

**MINUTES OF LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL
HELD AT WATTLE RANGE COUNCIL, CIVIC CENTRE, GEORGE STREET, MILLICENT
ON WEDNESDAY, 10 AUGUST 2022 AT 12:00 P.M.**

PRESENT: Mr Mark Teakle (Presiding Member), Dr Jessica Porter, Mr Ian Von Stanke

OFFICERS IN ATTENDANCE:	Assessment Manager, City of Mount Gambier	- Mrs T Tzioutziouklaris
	Development Trainee, City of Mount Gambier	- Miss T Redemski
	Executive Administrator, City of Mount Gambier	- Mrs A Pasquazzi
	Director, Planning Chambers	- Mr D Dawson
	Senior Associate, Planning Chambers	- Mr J Mason (virtual)

OFFICERS AS OBSERVERS:	Director Development Services, Wattle Range Council	- Ms E Clay
	Building Officer, Wattle Range Council	- Mr J Turner
	Planning Officer, Wattle Range Council	- Mr R Shah
	Governance Officer, Wattle Range Council	- Ms K Creek
	Development Officer, District Council of Robe	- Ms M Gibbs
	Director Environmental Services, District Council of Grant	- Mr L McEvoy (virtual)
	Development Compliance Officer, District Council of Grant	- Mr C Tully (virtual)
	Planning Officer, District Council of Grant	- Mrs T Glynn (virtual)

1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGY(IES)

COMMITTEE RESOLUTION

Moved: Jessica Porter

Seconded: Ian Von Stanke

That the apology from Ms Meg Redman be received.

CARRIED

3 CONFIRMATION OF MINUTES

Nil

4 QUESTIONS WITHOUT NOTICE

5 INVITEES

- As from 1 October 2017, every Council is required to establish an Assessment Panel under provisions within the Planning, Development and Infrastructure Act 2016 to determine and make decisions on development applications as delegated to the Panel.
- When the Panel is considering an application, it must assess the proposal against the Planning and Design Code.
- The meeting itself is informal, however, all decisions made by the Assessment Panel are formal.

- Representors will be allocated 5 minutes to make their presentation, after which, Panel Members may ask questions to clarify any issues. It is solely a question and answer session. There will be no debate entered into.
- Council Officers will advise you of the decision as soon as practical after the meeting.

Invitees for Item 6.7 - Lot 1 Backler Street, Robe

The Representor - Mr James Jess spoke to item 6.7 at 12:34 pm.

Invitees for Item 6.8 - 80 Mount Gambier Road, Millicent & 81 Wylie Road, Millicent

The Representor - Mr Gary Neve spoke to item 6.8 at 1:05 pm.

The Applicant - Tim Beazley on behalf PC Infrastructure Pty Ltd at 1:09 pm.

6 REPORTS**6.1 LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL - MEETING PROCEDURES****COMMITTEE RESOLUTION**

Moved: Jessica Porter

Seconded: Ian Von Stanke

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR22/42841 titled 'Limestone Coast Southern Regional Assessment Panel - Meeting Procedures' as presented on 10 August 2022 be adopted.
2. That the Limestone Coast Southern Regional Assessment Panel Meeting Procedures as amended at the meeting be adopted.
3. That ordinary Limestone Coast Southern Regional Assessment Panel meetings be held on the third Tuesday of the month at 5:00 pm.

CARRIED

6.2 LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL - TERMS OF REFERENCE**COMMITTEE RESOLUTION**

Moved: Ian Von Stanke

Seconded: Jessica Porter

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR22/42835 titled 'Limestone Coast Southern Regional Assessment Panel - Terms of Reference' as presented on 10 August 2022 be noted.
2. That the Limestone Coast Southern Regional Assessment Panel Terms of Reference as amended at the meeting be endorsed.

CARRIED

6.3 DELEGATIONS - PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016**COMMITTEE RESOLUTION**

Moved: Jessica Porter

Seconded: Ian Von Stanke

1. That Regional Assessment Panel Report No. AR22/42827 titled 'Delegations - Planning, Development and Infrastructure Act 2016' as presented on 10 August 2022 be noted.
2. Pursuant to Section 100 of the Planning, Development and Infrastructure Act 2016, the Limestone Coast Southern Regional Assessment Panel (RAP) delegates each function or power of the Regional Assessment Panel as identified in Instrument C (tabled at the meeting) to the Chief Executive Officer of the District Council of Grant, the District Council of Robe, Wattle Range Council, the City of Mount Gambier and Assessment Manager subject to the following conditions and limitations:
 - (a) The delegations may be sub delegated by the Chief Executive Officer and Assessment Manager;
 - (b) All applications for Building Consent are delegated to each Council respectively.
 - (c) Each delegation of a power or function granted under this instrument is independent of, and severable from, every other delegation granted under this instrument;
 - (d) If two or more (sub)delegates are nominated in respect of a power or function, then each nominated person is granted a (sub)delegation and may exercise the power or function independently of any other (sub)delegate;
 - (e) Delegates must exercise a delegate or power in accordance with applicable legislative and legal requirements; and due regard to relevant policies and guidelines adopted by the Council;
 - (f) If a delegation of a power or function under this instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this instrument and remaining delegation will continue to operate according to their terms;
 - (g) These delegations will come into operation on Friday 1 July, 2022;
3. The delegations granted by these resolutions will remain in force until varied or revoked by resolution of the Limestone Coast Southern Regional Assessment Panel.

CARRIED

Attachments

- 1 Planning, Development & Infrastructure Act 2016 - Instrument C - Powers of an Assessment Panel

6.4 CODE OF CONDUCT FOR ASSESSMENT PANEL MEMBERS**COMMITTEE RESOLUTION**

Moved: Ian Von Stanke

Seconded: Jessica Porter

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR22/42828 titled 'Code of Conduct for Assessment Panel Members' as presented on 10 August 2022 be noted.

CARRIED

6.5 REVIEW OF DECISIONS BY THE ASSESSMENT MANAGER

COMMITTEE RESOLUTION

Moved: Ian Von Stanke

Seconded: Jessica Porter

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR22/42844 titled 'Review of Decisions by the Assessment Manager' as presented on 10 August 2022 be noted.
2. That the Review of Decisions by the Assessment Manager Policy tabled at the meeting be endorsed.

