

INSTRUMENT D

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

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 determination of the Assessment Manager to identify when these delegations were made, reviewed and or amended.

References:

- MDRS Manager Development & Regulatory Services
- TLP Team Leader Planning
- SDOP Senior Development Officer Planning
- DOP Development Officer Planning
- DOPA Development Officer Planning Assistant
- SPP Senior Policy Planner
- 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
- MEAE Manager Engineering Assets and Environment

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POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Environment and Food Production Areas – Greater Adelaide	Delegation
1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.	N/A
1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.	N/A
2. Relevant Authority – Commission	
2.1 The power pursuant to Section 94(3)(a) of the PDI Act, if the Minister acts under Section 94(1)(h) of the PDI Act to, at the request of the Commission, provide the Commission with a report relating to any application for development authorisation that has been under consideration by the relevant authority.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
3. Relevant Provisions	
3.1 The power pursuant to Section 99(1) of the PDI Act, if a proposed development involves the performance of building work to determine to act under Section 99(1) of the PDI Act to:	N/A
3.1.1 refer the assessment of the development in respect of the Building Rules to the council	

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	for the area in which the proposed development is to be undertaken; or	
3.1.2	require that the assessment of the development in respect of the Building Rules be undertaken by a building certifier.	
4.	Matters Against Which Development Must Be Assessed	
4.1	The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):	
4.1.1	-	
4.1.1.1	the relevant provisions of the Planning Rules; and	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • TLB • SDOB • DOPA • DCO
4.1.1.2	to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development, (planning consent);	N/A
4.1.2	in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • DCO
4.1.2.1	requirements set out in the Planning and Design Code made	

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	for the purposes of this provision are satisfied;	
4.1.2.2	any relevant requirements set out in a design standard has been satisfied;	
4.1.2.3	the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;	
4.1.2.4	where land is to be vested in a council or other authority - the council or authority consents to the vesting;	
4.1.2.5	requirements set out in regulations made for the purposes of Section 102(1)(c) of the PDI Act are satisfied;	
4.1.3	in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • DCO
4.1.3.1	requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;	
4.1.3.2	any relevant requirements set out in a design standard has been satisfied;	
4.1.3.3	any encroachment of a lot or unit over other land is acceptable having regard to any provision	

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	made by the Planning and Design Code or a design standard;	
4.1.3.4	where land is to be vested in a council or other authority - the council or authority consents to the vesting;	
4.1.3.5	a building or item intended to establish a boundary (or part of a boundary) of a lot or lots or a unit or units is appropriate for that purpose;	
4.1.3.6	the division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 is appropriate having regard to the nature and extent of the common property that would be established by the relevant scheme;	
4.1.3.7	the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;	
4.1.3.8	any building situated on the land complies with the Building Rules;	
4.1.3.9	requirements set out in the regulations made for the purposes of Section 102(d) of the PDI Act are satisfied;	
4.1.4	any encroachment of a building over, under, across or on a public place (and not otherwise dealt with above) is acceptable having regard to any provision made by the Planning and Design Code or a design standard;	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP

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4.1.5	if relevant - requirements applying under Part 15 Division 2 of the PDI Act are satisfied;	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • DCO
4.1.6	such other matters as may be prescribed.	<ul style="list-style-type: none"> • MDRS • TLP • TLB
4.2	The power pursuant to Section 102(3) of the PDI Act to, in relation to granting a planning consent, on the delegate's own initiative or on application, reserve the delegate's decision on a specified matter or reserve the delegate's decision to grant a planning consent:	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
4.2.1	until further assessment of the relevant development under the PDI Act; or	
4.2.2	until further assessment or consideration of the proposed development under another Act; or	
4.2.3	until a licence, permission, consent, approval, authorisation, certificate or other authority is granted, or not granted (by the decision of another authority), under another Act.	
4.3	The power pursuant to Section 102(4) of the PDI Act to allow any matter specified by the Planning and Design Code for the purposes of Section 102(4) of the PDI Act to be reserved on the application of the applicant.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
5.	Deemed-to-satisfy Assessment	
5.1	The power pursuant to Section 106(2) of the PDI Act to form the opinion and be satisfied that development is deemed-to-satisfy development except for 1 or	<ul style="list-style-type: none"> • MDRS • TLP • SDOP

