as restricted development.	CEO	
15.	Level of Detail		
15.1	The power pursuant to Section 112(b) of the PDI Act to express views in relation to the level of detail required in relation to an EIS.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
16.	Essential Infrastructure – Alternative Assessment Process		
16.1	The power pursuant to Section 130(6) of the PDI Act to report to the Commission	CEO	<ul style="list-style-type: none"> • GMCD • GMCiS • MDRS • TLP

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	on any matters contained in a notice under Section 130(5) of the PDI Act.		
16.2	The power pursuant to Section 130(14) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 130(5) of the PDI Act, expressed opposition to the proposed development in its report under Section 130(6) of the PDI Act, withdraw the Council's opposition.	CEO	<ul style="list-style-type: none"> • GMCD • GMCiS • MDRS • TLP
17.	Development Assessment – Crown Development		
17.1	The power pursuant to Section 131(7) of the PDI Act to report to the Commission on any matters contained in a notice under Section 131(6) of the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
17.2	The power pursuant to Section 131(15) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 131(6) of the PDI Act expressed opposition to the proposed development in its report under Section 131(7) of the PDI Act, withdraw the Council's opposition.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
18.	Land Division Certificate		
18.1	The power pursuant to Section 138(1) of the PDI Act to enter into a binding agreement supported by adequate security and if the regulations so require in a form prescribed by the regulations.	CEO	<ul style="list-style-type: none"> • GMCD • GMCiS • MDRS • TLP
18.2	The power pursuant to Section 138(2) of the PDI Act to furnish the Commission with appropriate information as to compliance with a particular condition and to comply with any requirement prescribed by the regulations.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • DOPA • SPP • AC

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		<ul style="list-style-type: none"> • ASODS • SO
19. Action if Development Not Completed		
19.1 The power pursuant to Section 141(1) of the PDI Act, if:		
19.1.1 an approval is granted under the PDI Act; but		
19.1.2 -		
19.1.2.1 the development to which the approval relates has been commenced but not substantially completed within the period prescribed by the regulations for the lapse of the approval; or	CEO	<ul style="list-style-type: none"> • GMCD • MDRS
19.1.2.2 in the case of a development that is envisaged to be undertaken in stages - the development is not undertaken or substantially completed in the manner or within the period contemplated by the approval,	CEO	<ul style="list-style-type: none"> • GMCD • MDRS
to apply to the Court for an order under Section 141 of the PDI Act.		
19.1.3 The power pursuant to Section 141(5) of the PDI Act, if the Court makes an order under Section 141(3)(a), (b) or (d) of the PDI Act and a person fails to comply with the order within the period	CEO	<ul style="list-style-type: none"> • GMCD • MDRS • TLP • TLB

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	specified by the Court, to cause any work contemplated by the order to be carried out, and to recover the costs of that work, as a debt from the person.		
19.1.4	The power pursuant to Section 141(6) of the PDI Act, if an amount is recoverable from a person by the Council under Section 141(5) of the PDI Act:		
19.1.4.1	to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	CEO	<ul style="list-style-type: none"> • MDRS • MF
20.	Completion of Work		
20.1	The power pursuant to Section 142(1) of the PDI Act, if:	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • TLB • SDOB • DOB • DCO
20.1.1	an approval is granted under the PDI Act; but		
20.1.2	the development to which the approval relates has been substantially but not fully completed within the period prescribed by the regulations for the lapse of the approval,		
	to, by notice in writing, require the owner of the relevant land to complete the		

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	development within a period specified in the notice.		
20.2	The power pursuant to Section 142(2) of the PDI Act, if an owner fails to carry out work as required by a notice under Section 142(1) of the PDI Act, to cause the necessary work to be carried out.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • TLB
20.3	The power pursuant to Section 142(3) of the PDI Act to recover as a debt due from the owner, the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 142 of the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS • MF
20.4	The power pursuant to Section 142(4) of the PDI Act, if an amount is recoverable from a person by the Council under Section 142 of the PDI Act:	CEO	<ul style="list-style-type: none"> • MDRS • MF
20.4.1	to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.		
21. Notification During Building			
21.1	The power pursuant to Section 146(3) of the PDI Act to, subject to Section 146(4) of the PDI Act, direct a person who is carrying out building work to stop building work when a mandatory notification stage has been reached pending an inspection by an authorised officer who holds prescribed qualifications.	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
22. Classification of Buildings			
22.1	The power pursuant to Section 151(2) of the PDI Act to assign to a building erected	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB

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	in the Council's area a classification that conforms with the regulations.		
22.2	The power pursuant to Section 151(3) of the PDI Act, if the Council assigns a classification under Section 151 of the PDI Act, to give notice in writing to the owner of the building to which the classification has been assigned, of the classification assigned to the building.	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
23.	Certificates of Occupancy		
23.1	The power pursuant to Section 152(2) of the PDI Act to issue a certificate of occupancy.	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
23.2	The power pursuant to Section 152(3)(a) of the PDI Act to require an application for a certificate of occupancy to include any information required by the delegate.	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
23.3	The power pursuant to Section 152(5) of the PDI Act to consider any report supplied under Section 152(4) of the PDI Act before deciding the application.	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
23.4	The power pursuant to Section 152(6) of the PDI Act to issue the certificate if the delegate is satisfied (in accordance with procedures set out in the regulations and on the basis of information provided or obtained under Section 152 of the PDI Act) that the relevant building is suitable for occupation and complies with such requirements as may be prescribed by the regulations for the purposes of Section 152(6) of the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
23.5	The power pursuant to Section 152(10) of the PDI Act, if the Council refuses an application to notify the applicant in writing of:	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB

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23.5.1	the refusal; and	
23.5.2	the reasons for the refusal; and	
23.5.3	the applicant's right of appeal under the PDI Act.	
23.6	The power pursuant to Section 152(12) of the PDI Act to issue a certificate of occupancy that applies to the whole or part of a building.	CEO <ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
23.7	The power pursuant to Section 152(13) of the PDI Act to, in accordance with the regulations, revoke a certificate of occupancy in prescribed circumstances.	CEO <ul style="list-style-type: none"> • MDRS • TLB • SDOB
24. Temporary Occupation		
24.1	The power pursuant to Section 153(1) of the PDI Act to grant an approval to a person to occupy a building on a temporary basis without a certificate of occupancy.	CEO <ul style="list-style-type: none"> • MDRS • TLB • SDOB
24.2	The power pursuant to Section 153(2) of the PDI Act to grant an approval under Section 153(1) of the PDI Act on such conditions (if any) as the delegate thinks fit to impose.	CEO <ul style="list-style-type: none"> • MDRS • TLB • SDOB
24.3	The power pursuant to Section 153(3) of the PDI Act if the Council refuses an application to notify the applicant in writing of:	CEO <ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB • AC • ASODS • SO