CARRIED

Attachments

- 1 Policy for Assessment Panel Review of Assessment Manager Decisions - Limestone Coast Southern Regional Assessment Panel

6.6 MANAGEMENT OF ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT APPEALS

COMMITTEE RESOLUTION

Moved: Jessica Porter

Seconded: Ian Von Stanke

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR22/42845 titled 'Management of Environment, Resources and Development Court Appeals' as presented on 10 August 2022 be noted.
2. The Assessment Manager be requested to manage the conduct of appeals to the Environment, Resources and Development Court against decisions of the Limestone Coast Southern Regional Assessment Panel or its delegates, subject to the Assessment Manager undertaking the following actions in each case:
 - (a) Consult the Panel - either at a meeting or by out-of-session communication – and have regard to response/s received before agreeing to a compromise settlement;
 - (b) Consult with the relevant Chief Executive Officer and have regard to any response/s received, in relation to matters likely to have an impact, other than minor, on the conduct, cost or outcome of the appeal; and
 - (c) Inform the Panel at scheduled meetings, or otherwise as appropriate, of the status of any appeal matters at any point in time.

CARRIED

6.7 LOT 1 BACKLER STREET, ROBE**COMMITTEE RESOLUTION**

Moved: Jessica Porter
Seconded: Ian Von Stanke

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR22/53640 titled 'Lot 1 Backler Street, Robe' as presented on 10 August 2022 be noted.
2. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is not seriously at variance with the provisions of the Planning and Design Code; and
3. Development Application Number 22019647, by Jessica Malone and William Speirs is granted Planning Consent, subject to the following conditions:
 - (a) The Development shall be carried out in accordance with plans and details as approved.
 - (b) That the batter slopes on the northern side of the tee block shall be appropriately stabilised and screened with vegetation using local species and maintained in a good condition at all times.
 - (c) That stormwater and irrigation runoff shall be prevented from spilling down and destabilising the batter slopes.
 - (d) The applicant/ land owner/ golf course operator establish signage on the golf tee to advise golfers houses are nearby and in good faith, noise be kept to a minimum within a month of the date of the Development Approval.
 - i. Note 1 - Conditions imposed on development application 21007156 continue to apply, unless expressly varied by this consent.

CARRIED

6.8 80 MOUNT GAMBIER ROAD, MILLICENT & 81 WYRIE ROAD, MILLICENT**COMMITTEE RESOLUTION**

Moved: Ian Von Stanke
Seconded: Jessica Porter

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR22/53700 titled '80 Mount Gambier Road, Millicent & 81 Wyrie Road, Millicent' as presented on 10 August 2022 be noted.
2. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is not seriously at variance with the provisions of the Planning and Design Code; and
3. Development Application Number 21035091, by PC Infrastructure Pty Ltd is granted Planning Consent subject to the following reasons/conditions/reserved matters:
 - (a) Condition 1 - The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation except where varied by conditions below (if any).
 - (b) Condition 2 - The building and site must be maintained in good condition at all times.

- (c) Condition 3 - Stormwater from the proposed development shall be disposed of so that it does not affect the stability of the proposed development or any other building on the site or the neighbouring property, and so that it does not create an unhealthy condition on the site.
- (d) Condition 4 - Adequate lighting shall be provided in accordance with the relevant Australian Standards and light spill onto neighbouring properties shall be minimised, to the reasonable satisfaction of Council.
- (e) Condition 5 - New driveways/ crossovers shall be designed to match existing grades and widths of existing footpaths, to the reasonable satisfaction of Council.
- (f) Condition 6 - Landscaping shall be planted within six months of occupation of the development and maintained in good condition at all times. Dead, dying or diseased vegetation shall be replaced when necessary.
- (g) Condition 7 - The recommendations outlined in the Sonus report dated April 2022 shall be adhered with, to the reasonable satisfaction of Council.
Conditions imposed by Environment Protection Authority under Section 122 of the Act
- (h) Condition 8 - Prior to operation, all fuel storage tanks (apart from diesel and LPG) must be fitted with a Stage 1 vapour recovery system (which includes underground storage tank vent pipes being fitted with a pressure vacuum relief valve) that directs the displaced vapours back into the tank during filling.
- (i) Condition 9 - Prior to operation, all fuel dispensers (apart from diesel and LPG) must be fitted with a Stage 2 vapour recovery system that directs vapours back into the tank during vehicle refueling.
- (j) Condition 10 - Prior to operation, all underground fuel storage tanks must be double-walled and fitted with a leak detection system designed and installed in accordance with clause 4.5 of Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems.
- (k) Condition 11 - Prior to operation, all fuel lines between the underground storage tanks and fuel dispensers must be double contained and fitted with a leak detection system, designed and installed in accordance with clause 4.5 of Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems.
- (l) Condition 12 - Stormwater runoff from all hardstand areas of the petrol station (including the refueling and fuel delivery areas) must be managed in accordance with the Civil Plan prepared by TMK and dated 1 June 2022 and Information provided on 1 June 2022 in response to the EPA's Request for Information of 30 May 2022 and must be directed via grates and grade changes to the SPEL Purceptor full retention oil/water separator (no bypass function) that:
 - i. Has a minimum spill capture capacity of 10,000 litres.
 - ii. Reduces oil content in the outlet to less than 5mg/L at all times (as confirmed by independent third-party scientific testing).
 - iii. Operates effectively in the event of a power failure.
- (m) Condition 13 - The development (which includes the removal and disposal of all underground storage systems) must be undertaken in accordance with relevant standards and guidelines and the Construction Environmental Management Plan prepared for 'OTR Millicent' by Fyfe and dated 13 May 2022, and a suitably qualified and experienced site contamination consultant be engaged to:
 - i. manage and dispose of contaminated soil in accordance with EPA and other relevant guidelines
 - ii. validate Underground Storage System excavations in accordance with the National Environment Protection (Assessment of Site Contamination) Measure

1999 and other EPA guidelines prior to backfilling or replacement of the Underground Storage System.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