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<p>more minor variations and assess it as being deemed-to-satisfy.</p>	<ul style="list-style-type: none"> • DOP • SPP • DOPA • DCO
<p>6. Performance Assessed Development</p>	
<p>6.1 The power pursuant to Section 107(2)(c) of the PDI Act to form the opinion that the development is seriously at variance with the Planning and Design Code (disregarding minor variations).</p>	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
<p>6.2 The power pursuant to Section 107(3) of the PDI Act, if a proposed development is to be assessed under Section 107 of the PDI Act to make a decision in accordance with a practice direction.</p>	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA
<p>6.2.1 The power pursuant to Section 107(4) of the PDI Act to limit the matters that the delegate will take into account to what should be the decision of the relevant authority as to planning consent in relation to the performance based elements of the development as assessed on its merits.</p>	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA
<p>7. Application and Provision of Information</p>	
<p>7.1 The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.</p>	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • TLB • SDOB • DOPA • AC • ASODS • SO • DCO

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<p>7.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant:</p>	
<p>7.2.1 to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;</p>	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • TLB • SDOB • DOPA • AC • ASODS • SO • DCO
<p>7.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;</p>	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • TLB • SDOB • DOPA • AC • ASODS • SO • DCO
<p>7.2.3 to consult with an authority or body prescribed by the regulations;</p>	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • TLB • SDOB • DOPA • AC • ASODS • SO • DCO

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7.2.4	to comply with any other requirement prescribed by the regulations.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • TLB • SDOB • DOPA • AC • ASODS • SO • DCO
7.3	The power pursuant to Section 119(6) of the PDI Act if a request is made under Section 119(3) of the PDI Act, and the request is not complied with within the time specified by the regulations, to	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
7.3.1	subject to Section 119(6)(b)(ii) of the PDI Act, refuse the application; and	
7.3.2	refuse the application in prescribed circumstances (including, if the regulations so provide, in a case involving development that is deemed-to-satisfy development).	
7.4	The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
7.5	The power pursuant to Section 119(9) of the PDI Act to:	
7.5.1	permit an applicant:	
7.5.1.1	to vary an application;	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • DOPA

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		<ul style="list-style-type: none"> • SPP
7.5.1.2	to vary any plans, drawings, specifications or other documents that accompanied an application, (provided that the essential nature of the proposed development is not changed);	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA
7.5.2	permit an applicant to lodge an application without the provision of any information or document required by the regulations;	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA
7.5.3	to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);	<ul style="list-style-type: none"> • MDRS
7.5.4	if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • DOPA • SPP • TLB • SDOB • DOB • AC • ASODS • SO • DCO
7.6	The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA

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7.7	The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP
7.8	The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.	<ul style="list-style-type: none"> • MDRS
8.	Outline Consent	
8.1	The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.	N/A
8.2	The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:	N/A
8.2.1	grant any consent contemplated by the outline consent; and	
8.2.2	not impose a requirement that is inconsistent with the outline consent.	
9.	Design Review	
9.1	The power pursuant to Section 121(7) of the PDI Act, to in acting under the PDI Act, take into account any advice provided by a design panel (insofar as may be relevant to the assessment of proposed development by the delegate).	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
10.	Referrals to Other Authorities or Agencies	
10.1	The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to:	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • DOPA • SPP

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	<ul style="list-style-type: none"> • DCO
10.1.1	refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and
10.1.2	not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made
	where the regulations so provide, subject to Section 122 of the PDI Act.
10.2	<p>The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:</p> <ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
10.2.1	to refuse the application; or
10.2.2	<p>consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body)</p> <p>where the regulations so provide.</p>
10.3	<p>The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.</p> <ul style="list-style-type: none"> • MDRS
10.4	<p>The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.</p> <ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP