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24.3.1	the refusal; and		
24.3.2	the reasons for the refusal; and		
24.3.3	the applicant's right of appeal under the PDI Act.		
25.	Emergency Orders		
25.1	The power pursuant to Section 155(5) of the PDI Act, if an owner fails to carry out work as required by an emergency order, to cause the necessary work to be carried out.	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB
25.2	The power pursuant to Section 155(6) of the PDI Act to recover as a debt due from the owner the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 155 of the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB
25.3	The power pursuant to Section 155(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 155 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	CEO	<ul style="list-style-type: none"> • MDRS • MF
26.	Fire Safety		
26.1	The power pursuant to Section 157(16) of the PDI Act to establish a body and designate it as an appropriate authority under Section 157 of the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS • TLB
26.2	The power pursuant to Section 157(17) of the PDI Act to:	CEO	<ul style="list-style-type: none"> • MDRS • TLB
26.2.1	appoint to the appropriate authority:		

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26.2.1.1	a person who holds prescribed qualifications in building surveying; and		
26.2.1.2	an authorised officer under Part 3 Division 5 or Section 86 of the Fire and Emergency Services Act 2005 who has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and		
26.2.1.3	a person with expertise in the area of fire safety; and		
26.2.1.4	if so determined by the delegate, a person selected by the delegate;		
26.2.2	specify a term of office of a member of the appropriate authority (other than a member under Section 157(17)(a)(ii) of the PDI Act;		
26.2.3	remove a member of the appropriate authority from office for any reasonable cause;		
26.2.4	appoint deputy members;		
26.2.5	determine the appropriate authority's procedures (including as to quorum).		
27. Consideration of Proposed Scheme			

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27.1	The power pursuant to Section 166(1)(c) of the PDI Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.	CEO	<ul style="list-style-type: none"> • GMCD • MDRS • SPP • PP • GMCIS • MEAE • OE • DE
28. Funding Arrangements			
28.1	The power pursuant to Section 169(2)(b) of the PDI Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the PDI Act to apply for any matter to be considered or determined by ESCOSA or some other prescribed person or body as part of a periodic review of the levels and amounts of those contributions.	Not currently delegated	
28.2	The power pursuant to Section 169(9) of the PDI Act to make submissions to the Commission in relation to a funding arrangement that is specifically relevant to the Council.	Not currently delegated	
29. Imposition of Charge by Councils			
29.1	The power pursuant to Section 180(7) of the PDI Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9, Division 1, Part 13 of the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS • MF
30. Authorised Works			
30.1	The power pursuant to Section 187(1) of the PDI Act, subject to Section 187(3) of the PDI Act, to carry out any infrastructure works if the Council is authorised to so do by or under the PDI Act or any other Act.	CEO	<ul style="list-style-type: none"> • GMCIS • MEFS • GMCIS

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30.2	The power pursuant to Section 187(5) of the PDI Act, subject to Section 187(6) of the PDI Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:	CEO	<ul style="list-style-type: none"> • GMCIS • MEFS • GMCIS
30.2.1	inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and		
30.2.2	give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and		
30.2.3	ensure that proper consideration is given to the views of the road maintenance authority.		
30.3	The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the designated entity in relation to the matter.	CEO	<ul style="list-style-type: none"> • GMCIS • MEFS • GMCIS
30.4	The power pursuant to Section 187(6) of the PDI Act, in a case of emergency, to only comply with Section 187(5) of the PDI Act to such extent as is practicable in the circumstances.	CEO	<ul style="list-style-type: none"> • GMCIS • MEFS • GMCIS
31. Entry onto Land			
31.1	The power pursuant to Section 188(1) of the PDI Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the PDI Act to:	CEO	<ul style="list-style-type: none"> • GMCIS • MEFS • GMCIS

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31.1.1	enter and pass over any land; and		
31.1.2	bring onto any land any vehicles, plant or equipment; and		
31.1.3	temporarily occupy land; and		
31.1.4	do anything else reasonably required in connection with the exercise of the power.		
31.2	The power pursuant to Section 188(4) of the PDI Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the PDI Act.	CEO	<ul style="list-style-type: none"> • GMCIS • MEFS
32. Land Management Agreements			
32.1	The power pursuant to Section 192(1) of the PDI Act to enter into an agreement relating to the development, management, preservation or conservation of land with the owner of the land or a designated entity.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
32.2	The power pursuant to Section 192(2) of the PDI Act to enter into an agreement relating to the management, preservation or conservation of the land with a greenway authority.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
32.3	The power pursuant to Section 192(4) of the PDI Act in considering whether to enter into an agreement under Section 192 of the PDI Act which relates to the development of land and, if such an agreement is to be entered into, in considering the terms of the agreement, to have regard to:	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
32.3.1	the provisions of the Planning and Design Code and to any relevant development		

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	authorisation under the PDI Act; and		
32.3.2	the principle that the entering into of an agreement under Section 192 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.		
32.4	The power pursuant to Section 192(5) of the PDI Act to register agreements entered into under Section 192 of the PDI Act in accordance with the regulations.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • AC
32.5	The power pursuant to Section 192(8) of the PDI Act to carry out on private land any work for which provision is made by agreement under Section 192 of the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS
32.6	The power pursuant to Section 192(9) of the PDI Act to include in an agreement under Section 192 of the PDI Act an indemnity from a specified form of liability or right of action, a waiver or exclusion of a specified form of liability or right of action, an acknowledgment of liability, or a disclaimer, on the part of a party to the agreement.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
32.7	The power pursuant to Section 192(10) of the PDI Act to express a provision under Section 192(9) of the PDI Act as extending to, or being for the benefit of, a person or body who or which is not a party to the agreement.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
32.8	The power pursuant to Section 192(11) of the PDI Act to consent to the owner of land entering into an agreement under Section 192 of the PDI Act where the Council has a legal interest in the land.	CEO	<ul style="list-style-type: none"> • MDRS • TLP

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32.9	The power pursuant to Section 192(12) of the PDI Act to apply to the Registrar-General, to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • AC • AODS • SO
32.10	The power pursuant to Section 192(15) of the PDI Act to apply to the Registrar-General in relation to an agreement to which a note has been made under Section 192 of the PDI Act that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • AC • AODS • SO
32.11	The power pursuant to Section 192(16) of the PDI Act to provide in an agreement under Section 192 of the PDI Act for remission of rates or taxes on the land.	CEO	<ul style="list-style-type: none"> • MDRS in consultation with MF
32.12	The power pursuant to Section 192(17) of the PDI Act to consent to an agreement entered into by the Minister under Section 192 of the PDI Act, providing for the remission of rates or taxes payable to the Council.	CEO	<ul style="list-style-type: none"> • MDRS in consultation with MF
32.13	The power pursuant to Section 192(18) of the PDI Act to take into account the existence of an agreement under Section 192 of the PDI Act when assessing an application for a development authorisation under the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • DOPA • SPP • TLB • SDOB • DOB • AC • ASODS • SO • DCO