- (n) Condition 14 - Access to the site shall be in accordance with ADS Architects Site and Floor Plan, drawing 16/JN1280/sk01j, dated 16/03/22. All access points shall be suitably signed and line marked to reinforce the desired traffic flow through the site.
- (o) Condition 15 - All vehicles shall enter and exit the site in a forward direction. The largest vehicle permitted on site shall be a 19m B-double.
- (p) Condition 16 - All vehicle parking and manoeuvring areas shall be designed and constructed in accordance with AS/NZS 2890.1:2004, 2890.6:2009 and AS2890.2:2018. Additionally, clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
- (q) Condition 17 - All redundant crossovers shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense.
- (r) Condition 18 - Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.
- (s) Advisory Note 1 - Certificate of Title - If a current (within the last 3 months) copy of the property's Certificate of Title has not been provided to the relevant authority, the owner(s) is advised to obtain a Certificate of Title from Land Services SA. The Certificate of Title provides additional information not available to the relevant authority. It is the owner(s) responsibility to ensure that development does not breach an encumbrance on the title such as a restrictive covenant, or other obligation such as an easement (e.g. water, power, gas, wastewater) or building envelope. A Certificate of Title can be purchased from <https://www.landservices.com.au/publications-and-reports/get-a-copy-of-your-certificate-of-title>.

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act.

- (t) Advisory Note 2 - The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- (u) Advisory Note 3 - An environmental authorisation (licence) is required for this development. Before commencing operation, the applicant/operator should contact the Environment Protection Authority on (08) 8204 2058 or email EPALicensing@sa.gov.au for information about the licensing application process and requirements.
- (v) Advisory Note 4 - A licence application may be refused where conditions of Development Approval directed by the Environment Protection Authority have not been complied with.
- (w) Advisory Note 5 - More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act

- (x) Advisory Note 6 - All signage should be consistent with DIT's publication 'Advertising Signs: Assessment Guidelines for Road Safety'.

CARRIED

7 MOTIONS WITHOUT NOTICE

Nil

8 MEETING CLOSE

The Meeting closed at 1:46 pm.

The minutes of this meeting were confirmed at the Limestone Coast Southern Regional Assessment Panel held on .

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PRESIDING MEMBER

Instrument C – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel

ID	Delegation Source	Provision	Item Delegated
312515	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s7(5)(a)	<p>1. Environment and Food Production Areas – Greater Adelaide</p> <p>1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.</p>
312516	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s7(5)(d)	<p>1. Environment and Food Production Areas – Greater Adelaide</p> <p>1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.</p>
312517	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s85(1)	<p>2. Appointment of Additional Members</p> <p>2.1 The power pursuant to Section 85(1) of the PDI Act to appoint 1 or 2 members to act as additional members of the assessment panel for the purposes of dealing with a matter that the assessment panel must assess as a relevant authority under the PDI Act.</p>
312518	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s94(3)(a)	<p>3. Relevant Authority – Commission</p> <p>3.1 The power pursuant to Section 94(3)(a) of the PDI Act, if the Minister acts under Section 94(1)(h) of the PDI Act to, at the request of the Commission, provide the Commission with a report relating to any application for development authorisation that has been under consideration by the relevant authority.</p>
312519	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s99(1)	<p>4. Relevant Provisions</p> <p>4.1 The power pursuant to Section 99(1) of the PDI Act, if a proposed development involves the performance of building work to determine to act under Section 99(1) of the PDI Act to:</p> <p>4.1.1 refer the assessment of the development in respect of the Building Rules to the council for the area in which the proposed development is to be undertaken; or</p>

Instrument C – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel

ID	Delegation Source	Provision	Item Delegated
			4.1.2 require that the assessment of the development in respect of the Building Rules be undertaken by a building certifier.
312520	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s102(1)	<p>5. Matters Against Which Development Must Be Assessed</p> <p>5.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):</p> <p>5.1.1 -</p> <p>5.1.1.1 the relevant provisions of the Planning Rules; and</p> <p>5.1.1.2 to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development, (planning consent);</p>
312521	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s102(1)	<p>5. Matters Against Which Development Must Be Assessed</p> <p>5.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):</p> <p>5.1.2 the relevant provisions of the Building Rules (building consent);</p>
312522	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s102(1)	<p>5. Matters Against Which Development Must Be Assessed</p> <p>5.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):</p> <p>5.1.3 in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act):</p> <p>5.1.3.1 requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;</p> <p>5.1.3.3 the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the</p>

Instrument C – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel

ID	Delegation Source	Provision	Item Delegated
			<p>provision of water supply and sewerage services are satisfied; 5.1.3.4 where land is to be vested in a council or other authority - the council or authority consents to the vesting; 5.1.3.5 requirements set out in regulations made for the purposes of Section 102(1)(c) of the PDI Act are satisfied;</p>
312523	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s102(1)	<p>5. Matters Against Which Development Must Be Assessed 5.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development): 5.1.4 in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 - the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under the PDI Act): 5.1.4.1 requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied; 5.1.4.2 any relevant requirements set out in a design standard has been satisfied; 5.1.4.3 any encroachment of a lot or unit over other land is acceptable having regard to any provision made by the Planning and Design Code or a design standard; 5.1.4.4 where land is to be vested in a council or other authority - the council or authority consents to the vesting; 5.1.4.5 a building or item intended to establish a boundary (or part of a boundary) of a lot or lots or a unit or units is appropriate for that purpose; 5.1.4.6 the division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 is appropriate having regard to the nature and extent of the common property that would be established by the relevant scheme; 5.1.4.7 the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the</p>