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	<ul style="list-style-type: none"> • SPP
11. Preliminary Advice and Agreement	
11.1 The power pursuant to Section 123(2) of the PDI Act, if:	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
11.1.1 a proposed development is referred to a prescribed body under Section 123(1) of the PDI Act; and	
11.1.2 the prescribed body agrees to consider the matter under Section 123 of the PDI Act after taking into account any matter prescribed by the regulations; and	
11.1.3 the prescribed body agrees, in the manner prescribed by the regulations, that the development meets the requirements (if any) of the prescribed body (including on the basis of the imposition of conditions),	
to, subject to Section 123(4) of the PDI Act if an application for planning consent with respect to the development is lodged with the relevant authority within the prescribed period after the prescribed body has indicated its agreement under Section 123(2)(c) of the PDI Act, form the opinion and be satisfied that the application accords with the agreement indicated by the prescribed body (taking into account the terms or elements of that agreement and any relevant plans and other documentation).	
11.2 The power pursuant to Section 123(4) of the PDI Act to determine an agreement under Section 123 of the PDI Act is no longer appropriate due to the operation of Section 132 of the PDI Act.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP

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12. Proposed Development Involving Creation of Fortifications	
12.1 The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).	• MDRS
12.2 The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:	• MDRS
12.2.1 if the proposed development consists only of the creation fortifications - refuse the application; or	
12.2.2 in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications	
12.3 The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.	• MDRS
12.4 The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act to apply to the Court to be joined as a party to the appeal.	• MDRS
13. Time Within Which Decision Must be Made	
13.1 The power pursuant to Section 125(6) of the PDI Act to form the opinion and consider that the relevant application for planning consent should have been	• MDRS

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	refused and apply to the Court for an order quashing the consent.	
13.2	The power pursuant to Section 125(7) of the Act to apply to the Court for an extension of time to make an application under Section 125(6) of the Act.	<ul style="list-style-type: none"> • MDRS
14.	Determination of Application	
14.1	The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOPP • SPP • DOPA • AC • ASODS • SO • DCO
14.2	The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.	<ul style="list-style-type: none"> • MDRS • TLP
15.	Conditions	
15.1	The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • DOPA • SPP • TLB • SDOB • DCO

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15.2	The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
15.3	The power pursuant to Section 127(4) of the PDI Act, subject to Sections 127(6) and (8) of the PDI Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • DCO
15.4	The power pursuant to Section 127(6) of the PDI Act to, on the application of the applicant, determine that a payment of an amount calculated in accordance with the regulations be made into the relevant fund in lieu of planting 1 or more replacement trees under Section 127(4) of the PDI Act.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • DCO
15.5	The power pursuant to Section 127(8)(b) of the PDI Act to:	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA
15.5.1	determine that it is appropriate to grant an exemption under Section 127(8)(b) of the PDI Act in a particular case after taking into account any criteria prescribed by the regulations and provided the Minister concurs in the granting of the exemption;	

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15.5.2	to seek the Minister's concurrence to grant an exemption under Section 127(8)(b) of the PDI Act.	
16.	Variation of Authorisation	
16.1	The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DCO
17.	Urgent Building Work	
17.1	The power pursuant to Section 135(2) of the PDI Act to issue any direction.	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
18.	Cancellation of Development Authorisation	
18.1	The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.	<ul style="list-style-type: none"> • MDRS • TLP • TLB
18.2	The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.	<ul style="list-style-type: none"> • MDRS • TLP • TLB

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19. Professional Advice to be Obtained in Relation to Certain Matters	
19.1 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.	<ul style="list-style-type: none"> MDRS
19.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.	<ul style="list-style-type: none"> MDRS
20. Continuation of Processes	This clause will not become operational – delegations not required
20.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:	N/A
20.1.1 adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and	
20.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and	
20.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and	
20.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and	