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33. Land Management Agreements – Development Applications		
33.1 The power pursuant to Section 193(1) of the PDI Act to, subject to Section 193 of the PDI Act, enter into an agreement under Section 193 of the PDI Act with a person who is applying for a development authorisation under the PDI Act that will, in the event that the relevant development is approved, bind:	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
33.1.1 the person; and		
33.1.2 any other person who has the benefit of the development authorisation; and		
33.1.3 the owner of the relevant land (if he or she is not within the ambit of Sections 193(a) or (b) of the PDI Act and if the other requirements of Section 193 of the PDI Act are satisfied).		
33.2 The power pursuant to Section 193(2) of the PDI Act to enter into an agreement under Section 193 of the PDI Act in relation to any matter that the delegate agrees is relevant to the proposed development (including a matter that is not necessarily relevant to the assessment of the development under the PDI Act).	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
33.3 The power pursuant to Section 193(3) of the PDI Act to have regard to:	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
33.3.1 the provisions of the Planning and Design Code; and		

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33.3.2	the principle that the entering into of an agreement under Section 193 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.		
33.4	The power pursuant to Section 193(5) of the PDI Act to register agreements entered into under Section 193 of the PDI Act in accordance with the regulations.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • AC
33.5	The power pursuant to Section 193(10) of the PDI Act to consent to an application to note the agreement against the relevant instrument of title or the land.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • AC • ASODS • SO
33.6	The power pursuant to Section 193(11) of the PDI Act to consent to an owner of land entering into an agreement or giving a consent under Section 192(10) of the PDI Act where the Council has a legal interest in the land.	CEO	As per 33.5
33.7	The power pursuant to Section 193(13) of the PDI Act to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • AC • ASODS • SO
33.8	The power pursuant to Section 193(15) of the PDI Act to apply to the Registrar-General in relation to an agreement under Section 193 that has been rescinded or	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP

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	amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.		<ul style="list-style-type: none"> • SPP
33.9	The power pursuant to Section 193(16) of the PDI Act, if an agreement under Section 193 of the PDI Act does not have effect under Section 193 of the PDI Act within the period prescribed by the regulations, to by notice given in accordance with the regulations, lapse the relevant development approval.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
34.	Off-setting Contributions		
34.1	The power pursuant to Section 197(2) of the PDI Act to establish a scheme under Section 197 of the PDI Act that is designed to support or facilitate:	CEO	
34.1.1	development that may be in the public interest or otherwise considered by the delegate as being appropriate in particular circumstances (including by the provision of facilities at a different site); or		
34.1.2	planning or development initiatives that will further the objects of the PDI Act or support the principles that relate to the planning system established by the PDI Act; or		
34.1.3	any other initiative or policy:		
34.1.3.1	designated by the Planning and Design Code for the purposes of Section 197(2)(c)(i) of the PDI Act;		
34.1.3.2	prescribed by the regulations for the purposes of Section		

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	197(2)(c)(ii) of the PDI Act.		
34.2	The power pursuant to Section 197(3) of the PDI Act to include in a scheme established under Section 197 of the PDI Act:	CEO	
34.2.1	an ability or requirement for a person who is proposing to undertake development (or who has the benefit of an approval under the PDI Act):		
34.2.1.1	to make a contribution to a fund established as part of the scheme; or		
34.2.1.2	to undertake work or to achieve some other goal or outcome (on an 'in kind' basis); or		
34.2.1.3	to proceed under a combination of Sections 197(3)(a)(i) and (ii) of the PDI Act,		
	in order to provide for or address a particular matter identified by the scheme; and		
34.2.2	an ability for a provision of the Planning and Design Code to apply with a specified variation under the terms of the scheme; and		
34.2.3	an ability for any relevant authority to act under or in connection with Sections 197(3)(a) or (b) of the PDI Act.		
34.3	The power pursuant to Section 197(4)(b) of the PDI Act to apply the fund towards	CEO	• GMCIS

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	the purposes of the scheme in accordance with any directions or approvals of the Treasurer made or given after consultation with the Minister.		<ul style="list-style-type: none"> • MEFS (urban trees fund) • GMCD • MDRS (carparking fund)
34.4	The power pursuant to Section 197(4)(c) of the PDI Act to invest money that is not immediately required for the purposes of the fund in accordance with provisions included in the scheme.	CEO GMCoS MF	<ul style="list-style-type: none"> • GMCoS • MF (urban trees fund) • GMCD • MDRS (carparking fund)
35. Open Space Contribution Scheme			
35.1	The power pursuant to Section 198(1) of the PDI Act, where an application for a development authorisation provides for the division of land in the Council's area into more than 20 allotments, and 1 or more allotments is less than 1 hectare in area to require:		
35.1.1	that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
35.1.2	that the applicant make the contribution prescribed by the regulations in accordance with the requirements of Section 198 of the PDI Act; or	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP

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35.1.3	that land be vested in the Council under Section 198(1)(c) of the PDI Act and that the applicant make a contribution determined in accordance with Section 198(8) of the PDI Act, according to the determination and specification of the delegate, and to have regard to any relevant provision of the Planning and Design Code that designates land as open space and to seek the concurrence of the Commission to taking any action that is at variance with the Planning and Design Code.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
35.2	The power pursuant to Section 198(3) of the PDI Act to enter into an agreement referred to in Section 198(2)(d) of the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
35.3	The power pursuant to Section 198(4)(a) of the PDI Act to concur with an area being vested in the Council.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
35.4	The power pursuant to Section 198(11) of the PDI Act in relation to money received under Section 198 of the PDI Act to immediately pay it into a fund established for the purposes of Section 198 of the PDI Act and apply it for the purpose of acquiring or developing land as open space.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
35.5	The power pursuant to Section 198(12) of the PDI Act to form the opinion that the division of land is being undertaken in stages.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP
36. Urban Trees Fund			
36.1	The power pursuant to Section 200(2) of the PDI Act to effect the establishing of	CEO	<ul style="list-style-type: none"> • GMCD • MDRS

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	the fund by notice published in the Gazette.		
36.2	The power pursuant to Section 200(3) of the PDI Act to define a designated area by reference to an area established by the Planning and Design Code.	Not currently delegated	
36.3	The power pursuant to Section 200(5) of the PDI Act to invest any money in an urban trees fund that is not immediately required for the purpose of the fund and to pay any resultant income into the fund.	CEO	<ul style="list-style-type: none"> • GMSoS • MF
36.4	The power pursuant to Section 200(6) of the PDI Act to apply money standing to the credit of an urban trees fund:		
36.4.1	to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under the PDI Act; or	CEO	<ul style="list-style-type: none"> • GMSIS • MEFS
36.4.2	to purchase land within the designated area in order to maintain or plant trees which are or will (when fully grown) constitute significant trees under the PDI Act.	Not currently delegated	
36.5	The power pursuant to Section 200(7) of the PDI Act if, the Council subsequently sells land purchased under Section 200(6)(b) of the PDI Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 200 of the PDI Act, subject to the qualifications in Sections 200(7)(a) and (b).	CEO	<p>(7)(a) –</p> <ul style="list-style-type: none"> • GMSIS • GMSoS • GMSD • MDRS • MEFS • MF <p>(7)(b) –</p> <ul style="list-style-type: none"> • GMSoS • MF
37.	Appointment of Authorised Officers		