Instrument C – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel

ID	Delegation Source	Provision	Item Delegated
			provision of water supply and sewerage services are satisfied; 5.1.4.8 any building situated on the land complies with the Building Rules; 5.1.4.9 requirements set out in the regulations made for the purposes of Section 102(d) of the PDI Act are satisfied;
312524	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s102(1)	5. Matters Against Which Development Must Be Assessed 5.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development): 5.1.5 any encroachment of a building over, under, across or on a public place (and not otherwise dealt with above) is acceptable having regard to any provision made by the Planning and Design Code or a design standard;
312525	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s102(1)	5. Matters Against Which Development Must Be Assessed 5.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development): 5.1.6 if relevant - requirements applying under Part 15 Division 2 of the PDI Act are satisfied;
312526	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s102(1)	5. Matters Against Which Development Must Be Assessed 5.1 The power pursuant to Section 102(1) of the PDI Act to assess a development against, and grant or refuse a consent in respect of, each of the following matters (insofar as they are relevant to the particular development): 5.1.7 such other matters as may be prescribed.
312527	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s102(3)	5. Matters Against Which Development Must Be Assessed 5.2 The power pursuant to Section 102(3) of the PDI Act to, in relation to granting a planning consent, on the delegate's own initiative or on application, reserve the delegate's decision on a specified matter

Instrument C – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel

ID	Delegation Source	Provision	Item Delegated
			<p>or reserve the delegate's decision to grant a planning consent:</p> <p>5.2.1 until further assessment of the relevant development under the PDI Act; or</p> <p>5.2.2 until further assessment or consideration of the proposed development under another Act; or</p> <p>5.2.3 until a licence, permission, consent, approval, authorisation, certificate or other authority is granted, or not granted (by the decision of another authority), under another Act.</p>
312528	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s102(4)	<p>5. Matters Against Which Development Must Be Assessed</p> <p>5.3 The power pursuant to Section 102(4) of the PDI Act to allow any matter specified by the Planning and Design Code for the purposes of Section 102(4) of the PDI Act to be reserved on the application of the applicant.</p>
312529	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s107(2)(c)	<p>6. Performance Assessed Development</p> <p>6.1 The power pursuant to Section 107(2)(c) of the PDI Act to form the opinion that the development is seriously at variance with the Planning and Design Code (disregarding minor variations).</p>
312530	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s107(3)	<p>6. Performance Assessed Development</p> <p>6.2 The power pursuant to Section 107(3) of the PDI Act, if a proposed development is to be assessed under Section 107 of the PDI Act to make a decision in accordance with a practice direction.</p>
312531	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s107(4)	<p>6. Performance Assessed Development</p> <p>6.3 The power pursuant to Section 107(4) of the PDI Act to limit the matters that the delegate 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>
312532	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s118(1)	<p>7. Building Consent</p> <p>7.1 The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent</p>

Instrument C – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel

ID	Delegation Source	Provision	Item Delegated
			(subject to such conditions or exceptions as may be prescribed by the regulations).
312533	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s118(2)(a)	<p>7. Building Consent</p> <p>7.2 The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard.</p>
312534	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s118(2)	<p>7. Building Consent</p> <p>7.3 The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if:</p> <p>7.3.1 the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied:</p> <p>7.3.1.1 that:</p> <p>(a) the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and</p> <p>(b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or</p> <p>7.3.1.2 in a case where the consent is being sought after the development has occurred - that the variance is justifiable in the circumstances of the particular case.</p>
312535	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s118(4)	<p>7. Building Consent</p> <p>7.4 The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial</p>

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ID	Delegation Source	Provision	Item Delegated
			building standard.
312536	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s118(6)	<p>7. Building Consent</p> <p>7.5 The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in respect of the development that are as good as can reasonably be achieved in the circumstances.</p>
312537	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s118(7)	<p>7. Building Consent</p> <p>7.6 The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.</p>
312538	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s118(8)	<p>7. Building Consent</p> <p>7.7 The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that:</p> <p>7.7.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or</p> <p>7.7.2 such compliance is certified by a building certifier.</p>
312539	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s118(10)	<p>7. Building Consent</p> <p>7.8 The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification</p>
312540	Instrument of Delegation under the Planning,	s118(11)	7. Building Consent

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	Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)		<p>7.9 The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document):</p> <p>7.9.1 the variance; and</p> <p>7.9.2 the grounds on which the decision is being made.</p>
312541	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(1)(b)	<p>8. Application and Provision of Information</p> <p>8.1 The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.</p>
312542	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(3)	<p>8. Application and Provision of Information</p> <p>8.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant:</p> <p>8.2.1 to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;</p> <p>8.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;</p> <p>8.2.3 to consult with an authority or body prescribed by the regulations;</p> <p>8.2.4 to comply with any other requirement prescribed by the regulations.</p>
312543	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(6)	<p>8. Application and Provision of Information</p> <p>8.3 The power pursuant to Section 119(6) of the PDI Act if a request is made under Section 119(3) of the PDI Act, and the request is not complied with within the time specified by the regulations, to</p> <p>8.3.1 subject to Section 119(6)(b)(ii) of the PDI Act, refuse the application; and</p>

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			8.3.2 refuse the application in prescribed circumstances (including, if the regulations so provide, in a case involving development that is deemed to satisfy development).
312544	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(7)	8. Application and Provision of Information 8.4 The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.
312545	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(9)	8. Application and Provision of Information 8.5 The power pursuant to Section 119(9) of the PDI Act to: 8.5.1 permit an applicant: 8.5.1.1 to vary an application;
480501	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(9)	8. Application and Provision of Information 8.5 The power pursuant to Section 119(9) of the PDI Act to: 8.5.1 permit an applicant: 8.5.1.2 to vary any plans, drawings, specifications or other documents that accompanied an application, (provided that the essential nature of the proposed development is not changed);
480502	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(9)	8. Application and Provision of Information 8.5 The power pursuant to Section 119(9) of the PDI Act to: 8.5.2 permit an applicant to lodge an application without the provision of any information or document required by the regulations;
480503	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(9)	8. Application and Provision of Information 8.5 The power pursuant to Section 119(9) of the PDI Act to: 8.5.3 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);

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480504	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(9)	<p>8. Application and Provision of Information</p> <p>8.5 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>8.5.4 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.</p>
312546	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(10)	<p>8. Application and Provision of Information</p> <p>8.6 The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.</p>
312547	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(12)	<p>8. Application and Provision of Information</p> <p>8.7 The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.</p>
312548	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s119(14)	<p>8. Application and Provision of Information</p> <p>8.8 The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.</p>
312549	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s120(1)	<p>9. Outline Consent</p> <p>9.1 The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.</p>
312550	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s120(3)	<p>9. Outline Consent</p> <p>9.2 The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:</p> <p>9.2.1 grant any consent contemplated by the outline consent; and</p>