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20.1.5 take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.	
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**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL)
REGULATIONS 2017**

21. Prescribed Scheme (Section 93)	Delegation
21.1 The power pursuant to Regulation 22(2) of the Planning, Development and Infrastructure (General) Regulations 2019 (the General Regulations), to, in connection with Regulation 22(1)(a)(ii) of the General Regulations act as a relevant authority for the purposes of:	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
21.1.1 making a decision in accordance with a practice direction under Section 107(3)(a) of the PDI Act; and	
21.1.2 determining whether a proposed development the subject of an application falls within a specified class of development excluded from the operation of Section 107(3) and (4) of the PDI Act by the Planning and Design Code.	
22. Verification of Application	
22.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:	

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22.1.1	determine the nature of the development; and	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • TLB • SDOB • AC • ASODS • SO • DCO
22.1.2	if the application is for planning consent - determine:	
22.1.2.1	whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • TLB • SDOB • AC • ASODS • SO • DCO
22.1.2.2	the category or categories of development that apply for the purposes of development assessment; and	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • TLB • SDOB • AC • ASODS • SO • DCO

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22.1.3	determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • TLB • SDOB • AC • ASODS • SO • DCO
22.1.4	if the relevant authority is the correct entity to assess the application (or any part of the application):	
22.1.4.1	check that the appropriate documents and information have been lodged with the application; and	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • TLB • SDOB • AC • ASODS • SO • DCO
22.1.4.2	confirm the prescribed fees required to be paid at that; and	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • TLB • SDOB • AC • ASODS • SO • DCO

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22.1.4.3	provide an appropriate notice via the SA planning portal; and	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • TLB • SDOB • AC • ASODS • SO • DCO
22.1.5	if the relevant authority is not the correct entity to assess the application (or any part of the application):	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • TLB • SDOB • DCO
22.1.5.1	provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and	
22.1.5.2	provide an appropriate notice via the SA planning portal.	
23. Application and Further Information		
23.1	The power pursuant to Regulation 33(4) of the General Regulations to seek clarification about any document or information that has been provided by the applicant.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP

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	<ul style="list-style-type: none"> • DOPA • SPP • TLB • SDOB • AC • ASODS • SO • DCO
24. Amended Applications	
24.1 The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • TLB • SDOB
24.2 The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • TLB • SDOB
25. Withdrawing/Lapsing Applications	
25.1 The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • TLB • SDOB • AC • ASODS • SO • DCO

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25.1.1	any agency to which the application has been referred under Division 2 of the General Regulations; and	
25.1.2	any person who has made a representation in relation to the application under Division 3 of the General Regulations,	
	of the withdrawal.	
25.2	The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
25.3	The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations, to:	
25.3.1	take reasonable steps to notify the applicant of the action under consideration; and	<ul style="list-style-type: none"> • MDRS • TLP • TLP • SDOP • AC • ASODS • SO
25.3.2	allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP
26. Court Proceedings		
26.1	The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.	<ul style="list-style-type: none"> • MDRS

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27. Additional Information or Amended Plans		
27.1	The power pursuant to Regulation 42(1) of the General Regulations if a delegate has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA
28. Preliminary Advice and Agreement (Section 123)		
28.1	The power pursuant to Regulation 46(6) of the General Regulations, if:	
28.1.1	the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
28.1.2	the delegate determines that the application no longer accords with the agreement indicated by the prescribed body,	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
	to refer the application (unless withdrawn) to the prescribed body:	
28.1.3	to obtain a variation to the agreement under Section 123 of the PDI Act; or	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
28.1.4	to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP

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28.2	The power pursuant to Regulation 46(7) of the General Regulations if:	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • AC • ASODS • SO
28.2.1	an application is withdrawn by the applicant; and	
28.2.2	the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application,	
	to notify relevant prescribed body of the withdrawal.	
28.3	The power pursuant to Regulation 46(8) of the General Regulations, if:	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • AC • ASODS • SO
28.3.1	an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and	
28.3.2	the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application,	
	to notify the relevant prescribed body of the lapsing.	
28.4	The power pursuant to Regulation 46(9) of the General Regulations, if:	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • AC