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37.1	The power pursuant to Section 210(1) of the PDI Act to:		
37.1.1	appoint a person to be an authorised officer for the purposes of the PDI Act; and	CEO	GMCD
37.1.2	appoint a person who holds the qualifications prescribed by the regulations to be an authorised officer for the purposes of the PDI Act if the Council is required to do so by the regulations.	As per 49.1.1	As per 37.1.1
37.2	The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions.	CEO	<ul style="list-style-type: none"> GMCD
37.3	The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:	CEO	<ul style="list-style-type: none"> GMCD
37.3.1	containing a photograph of the authorised officer; and		
37.3.2	stating any conditions of appointment limiting the authorised officer's appointment.		
37.4	The power pursuant to Section 210(5) of the PDI Act to, at any time, revoke an appointment which the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.	CEO	<ul style="list-style-type: none"> GMCD
38. Enforcement Notices			
38.1	The power pursuant to Section 213(1) of the PDI Act, if the delegate has reason to believe on reasonable grounds that a person has breached the PDI Act or the repealed Act, to do such of the following as the delegate considers necessary or appropriate in the circumstances:	CEO	<ul style="list-style-type: none"> MDRS TLP SDOP DOP SPP DCO TLB

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		<ul style="list-style-type: none"> • SDOB • DOB
38.1.1	direct a person to refrain, either for a specified period or until further notice, from the PDI Act, or course of action, that constitutes the breach;	
38.1.2	direct a person to make good any breach in a manner, and within a period, specified by the delegate;	
38.1.3	take such urgent action as is required because of any situation resulting from the breach.	
38.2	The power pursuant to Section 213(2) of the PDI Act to give a direction under Section 213(1) of the PDI Act by notice in writing unless the delegate considers that the direction is urgently required.	CEO <ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DCO • TLB • SDOB • DOB
38.3	The power pursuant to Section 213(5) of the PDI Act, if a person fails to comply with a direction under Section 213(1)(b) of the PDI Act within the time specified in the notice, to cause the necessary action to be taken.	CEO <ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB
38.4	The power pursuant to Section 213(6) of the PDI Act to recover the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 213 of the PDI Act, as a debt due from the person whose failure gave rise to the PDI Action	CEO <ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB
38.5	The power pursuant to Section 213(7) of the PDI Act, if an amount is recoverable	CEO <ul style="list-style-type: none"> • MDRS • TLP

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	from a person by the Council under Section 213 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.		<ul style="list-style-type: none"> • SDOP • DCO • TLB • SDOB
39.	Applications to Court		
39.1	The power pursuant to Section 214(1) of the PDI Act to apply to the Court for an order to remedy or restrain a breach of the PDI Act or the repealed Act.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB
39.2	The power pursuant to Section 214(2) of the PDI Act to consent to proceedings under Section 214 of the PDI Act being brought in a representative capacity on behalf of the Council.	CEO	As per 39.1
39.3	The power pursuant to Section 214(4) of the PDI Act to make an application without notice to any person and to make an application to the Court to serve a summons requiring the respondent to appear before the Court to show cause why an order should not be made under Section 214 of the PDI Act.	CEO	As per 39.1
39.4	The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings.	CEO	As per 39.1
39.5	The power pursuant to Section 214(9) of the PDI Act to appear before a final order is made and be heard in proceedings based on the application.	CEO	As per 39.1
39.6	The power pursuant to Section 214(10) of the PDI Act to make an application to the	CEO	As per 39.1

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	Court to make an interim order under Section 214 of the PDI Act.		
39.7	The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person.	CEO	As per 39.1
39.8	The power pursuant to Section 214(12) of the PDI Act, if the Court makes an order under Section 214(6)(d) of the PDI Act and the respondent fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and recover the costs of that work, as a debt, from the respondent	CEO	<ul style="list-style-type: none"> • MDRS • MF • TLB • SDOB • SDOP • TLP
39.9	The power pursuant to Section 214(13) of the PDI Act, if an amount is recoverable from a person by the Council under Section 214(12) of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	CEO	<ul style="list-style-type: none"> • MDRS • MF • TLB • SDOB • SDOP • TLP
39.10	The power pursuant to Section 214(17) of the PDI Act to apply to the Court to vary or revoke an order previously made under Section 214 of the PDI Act.	CEO	As per 51.1
40.	Proceedings for Offences		
40.1	The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.	CEO	
41.	Adverse Publicity Orders		
41.1	The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB

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41.2	The power pursuant to Section 223(4) of the PDI Act, if the offender fails to give evidence to the Council in accordance with Section 224(1)(b) of the PDI Act to:	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB
41.2.1	take the PDI Action or actions specified in the order; and		
41.2.2	authorise a person in writing to take the PDI Action or actions specified in the order.		
41.3	The power pursuant to Section 223(5) of the PDI Act, if:	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB
41.3.1	the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and		
41.3.2	despite the evidence, the delegate is not satisfied that the offender has taken the PDI Action or actions specified in the order in accordance with the order,		
	to apply to the court for an order authorising the Council, or a person authorised in writing by the Council, to take the PDI Action or actions and to authorise a person in writing to take the PDI Action or actions.		
41.4	The power pursuant to Section 223(6) of the PDI Act, if the Council, or a person authorised in writing by the Council, takes an action or actions in accordance with Section 223(4) of the PDI Act or an order	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO

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	under Section 223(5) of the PDI Act, to recover from the offender an amount in relation to the reasonable expenses of taking the PDI Action or actions, as a debt, due to the Council.		<ul style="list-style-type: none"> • TLB • SDOB
42. Civil Penalties			
42.1	The power pursuant to Section 225(1) of the PDI Act, subject to Section 225 of the PDI Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the PDI Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Court, an amount as a civil penalty in respect of the contravention.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB
42.2	The power pursuant to Section 225(2) of the PDI Act, in respect of a contravention where the relevant offence does not require proof of intention or some other state of mind, to determine whether to initiate proceedings for an offence or take action under Section 225 of the PDI Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB
42.3	The power pursuant to Section 225(3) of the PDI Act to serve on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB
42.4	The power pursuant to Section 225(13) of the PDI Act to seek the authorisation of the Attorney-General to the commencement of proceedings for an order under Section 225 of the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB

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42.5	The power pursuant to Section 225(17) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 225 of the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB
43.	Make Good Order		
43.1	The power pursuant to Section 228(7) of the PDI Act to apply to the Court to vary or revoke an order under Section 228 of the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB
44.	Recovery of Economic Benefit		
44.1	The power pursuant to Section 229(5) of the PDI Act to apply an amount paid to the Council in accordance with an order under Section 229(1) of the PDI Act for the purpose of acquiring or developing land as open space and to hold it in a fund established for the purposes of Section 198 of the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB
45.	Enforceable Voluntary Undertakings		
45.1	The power pursuant to Section 230(1) of the PDI Act to accept (by written notice) a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB
45.2	The power pursuant to Section 230(4) of the PDI Act if the delegate considers that a person has contravened an undertaking accepted by the Council, to apply to the Court for enforcement of the undertaking.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB