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			9.2.2 not impose a requirement that is inconsistent with the outline consent.
312551	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s121(7)	10. Design Review 10.1 The power pursuant to Section 121(7) of the PDI Act, to in acting under the PDI Act, take into account any advice provided by a design panel (insofar as may be relevant to the assessment of proposed development by the delegate).
312552	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s122(1)	11. Referrals to Other Authorities or Agencies 11.1 The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to: 11.1.1 refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and 11.1.2 not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made where the regulations so provide, subject to Section 122 of the PDI Act.
312553	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s122(5)(b)	11. Referrals to Other Authorities or Agencies 11.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body: 11.2.1 to refuse the application; or 11.2.2 consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body) where the regulations so provide.
312554	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s122(7)	11. Referrals to Other Authorities or Agencies 11.3 The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI

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			Act, to apply for the relevant authority to be joined as a party to the proceedings.
312555	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s122(10)	<p>11. Referrals to Other Authorities or Agencies</p> <p>11.4 The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.</p>
312556	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s123(2)	<p>12. Preliminary Advice and Agreement</p> <p>12.1 The power pursuant to Section 123(2) of the PDI Act, if:</p> <p>12.1.1 a proposed development is referred to a prescribed body under Section 123(1) of the PDI Act; and</p> <p>12.1.2 the prescribed body agrees to consider the matter under Section 123 of the PDI Act after taking into account any matter prescribed by the regulations; and</p> <p>12.1.3 the prescribed body agrees, in the manner prescribed by the regulations, that the development meets the requirements (if any) of the prescribed body (including on the basis of the imposition of conditions), 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).</p>
312557	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s123(4)	<p>12. Preliminary Advice and Agreement</p> <p>12.2 The power pursuant to Section 123(4) of the PDI Act to determine an agreement under Section 123 of the PDI Act is no longer appropriate due to the operation of Section 132 of the PDI Act.</p>
312558	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of	s124(1)	<p>13. Proposed Development Involving Creation of Fortifications</p> <p>13.1 The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may</p>

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ID	Delegation Source	Provision	Item Delegated
	Powers of an Assessment Panel (Instrument C)		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).
312559	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s124(5)	<p>13. Proposed Development Involving Creation of Fortifications</p> <p>13.2 The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:</p> <p>13.2.1 if the proposed development consists only of the creation fortifications - refuse the application; or</p> <p>13.2.2 in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications</p>
312560	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s124(6)	<p>13. Proposed Development Involving Creation of Fortifications</p> <p>13.3 The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.</p>
312561	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s124(7)	<p>13. Proposed Development Involving Creation of Fortifications</p> <p>13.4 The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act to apply to the Court to be joined as a party to the appeal.</p>
312562	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s125(6)	<p>14. Time Within Which Decision Must be Made</p> <p>14.1 The power pursuant to Section 125(6) of the PDI Act to form the opinion and consider that the relevant application for planning consent should have been refused and apply to the Court for an order quashing the consent.</p>
312563	Instrument of Delegation under the Planning,	s125(7)	14. Time Within Which Decision Must be Made

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	Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)		14.2 The power pursuant to Section 125(7) of the Act to apply to the Court for an extension of time to make an application under Section 125(6) of the Act.
312564	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s126(1)	15. Determination of Application 15.1 The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).
312565	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s126(3)	15. Determination of Application 15.2 The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section 126(2) of the PDI Act.
312566	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s127(1)	16. Conditions 16.1 The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.
312567	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s127(2)(c)	16. Conditions 16.2 The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.
312568	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s127(4)	16. Conditions 16.3 The power pursuant to Section 127(4) of the PDI Act, subject to Sections 127(6) and (8) of the PDI Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant)

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			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).
312569	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s127(6)	16. Conditions 16.4 The power pursuant to Section 127(6) of the PDI Act to, on the application of the applicant, determine that a payment of an amount calculated in accordance with the regulations be made into the relevant fund in lieu of planting 1 or more replacement trees under Section 127(4) of the PDI Act.
312570	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s127(8)(b)	16. Conditions 16.5 The power pursuant to Section 127(8)(b) of the PDI Act to: 16.5.1 determine that it is appropriate to grant an exemption under Section 127(8)(b) of the PDI Act in a particular case after taking into account any criteria prescribed by the regulations and provided the Minister concurs in the granting of the exemption; 16.5.2 to seek the Minister's concurrence to grant an exemption under Section 127(8)(b) of the PDI Act.
312571	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s128(2)(d)	17. Variation of Authorisation 17.1 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.
312572	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s134(1)	18. Requirement to Up-grade 18.1 The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.
312573	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s134(1)	18. Requirement to Up-grade 18.2 The power pursuant to Section 134(1) of the PDI Act, if: 18.2.1 an application for a building consent relates to: 18.2.1.1 building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or

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			<p>18.2.1.2 a change of classification of a building; and 18.2.2 the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition, to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.</p>
312574	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s134(2)	<p>18. Requirement to Up-grade 18.3 The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed.</p>
312575	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s134(3)	<p>18. Requirement to Up-grade 18.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act: 18.4.1 subject to Section 134(3)(b) of the PDI Act - on the basis that the relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and 18.4.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed</p>
312576	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s134(4)	<p>18. Requirement to Up-grade 18.5 The power pursuant to Section 134(4) of the PDI Act if: 18.5.1 an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and 18.5.2 the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities, to require that building work or other measures be carried out to the</p>

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			extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be).
312577	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s134(5)	<p>18. Requirement to Up-grade</p> <p>18.6 The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:</p> <p>18.6.1 subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority will grant building consent; and</p> <p>18.6.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.</p>
484552	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s135(2)(d)	<p>19. Urgent Building Work</p> <p>19.1 The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.</p>
312578	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s143(1)	<p>20. Cancellation of Development Authorisation</p> <p>20.1 The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.</p>
312579	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s143(2)	<p>20. Cancellation of Development Authorisation</p> <p>20.2 The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.</p>
312580	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s235(1)	<p>21. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>21.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.</p>