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		<ul style="list-style-type: none"> • ASODS • SO
28.4.1	an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and	
28.4.2	a notice of a decision on the application is issued by the delegate under Regulation 57 of the General Regulations,	
	to provide a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 57 of the General Regulations.	
29.	Notification of Application of Tree-damaging Activity to Owner of Land	
29.1	The power pursuant to Regulation 48 of the General Regulations, if an owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, to:	
29.1.1	give the owner notice of the application within 5 business days after the application is made; and	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • DOPA • SPP • AC • ASODS • SO • DCO
29.1.2	give due consideration in the delegate's assessment of the application to any submission made by the owner within 10 business days after the giving of notice under Regulation 48 of the General Regulations.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • DOPA • SPP • DCO

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30. Public Inspection of Applications	
<p>30.1 The power pursuant to Regulation 49(3) of the General Regulations to request a person verify information in such manner as the delegate thinks fit.</p>	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • TLB • SDOB • DOB • AC • ASODS • SO • DCO
31. Notice of Decision (Section 126(1))	
<p>31.1 The power pursuant to Regulation 57(4) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.</p>	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • TLB • SDOB • AC • ASODS • SO • DCO
32. Consideration of Other Development Authorisations	
<p>32.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.</p>	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • TLB • SDOB • DOPA • DCO

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33. Certificate of Independent Technical Expert in Certain Cases	Power relates to building consent – delegation not necessary if standing referral to Council is made
33.1 The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.	N/A
34. Urgent Work	
34.1 The power pursuant to Regulation 63(1) of the General Regulations to,	
34.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and	<ul style="list-style-type: none"> • TLB Stephen.Zillante @marion.sa.gov.au 8375 6696
34.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.	<ul style="list-style-type: none"> • TLB Stephen.Zillante @marion.sa.gov.au 8375 6696
34.2 The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB

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34.3	The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
35.	Variation of Authorisation (Section 128)	
35.1	The power pursuant to Regulation 65(1) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA
36.	Advice from Commission	
36.1	The power pursuant to Regulation 44(2) of the General Regulations, if a report is not received from the Commission within 20 business days from the day on which the application is lodged under Regulation 29 of the General Regulations or within such longer period as the Commission may require by notice to the relevant authority, to presume that the Commission does not desire to make a report.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
37.	Underground Mains Area	
37.1	The power pursuant to Regulation 78(3) of the General Regulations, if an application relates to a proposed development that involves the division of land within, or partly within, an underground mains area (even if the area is declared as such after the application is lodged with the relevant authority), to require, as a condition on its decision on the application, that any electricity mains be placed underground.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP <p>Subject to concurrence of the MEAE.</p>

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38. Construction Industry Training Fund	
38.1 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the <i>Construction Industry Training Fund Act 1993</i> or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable.	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
38.2 The power pursuant to Regulation 99(5) of the General Regulations, if a notification has been given under Regulation 99(4) of the General Regulations and if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification to, if the delegate thinks fit, determine that the application has lapsed.	<ul style="list-style-type: none"> • MDRS • TLB • SDOB • DOB
39. Plans for Residential Alterations, Additions and New Dwellings	
39.1 The power pursuant to Clause 2(d)(ii)(B) of Schedule 8 of the General Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
39.2 The power pursuant to Clause 2(d)(ii)(D) of Schedule 8 of the General Regulations to be satisfied a site contamination audit report (within the meaning of the Environment Protection Act 1993) is not required.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
40. Plans for Building Work	
40.1 The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building, if:	N/A (not relevant to Assessment Manager)

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40.1.1	the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or	
40.1.2	the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building,	
	to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.	