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45.3	The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to:	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB
45.3.1	vary the undertaking; or		
45.3.2	withdraw the undertaking.		
45.4	The power pursuant to Section 230(11) of the PDI Act to accept an undertaking in respect of a contravention or alleged contravention before proceedings in respect of that contravention have been finalised.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB
45.5	The power pursuant to Section 230(12) of the PDI Act if the delegate accepts an undertaking before the proceedings are finalised, to take all reasonable steps to have the proceedings discontinued as soon as possible.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB
45.6	The power pursuant to Section 230(14) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 230 of the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DCO • TLB • SDOB
46. Advertisements			
46.1	The power pursuant to Section 231(1) of the PDI Act, if, in the opinion of the delegate, an advertisement or advertising hoarding:	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DCO

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46.1.1	disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality; or		
46.1.2	is contrary to the character desired for a locality under the Planning and Design Code,		
	to, by notice served in accordance with the regulations on the advertiser or the owner or occupier of the land on which the advertisement or advertising hoarding is situated, whether or not a development authorisation has been granted in respect of the advertisement or advertising hoarding, order that person to remove or obliterate the advertisement or to remove the advertising hoarding (or both) within a period specified in the notice (of at least 28 days from the date of service of the notice).		
46.2	The power pursuant to Section 231(3) of the PDI Act if a person on whom a notice is served under Section 231(1) of the PDI Act fails to comply with a notice within the time allowed in the notice to enter on the land and take the necessary steps for carrying out the requirements of the notice and to recover the costs of so doing, as a debt, from the person on whom the notice was served.	CEO	<ul style="list-style-type: none"> • MDRS
47.	Professional Advice to be Obtained in Relation to Certain Matters		
47.1	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.	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
47.2	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	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB

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	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.		<ul style="list-style-type: none"> • DOB
48. Charges on Land			
48.1	The power pursuant to Section 239(1) of the PDI Act if a charge on land is created under a provision of the PDI Act in favour of the Council, to deliver to the Registrar-General a notice in a form determined by the Registrar-General, setting out the amount of the charge and the land over which the charge is claimed.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • AC • AODS • SO
48.2	The power pursuant to Section 239(6) of the PDI Act if a charge in the Council's favour exists and the amount to which the charge relates is paid, to by notice to the appropriate authority in a form determined by the Registrar-General, apply for the discharge of the charge.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • AC • AODS • SO
49. Registering Authorities to Note Transfer			
49.1	The power pursuant to Section 240(1) of the PDI Act to apply to the Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, to register or record in an appropriate manner the transfer to the Council of an asset, right or liability by regulation, proclamation or notice under the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • AC • AODS • SO
50. Reporting			
50.1	The power pursuant to Clause 13(3)(b) of Schedule 2 of the PDI Act to require a report under Clause 13(2) of Schedule 2 of the PDI Act to contain any other	CEO	

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information or report required by the delegate.		
51. Review of Performance		
51.1 The power pursuant to Clause 3(16) of Schedule 4 of the PDI Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the PDI Act.	CEO	<ul style="list-style-type: none"> • GMCD • MDRS • CMCiS • MEFS

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52. Mutual Liability Scheme – Rights of Indemnity	Delegation	Sub-delegation
52.1 The power pursuant to Regulation 11B(1) of the Planning, Development and Infrastructure (General) Regulations 2019 (the General Regulations) to:	CEO	
52.1.1 in being responsible under Section 83(1)(h)(ii) of the PDI Act for the costs and other liabilities associated with the activities of an assessment panel appointed by the Council; and		
52.1.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 84(1)(a) and (i) of the PDI Act,		
have arrangements in place to indemnify the members of any such panel in respect of a claim against a member of the panel arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as a member of the panel.		

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52.2	The power pursuant to Regulation 11B(5) of the General Regulations to:	CEO	
52.2.1	in being responsible under Section 87(f) of the PDI Act for the costs and other liabilities associated with the activities of an assessment manager for an assessment panel appointed by the Council; and		
52.2.2	in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 87(1)(a) and (i) of the PDI Act,		
	have arrangements in place to indemnify an assessment manager for any such panel in respect of a claim against the assessment manager arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as an assessment manager.		
53.	Performance Assessed Development and Restricted Development		
53.1	The power pursuant to Regulation 47(4)(d) of the General Regulations to determine the fee payable by the applicant as being appropriate to cover the reasonable costs of placing the notice on the land.	CEO	
54.	Underground Main Areas		
54.1	The power pursuant to Regulation 78(1) of the General Regulations if the delegate considers an area should be declared an underground mains area to seek a report from the relevant electricity authority in relation to the matter.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP

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		Subject to the concurrence of the UMES
54.2	The power pursuant to Regulation 78(2) of the General Regulations after having received and considered a report from the electricity authority to declare the area to be an underground mains area.	CEO • GMCD • MDRS Subject to the concurrence of the UMES
55. Width of Roads and Thoroughfares		
55.1	The power pursuant to Regulation 81(4) of the General Regulations to dispense with a width prescribed by Regulations 81(1) or (3) of the General Regulations (and specify a different width) if the delegate is of the opinion that the width so prescribed is not necessary for the safe and convenient movement of vehicles or pedestrians, or for underground services.	CEO • MDRS • TLP • SDOP With concurrence from MEAE
55.2	The power pursuant to Regulation 81(5) of the General Regulations to subject to Regulation 81(6) of the General Regulations specify the width of the road at the head of every cul-de-sac in such dimensions as may be acceptable to the delegate.	CEO • MDRS • TLP • SDOP With concurrence from MEAE
55.3	The power pursuant to Regulation 81(6) of the General Regulations to dispense with a requirement under Regulation 81(5) of the General Regulations if it appears to the delegate that the cul-de-sac is likely to become a through road.	CEO • MDRS • TLP • SDOP With concurrence from MEAE
56. Road Widening		
56.1	The power pursuant to Regulation 82(1) of the PDI Act, subject to Regulation 82(2) of the General Regulations, if an existing	CEO • MDRS • TLP • SDOP

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	road abuts land which is proposed to be divided, to form the view that the road should be widened in order to provide a road of adequate width having regard to existing and future requirements of the area.		With concurrence from MEAE
57.	Requirement as to Forming of Roads		
57.1	The power pursuant to Regulation 83(1) of the General Regulations, subject to Regulation 83(2) of the General Regulations, to specify the width and manner of the formation of the roadway of every proposed road on a plan of division.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP With concurrence from MEAE
57.2	The power pursuant to Regulation 83(2) of the General Regulations to form the opinion that it is necessary to specify a width for a roadway to be formed under Regulation 83(1) in excess of 7.4m, in view of the volume or type of traffic that is likely to traverse that road.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP With concurrence from MEAE
57.3	The power pursuant to Regulation 83(4) of the General Regulations, to dispense with the requirements under Regulation 83(3) of the General Regulations, if the delegate is of the opinion that the cul-de-sac is likely to become a through road.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP With concurrence from MEAE
57.4	The power pursuant to Regulation 83(5) of the General Regulations, subject to Regulation 83(6) of the General Regulations to require every footpath, water-table, kerbing, culvert and drain of every proposed road to be formed in a manner satisfactory to the delegate.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP With concurrence from MEAE
57.5	The power pursuant to Regulation 83(6) of the General Regulations, to dispense with a requirement under Regulation 83(5) of the General Regulations.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP With concurrence from MEAE