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312581	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s235(2)	<p>21. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>21.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.</p>
312582	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	cl12(7) sch8	<p>22. General Transitional Schemes for Panels</p> <p>22.1 The power pursuant to Clause 12(7) of Schedule 8 of the PDI Act, to</p> <p>22.1.1 adopt any findings or determinations of a council development assessment panel under the repealed Act that may be relevant to an application made before the relevant day under the repealed Act; and</p> <p>22.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application made before the relevant day under the repealed Act; and</p> <p>22.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and</p> <p>22.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act; and</p> <p>22.1.5 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act.</p> <p>(Only applicable to assessment panels appointed by a council or a joint planning board)</p>
312583	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	cl13(5) sch8	<p>23. Regional Assessment Panels</p> <p>23.1 The power pursuant to Clause 13(5) of Schedule 8 of the PDI Act to:</p> <p>23.1.1 adopt any findings or determinations of a council development assessment panel or a regional development assessment panel under the repealed Act that may be relevant to an application made before the relevant day under the repealed Act; and</p>

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			<p>23.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application made before the relevant day under the repealed Act; and</p> <p>23.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and</p> <p>23.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act; and</p> <p>23.1.5 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act.</p> <p>(Relevant to regional assessment panels only)</p>
312584	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	cl18(2) sch8	<p>24. Continuation of Processes</p> <p>24.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:</p> <p>24.1.1 adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>24.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>24.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and</p> <p>24.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and</p> <p>24.1.5 take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.</p>

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502627	Planning, Development and Infrastructure (General) Regulations 2017	r 3(6)(b)	<p>25. Interpretation</p> <p>25.1 The power pursuant to Regulation 3(6)(b) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to require that a statement of site suitability provided to a relevant authority in connection with an application for development authorisation be issued by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application</p>
312585	Planning, Development and Infrastructure (General) Regulations 2017	r25(7)(c)	<p>26. Accredited Professionals</p> <p>26.1 The power pursuant to Regulation 25(7)(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 other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations.</p>
312586	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>27. Verification of Application</p> <p>27.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>27.1.1 determine the nature of the development; and</p> <p>27.1.2 if the application is for planning consent - determine:</p> <p>27.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and</p> <p>27.1.2.2 the category or categories of development that apply for the purposes of development assessment; and</p> <p>27.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and</p> <p>27.1.4 if the relevant authority is the correct entity to assess the</p>

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			<p>application (or any part of the application):</p> <p>27.1.4.1 check that the appropriate documents and information have been lodged with the application; and</p> <p>27.1.4.2 confirm the prescribed fees required to be paid at that point; and</p> <p>27.1.4.3 provide an appropriate notice via the SA planning portal; and</p> <p>27.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application):</p> <p>27.1.5.1 provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and</p> <p>27.1.5.2 provide an appropriate notice via the SA planning portal.</p>
312587	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>27. Verification of Application</p> <p>27.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:</p> <p>27.1.2 if the application is for planning consent - determine:</p> <p>27.1.2.1 whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and</p> <p>27.1.2.2 the category or categories of development that apply for the purposes of development assessment; and</p>
312588	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>27. Verification of Application</p> <p>27.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General</p>

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			<p>Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act: 27.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and</p>
312589	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>27. Verification of Application 27.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act: 27.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application): 27.1.4.1 check that the appropriate documents and information have been lodged with the application; and 27.1.4.2 confirm the prescribed fees required to be paid at that point; and 27.1.4.3 provide an appropriate notice via the SA planning portal; and</p>
312590	Planning, Development and Infrastructure (General) Regulations 2017	r31(1)	<p>27. Verification of Application 27.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act: 27.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application): 27.1.5.1 provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and 26.1.5.2 provide an appropriate notice via the SA planning portal.</p>

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502628	Planning, Development and Infrastructure (General) Regulations 2017	r 32A(1)	<p>28. Site Contamination – Detailed Site Investigation Report</p> <p>28.1 The power pursuant to Regulation 32A(1) of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act in relation to an application to which Schedule 8 clause 2A applies, request the applicant to provide a detailed site investigation report if:</p> <p>28.1.1 the preliminary site investigation report indicates that site contamination is present, or is likely to be present, at the site of the proposed development; and</p> <p>28.1.2 the delegate considers that there is insufficient information to determine that the site is suitable for its intended use, having regard to:</p> <p>28.1.2.1 site contamination; and</p> <p>28.1.2.2 if remediation is required, the extent of that remediation; and</p> <p>28.1.3 the application is not required to be referred to the Environment Protection Authority under Item 9A or 9AB of the table in Schedule 9 clause 3.</p>
502629	Planning, Development and Infrastructure (General) Regulations 2017	r 32A(2)	<p>28. Site Contamination – Detailed Site Investigation Report</p> <p>28.2 The power pursuant to Regulation 32A(2) of the General Regulations to require that a detailed site investigation report be prepared by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application.</p>
502630	Planning, Development and Infrastructure (General) Regulations 2017	r 32B	<p>29. Site Contamination – Statement of Suitability</p> <p>29.1 The power pursuant to Regulation 32B of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act, in relation to an application to which Schedule 8 clause 2A applies, require the applicant to provide a statement of site suitability that confirms that the site is suitable for its intended use before the relevant authority issues a planning consent in relation to the application.</p>
312591	Planning, Development and Infrastructure (General) Regulations 2017	r33(4)	<p>30. Application and Further Information</p> <p>30.1 The power pursuant to Regulation 33(4) of the General Regulations to seek clarification about any document or information that</p>