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41. Calculation or Assessment of Fees	
41.1 The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged with the council under a related set of regulations (including via the SA planning portal):	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • TLB • SDOB • AC • ASODS • SO • DCO

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41.1.1	to require the applicant to provide such information as the delegate may reasonably require to calculate a prescribed fee; and	
41.1.2	to make any other determination for the purposes of the Fees Regulations or a related set of regulations or a fee notice (even if the assessment manager is not a relevant authority).	
41.2	The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate a prescribed fee on the basis of estimates made by the delegate.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • TLB • SDOB • AC • ASODS • SO • DCO
41.3	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.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • DOPA • TLB • SDOB • AC • ASODS • SO • DCO

PLANNING AND DESIGN CODE	
42. Procedural Matter	Delegation

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42.1	The power pursuant to and in accordance with the Planning and Design Code (the PD Code) to form the opinion development is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development and therefore is excluded from the operation of Sections 107(3) and (4) of the PDI Act.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
43. Procedural Matters: Referrals		
43.1	The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature and would warrant a referral when considering the purpose of the referral.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
43.2	The power pursuant to and in accordance with the PD Code to form the opinion and deem:	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
43.2.1	alteration to an existing access or public road junction; or	
43.2.2	development that changes the nature of vehicular movements or increases the number or frequency of movements through an existing access,	
	to be minor.	
43.3	The power pursuant to and in accordance with the PD Code to form the opinion an alteration or extension of an existing dwelling is minor.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
43.4	The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature or like for like maintenance and would not	<ul style="list-style-type: none"> • MDRS • TLP • SDOP

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	warrant a referral when considering the purpose of the referral.	<ul style="list-style-type: none"> • DOP • SPP
43.5	The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature or like for like maintenance and would not warrant a referral when considering the purpose of the referral.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
43.6	The power pursuant to and in accordance with the PD Code to form the opinion alterations to an existing access or public road junction are minor.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
43.7	The power pursuant to and in accordance with the PD Code to form the opinion development that changes the nature of vehicular movements or increase the number or frequency of movements through an existing access is minor.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP
44.	Referral Body: Minister Responsible for the Administration of the Aquaculture Act 201	
44.1	The power pursuant to and in accordance with Part 9.4 of the PD Code to form the opinion that aquaculture development which involves an alteration to an existing or approved development is minor in nature.	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP

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

45. Scheme Provisions	Delegation
45.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019 (PD6), to in undertaking a planning assessment or imposing controls, including through the imposition of conditions of planning consent, ensure that such assessment or controls do not conflict or duplicate	<ul style="list-style-type: none"> • MDRS • TLP • SDOP • DOP • SPP • TLB

INSTRUMENT D
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
AND INFRASTRUCTURE (GENERAL) REGULATIONS 2017 AND PLANNING, DEVELOPMENT AND
INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019
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matters dealt with or addressed under licencing or regulatory regimens under another Act.	<ul style="list-style-type: none">• SDOB• DOPA• DCO
45.2 The power pursuant to clause 5(3) of PD6 to, where the delegate is uncertain whether a matter conflicts with, or duplicates a matter dealt with under a licencing or regulatory regime under another Act, to seek the advice of that authority or agency.	<ul style="list-style-type: none">• MDRS• TLP• SDOP• DOP• SPP• TLB• SDOB• DOPA• DCO

INSTRUMENT D
INSTRUMENT OF DELEGATION UNDER
THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT
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OF POWERS OF AN ASSESSMENT MANAGER

SCHEDULE OF CONDITIONS

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

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

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

Version:

Endorsed Date	Amendments
01.03.21	Endorsed by Assessment Manager
05.01.22	Included Development Officer Planning Assistant (DOPA) position to sub-delegation 35.1 (<i>Variation of Authorisation</i>).
05.01.22	Included Development Officer Planning Assistant (DOPA) position to sub-delegation 6 (<i>Performance Assessed Development</i>), 6.2 & 6.2.1