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58. Construction of Roads, Bridges, Drains and Services		
58.1 The power pursuant to Regulation 84(1) of the General Regulations to require the roadway of every proposed road within the relevant division to be constructed and paved and sealed with bitumen, tar or asphalt or other material approved by the delegate.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP With concurrence from MEAE
59. Supplementary Provisions		
59.1 The power pursuant to Regulation 85(1) of the General Regulations to approve the road location and grading plan for the manner of forming any proposed road, footpath, water-table, kerbing, culvert or drain required under Division 6 of the General Regulations.	CEO	<ul style="list-style-type: none"> • MEAE • MDRS • TLP • SDOP
59.2 The power pursuant to Regulation 85(2) of the General Regulations, subject to Regulation 85(4) of the General Regulations, to require all work referred to in Regulations 83 and 84 of the General Regulations to be carried out in a manner satisfactory to the delegate and in conformity with detailed construction plans and specifications signed by a professional engineer or, at the discretion of the delegate, a licensed surveyor, and approved by the delegate before the commencement of the work.	CEO	<ul style="list-style-type: none"> • MEAE • MDRS • TLP • SDOP
59.3 The power pursuant to Regulation 85(4) of the General Regulations to form the opinion that all connections for water supply and sewerage services to any allotment delineated on the plan which, in the opinion of the Chief Executive of the South Australian Water Corporation are necessary and need to be laid under the	CEO	<ul style="list-style-type: none"> • MEAE • MDRS • TLP • SDOP

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surface of the proposed road, have been made.		
60. General Provisions		
60.1 The power pursuant to Regulation 89(1) of the General Regulations to form the opinion that another form of arrangement is satisfactory for the purposes of Section 138(1) of the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS
60.2 The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which:	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
60.2.1 evidences the consent of the Council to an encroachment by a building over other land; and		
60.2.2 sets out: <ul style="list-style-type: none"> 60.2.2.1 the date on which any relevant building was erected (if known); and 60.2.2.2 the postal address of the site. 		
60.3 The power pursuant to Regulation 89(6)(b) of the General Regulations to request a written copy of the certificate and plan (or certificates and plans) referred to in Regulation 89(3) of the General Regulations.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
60.4 The power pursuant to Regulation 89(8) of the General Regulations to make submissions to the Commission before the Commission grants an extension of the period prescribed by Regulation 89(7).	CEO	<ul style="list-style-type: none"> • MDRS
61. Notifications During Building Work		
61.1 The power pursuant to Regulation 93(1)(b) of the General Regulations to specify by	CEO	<ul style="list-style-type: none"> • MDRS

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	notice to the building owner and to the licensed building work contractor responsible for carrying out the relevant building work (if any), when development approval is granted in respect of the work, any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.		<ul style="list-style-type: none"> • TLB • SDOB • DOB • AC • ASODS • SO
61.2	The power pursuant to Regulation 93(1)(c) of the General Regulations to specify by notice in writing to the building owner on the granting of development approval in respect of the work any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB • AC • ASODS • SO
62. Essential Safety Provisions			
62.1	The power pursuant to Regulation 94(13) of the General Regulations to require compliance with Regulation 94(10) of the General Regulations if:	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB • AC • ASODS • SO
62.1.1	the essential safety provisions were installed		
62.1.1.1	under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the Building Code; or		
62.1.1.2	as part of a performance solution		

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	under the Building Code; or		
62.1.2	the building has been the subject of a notice under Section 157 of the PDI Act.		
63.	Classification of Buildings		
63.1	The power pursuant to Regulation 102(3) of the General Regulations to require an application under Regulation 102(1) or (2) of the General Regulations to be accompanied by:	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
63.1.1	such details, particulars, plans, drawings, specifications, certificates and other documents as the delegate may reasonably require to determine the building's classification.		
63.2	The power pursuant to Regulation 102(4) of the General Regulations, to subject to Regulation 102(5) of the General Regulations, assign the appropriate classification under the Building Code to a building if the delegate is satisfied, on the basis of the owner's application, and accompanying documentation, that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
63.3	The power pursuant to Regulation 102(5) of the General Regulations, if an application under Regulation 102 of the General Regulations is made in respect of an existing Class 2 to Class 9 building, to require the applicant to satisfy the delegate that the provisions of any relevant Ministerial building standard relating to upgrading health and safety in existing buildings has been complied with	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB

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	(to the extent reasonably applicable to the building and its present or intended use).		
63.4	The power pursuant to Regulation 102(6) of the General Regulations, on assigning a classification to a building (or part of a building) to, if relevant, determine and specify in the notice to the owner under Section 151(3) of the PDI Act:	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
63.4.1	the maximum number of persons who may occupy the building (or part of the building); and		
63.4.2	if the building has more than 1 classification—the part or parts of the building to which each classification relates and the classifications currently assigned to the other parts of the building.		
64.	REQUIRED DOCUMENTATION		
64.1	The power pursuant to Regulation 103A(1) of the General Regulations to, in relation to an application for the issuing of a certificate of occupancy relating to a Class 1b to 9 (inclusive) building under the Building Code, require the following documentation:	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
64.1.1	if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that the conditions have been satisfied;		
64.1.2	if the application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, such		

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further evidence as the delegate may reasonably require to show –		
64.1.2.1 in the case of a building more than 1 storey – that the requirements of any relevant Ministerial building standard have been complied with; or		
64.1.2.2 in any other case – that the building is suitable for occupation.		
64.2 The power pursuant to Regulation 103A(2) of the General Regulations to, in relation to an application for the issuing on or after 1 July 2022 of a certificate of occupancy relating to a class 1a building under the building code, to require the following documentation:		
64.2.1 if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that any conditions relevant to the suitability of the building for occupation have been satisfied,		
64.3 The power pursuant to Regulation 103A(3) of the General Regulations to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after 12 March 2018, dispense with the requirement to provide a Statement of Compliance under subregulation (1)(a) or (2)(a) if –		

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64.3.1	the delegate is satisfied that a person required to complete 1 or both parts of the statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification or certifications; and		
64.3.2	it appears to the delegate, after undertaking an inspection, that the relevant building is suitable for occupation.		
65.	Statement of Site Suitability		
65.1	The power pursuant to Regulation 103C(1)(c) of the General Regulations, in relation to a building on a site to which Schedule 8 clause 2A of the General Regulations applies and upon which remediation on the site is necessary, to not grant a certificate of occupancy until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
66.	Report from Fire Authority		
66.1	The power pursuant to Regulation 103D(1) of the General Regulations, if	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
66.1.1	a building is –		
66.1.1.1	to be equipped with a booster assembly for use by a fire authority; or		
66.1.1.2	to have installed a fire alarm that transmits a		