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			has been provided by the applicant.
312592	Planning, Development and Infrastructure (General) Regulations 2017	r35(3)	<p>31. Amended Applications</p> <p>31.1 The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.</p>
312593	Planning, Development and Infrastructure (General) Regulations 2017	r35(4)	<p>31. Amended Applications</p> <p>31.2 The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.</p>
312594	Planning, Development and Infrastructure (General) Regulations 2017	r38(1)	<p>32. Withdrawing/Lapsing Applications</p> <p>32.1 The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:</p> <p>32.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and</p> <p>32.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations, of the withdrawal.</p>
484553	Planning, Development and Infrastructure (General) Regulations 2017	r38(2)	<p>32. Withdrawing/Lapsing Applications</p> <p>32.2 The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.</p>
312595	Planning, Development and Infrastructure (General) Regulations 2017	r38(3)	<p>32. Withdrawing/Lapsing Applications</p> <p>32.3 The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under</p>

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			<p>Regulation 38(2) of the General Regulations, to:</p> <p>32.3.1 take reasonable steps to notify the applicant of the action under consideration; and</p> <p>32.3.2 allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.</p>
312596	Planning, Development and Infrastructure (General) Regulations 2017	r40	<p>33. Court Proceedings</p> <p>33.1 The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.</p>
312597	Planning, Development and Infrastructure (General) Regulations 2017	r42(1)	<p>34. Additional Information or Amended Plans</p> <p>34.1 The power pursuant to Regulation 42(1) of the General Regulations if a delegate has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.</p>
312598	Planning, Development and Infrastructure (General) Regulations 2017	r45(1)	<p>35. Building Matters</p> <p>35.1 The power pursuant to Regulation 45(1) of the General Regulations to, if in assessing an application for building consent, the delegate considers that:</p> <p>35.1.1 a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p> <p>35.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p> <p>35.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,</p>

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			refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the delegate that a referral is not required.
312599	Planning, Development and Infrastructure (General) Regulations 2017	r45(2)	35. Building Matters 35.2 The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.
312600	Planning, Development and Infrastructure (General) Regulations 2017	r45(3)	35. Building Matters 35.3 The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations.
312601	Planning, Development and Infrastructure (General) Regulations 2017	r45(4)	35. Building Matters 35.4 The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority: 35.4.1 recommends against the granting of building consent; or 35.4.2 concurs in the granting of consent on conditions specified in its report, but the delegate: 35.4.3 proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or 35.4.4 does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent, to: 35.4.5 refer the application to the Commission; and 35.4.6 not grant consent unless the Commission concurs in the granting of the consent.
312602	Planning, Development and Infrastructure (General) Regulations 2017	r45(5)	35. Building Matters 35.5 The power pursuant to Regulation 45(5) of the General

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			Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.
312603	Planning, Development and Infrastructure (General) Regulations 2017	r46(6)	<p>36. Preliminary Advice and Agreement (Section 123)</p> <p>36.1 The power pursuant to Regulation 46(6) of the General Regulations, if:</p> <p>36.1.1 the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and</p> <p>36.1.2 the delegate determines that the application no longer accords with the agreement indicated by the prescribed body, to refer the application (unless withdrawn) to the prescribed body;</p> <p>36.1.3 to obtain a variation to the agreement under Section 123 of the PDI Act; or</p> <p>36.1.4 to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.</p>
312604	Planning, Development and Infrastructure (General) Regulations 2017	r46(7)	<p>36. Preliminary Advice and Agreement (Section 123)</p> <p>36.2 The power pursuant to Regulation 46(7) of the General Regulations if:</p> <p>36.2.1 an application is withdrawn by the applicant; and</p> <p>36.2.2 the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application, to notify relevant prescribed body of the withdrawal.</p>
312605	Planning, Development and Infrastructure (General) Regulations 2017	r46(8)	<p>36. Preliminary Advice and Agreement (Section 123)</p> <p>36.3 The power pursuant to Regulation 46(8) of the General Regulations, if:</p> <p>36.3.1 an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and</p> <p>36.3.2 the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application, to notify the relevant prescribed body of the lapsing.</p>
312606	Planning, Development and Infrastructure (General)	r46(9)	36. Preliminary Advice and Agreement (Section 123)

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	Regulations 2017		<p>36.4 The power pursuant to Regulation 46(9) of the General Regulations, if:</p> <p>36.4.1 an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and</p> <p>36.4.2 a notice of a decision on the application is issued by the delegate under Regulation 57 of the General Regulations, to provide a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 57 of the General Regulations.</p>
312607	Planning, Development and Infrastructure (General) Regulations 2017	r48	<p>37. Notification of Application of Tree-damaging Activity to Owner of Land</p> <p>37.1 The power pursuant to Regulation 48 of the General Regulations, if an owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, to:</p> <p>37.1.1 give the owner notice of the application within 5 business days after the application is made; and</p> <p>37.1.2 give due consideration in the delegate's assessment of the application to any submission made by the owner within 10 business days after the giving of notice under Regulation 48 of the General Regulations.</p>
312608	Planning, Development and Infrastructure (General) Regulations 2017	r49(3)	<p>38. Public Inspection of Applications</p> <p>38.1 The power pursuant to Regulation 49(3) of the General Regulations to request a person verify information in such manner as the delegate thinks fit.</p>
312609	Planning, Development and Infrastructure (General) Regulations 2017	r50(5)	<p>39. Representations</p> <p>39.1 The power pursuant to Regulation 50(5) of the General Regulations to, if the delegate considers that it would assist the delegate in making a decision on the application, allow a person:</p> <p>39.1.1 who has made a representation under Regulation 50(1) of the General Regulations in relation to development being assessed under Section 107 of the PDI Act; and</p>

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			39.1.2 who has indicated an interest in appearing before the delegate, an opportunity (at a time determined by the delegate) to appear personally or by representative before the delegate to be heard in support of the representation that has been made under Regulation 50(1) of the General Regulations.
312610	Planning, Development and Infrastructure (General) Regulations 2017	r51(1)	40. Response by Applicant 40.1 The power pursuant to Regulation 51(1) of the General Regulations to allow a response to a representation by the applicant to be made within such longer period as the delegate may allow.
312611	Planning, Development and Infrastructure (General) Regulations 2017	r57(4)(a)	41. Notice of Decision (Section 126(1)) 41.1 The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.
312612	Planning, Development and Infrastructure (General) Regulations 2017	r60	42. Consideration of Other Development Authorisations 42.1 The power pursuant to Regulation 60 of the General Regulations, to, in deciding 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.
312613	Planning, Development and Infrastructure (General) Regulations 2017	r61(4)(c)	43. Certificate of Independent Technical Expert in Certain Cases 43.1 The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.
312614	Planning, Development and Infrastructure (General)	r63(1)	44. Urgent Work