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signal to a fire station or to a monitoring service approved by the relevant authority; and		
66.1.2 facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act,		
to not grant a certificate of occupancy unless or until the delegate has sought a report from the fire authority as to whether those facilities have been installed and operate satisfactorily.		
66.2 The power pursuant to Regulation 103D(2) of the General Regulations, if a report from the fire authority is not received within 15 business days, to presume that the fire authority does not desire to make a report.		
66.3 The power pursuant to Regulation 103D(3) of the General Regulations to have regard to any report received from a fire authority under subregulation (1) before it issues a certificate of occupancy.		
67. Issue of Certificate of Occupancy		
67.1 The power pursuant to Regulation 103E(1)(b) of the General Regulations to, on receipt of notification of intended completion of building work under Regulation 93(1)(f) of the General Regulations, determine that the building work will be inspected by an authorised officer.	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
67.2 The power pursuant to Regulation 103E(3)(c) of the General Regulations, in respect of a Class 1a building, to determine not to inspect the building work		
68. Revocation		

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68.1	The power pursuant to Regulation 103F of the General Regulations to revoke a certificate of occupancy –	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
68.1.1	if –		
68.1.1.1	there is a change in the use of the building; or		
68.1.1.2	the classification of the building changes; or		
68.1.1.3	building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300m ² is about to commence, or is being or has been carried out; or		
68.1.1.4	the building is about to undergo, or is undergoing or has undergone, major refurbishment,		
	and the delegate considers that in the circumstances the certificate should be revoked and a new certificate sought; or		
68.1.2	if the delegate considers that the building is no longer suitable for occupation because of building work undertaken, or being undertaken, on the building, or because of some other circumstance; or		

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68.1.3	if the schedule of essential safety provisions has been issued in relation to the building and the owner of the building has failed to comply with the requirements of Regulation 94(10); or		
68.1.4	if the delegate considers –		
68.1.4.1	that a condition attached to a relevant development authorisation has not been met, or has been contravened, and that, in the circumstances, the certificate should be revoked; or		
68.1.4.2	that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.		
69. Mining Production Tenements			
69.1	The power pursuant to Regulation 109(1)(b) of the General Regulations to make submissions to the appropriate Authority and object to the granting of the tenement.		
70. Register of Land Management Agreements (Section 193)			
70.1	The power pursuant to Regulation 111(2) of the General Regulations to establish a register of agreements entered into by the Council under Section 193 of the PDI Act.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • AC
70.2	The power pursuant to Regulation 111(3) of the General Regulations to include in a	CEO	<ul style="list-style-type: none"> • MDRS • TLP

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register, or provide access to a copy of each agreement entered into by the Council under Section 193 of the PDI Act and such other information the delegate considers appropriate.		<ul style="list-style-type: none"> • SDOP • AC
71. Authorised Officers and Inspections		
71.1 The power pursuant to Regulation 112(1) of the General Regulations to appoint at least 1 authorised officer under Section 210(1)(b) of the PDI Act:	CEO	GMCD
71.1.1 who is an accredited professional who is:		
71.1.1.1 an Accredited professional - building level 1; or		
71.1.1.2 an Accredited professional - building level 2; or		
71.1.1.3 an Accredited professional - building level 3; or		
71.1.1.4 an Accredited professional - building level 4; or		
71.1.2 who holds a current accreditation recognised by the Chief Executive for the purposes of this Regulation; or		
71.1.3 who holds an approval from the Chief Executive.		

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

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72. Calculation of Assessment of Fees	Delegation	Sub-delegation
<p>72.1 The power pursuant to Regulation 5(1) of the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged under a related set of regulations (including via the SA planning portal):</p>	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • DOPA • SPP • TLB • SDOB • DOB • AC • ASODS • SO • DCO
<p>72.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and</p>		
<p>72.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).</p>		
<p>72.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate acting under Regulation 5(1) of the Fees Regulations, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.</p>	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • DOPA • SPP • TLB • SDOB • DOB • AC • ASODS • SO • DCO

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72.3	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.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • DOPA • SPP • TLB • SDOB • DOB • AC • ASODS • SO • DCO
73.	Waiver or Refund of Fee		
73.1	The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:	CEO	MDRS
73.1.1	waive the payment of the fee, or the payment of part of the fee; or		
73.1.2	refund the whole or a part of the fee.		

**STATE PLANNING COMMISSION PRACTICE DIRECTION – 2 PREPARATION AND
AMENDMENT OF DESIGNATED INSTRUMENTS**

74.	Requirements in Relation to Preparing an Engagement Plan	Delegation	Sub-delegation
74.1	The power pursuant to clause 5(1) of the State Planning Commission Practice Direction – 2 Preparation and Amendment of Designated Instruments (PD2), to prepare a community engagement plan that:	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SPP

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74.1.1	meets the principles and performance outcomes of the Charter;		
74.1.2	describes the persons or bodies to be consulted;		
74.1.3	outlines any relevant previous engagement undertaken to inform the proposal;		
74.1.4	describes the evaluation framework for the engagement.		
74.2	The power pursuant to clause 5(2) of PD2 to submit the community engagement plan to the Commission for approval with the exception of an amendment to the Code and a Design Standard.	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SPP
75.	Requirements in Relation to Preparing an Engagement Report Following Consultation		
75.1	The power pursuant to clause 6(2) of PD2 to set out in the report:	As per 86.1	<ul style="list-style-type: none"> • MDRS • TLP • SPP
75.1.1	details of the engagement undertaken and how that engagement met the agreed community engagement plan, and reasons for variations, if any to that plan;		
75.1.2	the outcome of the engagement including a summary of the feedback made;		
75.1.3	the response to the details of, and reasons for, changes to the proposal to prepare or amend a designated instrument when compared to the proposal that		

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	was engaged on, and to specifically indicate:		
	75.1.3.1 where changes are proposed to the designated instrument based on the engagement; and		
	75.1.3.2 any other changes proposed based on additional investigations or information not available when the proposal was released for engagement.		
75.2	The power pursuant to clause 6(3) of PD2 to, in the engagement report also include an evaluation of the effectiveness of the engagement that considers whether:	As per 86.1	<ul style="list-style-type: none"> • MDRS • TLP • SPP
	75.2.1 the principles of the Charter have been achieved; and		
	75.2.2 all mandatory requirements identified in the Charter have been met where the consultation category is applicable.		
76.	Requirements in Relation to Initiating a Code Amendment Pursuant to Section 73 of the Act		
76.1	The power pursuant to clause 7(1) of PD 2 to provide a proposal to the Commission to initiate a code amendment that sets out:	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SPP
	76.1.1 Scope - an explanation of the reasons for the preparation of the amendment and a description of the changes in circumstance leading the need for the amendment and the range of		

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	issues to be addressed in the amendment;		
76.1.2	Code Modules - an outline of any overlay, general policy, zone or subzones being considered for amendment and/or the intended spatial application of an overlay, general policy, zone or subzone over an identified area, or draft instructions for the proposed amendments;		
76.1.3	Area Affected - A map or description of the area affected by the proposed amendment;		
76.1.4	State Planning Policies - an identification of the relevant key state planning policies and a statement of assessment of the amendment's consistency with those policies;		
76.1.5	Regional Plans - An indication of how the matters or issues proposed to be addressed by the amendment will relate to the relevant regional plan and any relevant infrastructure planning;		
76.1.6	Infrastructure Provision -		
76.1.6.1	an explanation of any infrastructure provision that is required and how the infrastructure provision will be provided; and		
76.1.6.2	an indication whether it is likely that an infrastructure agreement or agreements will need to be entered into in		

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	connection with the code amendment process, identifying the tools that will be used for this process;		
76.1.7	Joint Planning Board Comments - that the Council has discussed the proposal with the relevant Regional Planning Board;		
76.1.8	Consultation – information regarding any other consultation that has occurred;		
76.1.9	in relation to designating a place as a place of local heritage value or a heritage area - a heritage review prepared by a heritage architect or historian or similar occupation in accordance with the Commission's guidelines prepared under Section 67(2)(c) of the PDI Act;		
76.1.10	in relation to designating a tree a significant tree - an assessment of the tree against the criteria under Section 68(1)(a) of the PDI Act;		
76.1.11	in relation to designating a stand of trees to be significant trees – an assessment of the trees against the criteria under Section 68(1)(b) of the PDI Act.		
76.2	The power pursuant to clause 7(2) of PD2 to, in addition, provide:	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SPP
76.2.1	Timetable - an outline of the proposed timetable for each step of the process (ensuring that the		

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	process is completed within reasonable time limits), and a commitment on the part of the Council that it will take steps to update this timetable if it appears at any stage that the Council will require an extension;		
76.2.2	Investigations - an outline of the investigations and justifications that will be undertaken (and those that may have already been undertaken) and the form that those investigations will take in order to address the strategic and social, economic and environmental issues of the proposed amendment, or an explanation and summary of the investigations undertaken and how these support the amendment.		
77.	Requirements in Relation to Preparation of the Draft Proposal Prior to Consultation and Decision		
77.1	The power pursuant to clause 8(1) of PD 2 to, prior to consultation, provide to the Department:	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SPP
77.1.1	instructions that set out the intent of the proposed policy amendment for the purposes of the Department writing the draft Code Policy for the Council;		
77.1.2	any maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the Council;		

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77.1.3	in relation to heritage lists a local heritage data sheet and a significant trees data sheet.		
77.2	The power pursuant to clause 8(2) of PD2, if amendments are proposed to the consultation versions, to provide to the Department:	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SPP
77.2.1	instruction to write the amendments to the Code Policy;		
77.2.2	amendments to the maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the Council.		
78.	Requirements in Relation to Preparation of the Draft Proposal for Consultation		
78.1	The power pursuant to clause 9(1) of PD2 to, for engagement purposes, support a code amendment by the following information:	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SPP
78.1.1	an explanation about why and how the Code is proposed to be amended;		
78.1.2	an assessment of the amendment against the relevant provisions of State Planning Policies and the relevant regional plan;		
78.1.3	if any amendment is not fully consistent with the State Planning Policies or the region plan, to so specifically identify that and include an explanation setting out the reason or reasons for the inconsistency;		
78.1.4	an explanation and summary of the investigations undertaken and		

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	how these support the amendment;		
	78.1.5 an explanation of any infrastructure provision that is required and how the infrastructure will be provided.		
79.	Requirements in Relation to Complying Changes Under Section 75		
79.1	The power pursuant to clause 11(1) of PD2, in relation to a proposal to agree to a complying change, to provide the following information to the department:	CEO	<ul style="list-style-type: none"> • MDRS • TLP • SPP
79.1.1	a reference to the documentation and recommendation in relation to the proposed amendment in the relevant regional plan;		
79.1.2	a summary of the consultation in accordance with the Charter that has occurred in relation to the proposal including reference to the Engagement Report prepared for the regional plan and any additional consultation that has occurred;		
79.1.3	instructions that set out the intent of the proposed policy amendment for the purposes of the department writing the draft Code Policy for the Council;		
79.1.4	any maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the Council.		
80.	Requirements in Relation to Early Commencement Under Section 78		

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80.1	The power pursuant to clause 12(1) of PD2, in relation to a request for a code amendment to come into operation without delay, to provide to the department:	CEO	
80.1.1	an explanation about how early commencement is required to counter applications for undesirable development (development that would detract from, negate the object of the amendment) during consultation and consideration of the code amendment;		
80.1.2	instructions that set out the intent of the proposed policy amendment for the purposes of the Department writing the draft Code Policy for the Council;		
80.1.3	any maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the Council.		

STATE PLANNING COMMISSION PRACTICE DIRECTION – 3 (NOTIFICATION OF PERFORMANCE ASSESSED DEVELOPMENT APPLICATIONS) 2019

81. Responsibility to Undertake Notification		
81.1 The power pursuant to clause 6(3)(b) of the State Planning Commission Practice Direction – 3 (Notification of Performance Assessed Development Applications) 2019 (PD3) to determine the relevant fee as being appropriate to cover the relevant authority's reasonable costs in giving public notice of the application under Section 107(3)(a)(i) of the PDI Act.	CEO	

STATE PLANNING COMMISSION PRACTICE DIRECTION

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(COUNCIL INSPECTIONS) 2020

82. Mandatory Inspections		
82.1 The power pursuant to clause 2(2) of Part 2 of the State Planning Commission Practice Direction (Council Inspections) 2020 (PD9) to, in carrying out an inspection under PD9, take all reasonable steps to ensure each inspection includes an inspection and assessment of the following elements (elements), as may be present at the time of inspection:	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
82.1.1 primary structural elements;		
82.1.2 structural framing and roof trusses;		
82.1.3 wet areas and waterproofing;		
82.1.4 barriers to prevent falls;		
82.1.5 cladding;		
82.1.6 egress provisions;		
82.1.7 bushfire protection systems;		
82.1.8 passive and active fire safety elements;		
82.1.9 private bushfire shelters; and		
82.1.10 performance solutions.		
83. Additional Inspections		
83.1 The power pursuant to clause 3(2) of Part 2 of PD9 to consider carrying out an inspection in addition to any specified in clause 2 of Part 2 of PD9 (additional inspections) if the delegate has information to indicate that the	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB

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circumstances warrant it, having regard to the objects of PD9.		
84. Inspections Generally		
84.1 The power pursuant to clause 4(3) of Part 2 of PD9, in relation to building work listed in Schedule 7 of the General Regulations to consider if an additional inspection may be appropriate.	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
85. General Requirements		
85.1 The power pursuant to clause 1(2) of Part 3 of PD9 to ensure that an inspection under PD9 and subsequent assessment of each of the applicable elements in clause 2(2) of Part 2 of PD9 is carried out by a person who has the appropriate qualifications, skills, knowledge and experience to carry out an inspection assigned to that officer under PD9.	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB

**STATE PLANNING COMMISSION PRACTICE DIRECTION 10 (STAGED
OCCUPATION OF MULTI-STOREY BUILDINGS) 2020**

86. Conditions that Must be Met for the Staged Occupation of a Partially Completed Building		
86.1 The power pursuant to clause 5(2) of the State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings 2020 (PD10) to, agree to partial occupancy of a partially completed multistorey building.	CEO	<ul style="list-style-type: none"> • MDRS • TLB • SDOB

SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT

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

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