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	Regulations 2017		44.1 The power pursuant to Regulation 63(1) of the General Regulations to, 44.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and 44.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.
312615	Planning, Development and Infrastructure (General) Regulations 2017	r63(2)	44. Urgent Work 44.2 The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.
312616	Planning, Development and Infrastructure (General) Regulations 2017	r63(3)	44. Urgent Work 44.3 The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.
312617	Planning, Development and Infrastructure (General) Regulations 2017	r65(1)(a)	45. Variation of Authorisation (Section 128) 45.1 The power pursuant to Regulation 65(1)(a) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.
312618	Planning, Development and Infrastructure (General) Regulations 2017	r76(2)	46. Advice from Commission 46.1 The power pursuant to Regulation 76(2) of the General Regulations, if a report is not received from the Commission within 20 business days from the day on which the application is lodged under Regulation 29 of the General Regulations or within such longer period as the Commission may require by notice to the relevant authority, to presume that the Commission does not desire to make a report.
312619	Planning, Development and Infrastructure (General) Regulations 2017	r78(3)	47. Underground Mains Area 47.1 The power pursuant to Regulation 78(3) of the General

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			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.
484554	Planning, Development and Infrastructure (General) Regulations 2017	r99(4)	<p>48. Construction Industry Training Fund</p> <p>48.1 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable.</p>
484555	Planning, Development and Infrastructure (General) Regulations 2017	r99(5)	<p>48. Construction Industry Training Fund</p> <p>48.2 The power pursuant to Regulation 99(5) of the General Regulations, if a notification is given under Regulation 99(4) of the General Regulations, if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification, to, if the delegate thinks fit, determine that the application has lapsed.</p>
502631	Planning, Development and Infrastructure (General) Regulations 2017	cl 2(1)(b)	<p>49. New Dwellings</p> <p>49.1 The power pursuant to clause 2(1)(b) of Schedule 6B of the General Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land, other than a previous use or activity that was for residential purposes.</p>
312622	Planning, Development and Infrastructure (General) Regulations 2017	cl4(3)	<p>50. Plans for Building Work</p> <p>50.1 The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building, if:</p>

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ID	Delegation Source	Provision	Item Delegated
			<p>50.1.1 the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or</p> <p>50.1.2 the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building, to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of those requirements as will ensure that the building is safe and conforms to a proper structural standard.</p>
312623	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(1)	<p>51. Calculation or Assessment of Fees</p> <p>51.1 The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged with the council under a related set of regulations (including via the SA planning portal):</p> <p>51.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate a prescribed fee; and</p> <p>51.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations or a fee notice (even if the assessment panel is not a relevant authority).</p>
312624	Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019	r5(2)	<p>51. Calculation or Assessment of Fees</p> <p>51.2 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.</p>
312625	Planning, Development and Infrastructure (Fees,	r5(3)	51. Calculation or Assessment of Fees

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ID	Delegation Source	Provision	Item Delegated
	Charges and Contributions) Regulations 2019		51.3 The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.
386233	Planning and Design Code	PD Code	52 Procedural Matter 52.1 The power pursuant to and in accordance with the Planning and Design Code (the PD Code) to form the opinion development is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development and therefore is excluded from the operation of Sections 107(3) and (4) of the PDI Act.
386234	Planning and Design Code	PD Code	53. Procedural Referrals 53.1 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature and would not warrant a referral when considering the purpose of the referral.
386235	Planning and Design Code	PD Code	53. Procedural Referrals 53.2 The power pursuant to and in accordance with the PD Code to form the opinion and deem: 53.2.1 alteration to an existing access or public road junction; 53.2.2 development that changes the nature of vehicular movements or increases the number or frequency of movements through an existing access, to be minor.
386236	Planning and Design Code	PD Code	53. Procedural Referrals 53.3 The power pursuant to and in accordance with the PD Code to form the opinion an alteration or extension of an existing dwelling is minor.
386237	Planning and Design Code	PD Code	53. Procedural Referrals 53.4 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature or like for like

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ID	Delegation Source	Provision	Item Delegated
			maintenance and would not warrant a referral when considering the purpose of the referral.
573620	Planning and Design Code	PD Code	53. Procedural Referrals 53.5 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.
573621	Planning and Design Code	PD Code	53. Procedural Referrals 53.6 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.
573622	Planning and Design Code	PD Code	53. Procedural Referrals 53.7 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.
386238	Planning and Design Code	PD Code	54. Referral Body: Minister Responsible for the Administration of the Aquaculture Act 2001 54.1 The power pursuant to and in accordance with Part 9.4 of the PD Code to form the opinion that aquaculture development which involves an alteration to an existing or approved development is minor in nature.
386239	State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019	cl6(4)	55. Responsibility to Undertake Notification 55.1 The power pursuant to clause 6(4) of the State Planning Commission Practice Direction 3 (Notification of Performance Assessed Development Applications) 2019 (PD3), should the applicant request the relevant authority to place the notice on the land and pay the relevant fee, to (either personally or by engagement of a contractor) give notice of the application to members of the public by notice placed on the relevant land in accordance with Section 107(3)(a)(ii) of the PDI Act.

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ID	Delegation Source	Provision	Item Delegated
386240	State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019	cl8	<p>56. Preparing for Notification</p> <p>56.1 The power pursuant to clause 8 of PD3, if the applicant has confirmed they accept responsibility to place a notice on the land as per clause 6(3)(a) of PD3, to, at least 4 business days prior to the commencement of the notification period:</p> <p>56.1.1 give notice of the anticipated commencement date and of the notification period to the applicant; and</p> <p>56.1.2 provide the applicant with a copy of the content of the notice to be placed on the relevant land; and</p> <p>56.1.3 advise the applicant of the position and number of notice(s) to be erected on the land in accordance with clause 10 of PD3.</p>
386241	State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019	cl10(1)(a)	<p>57. Notice on Land</p> <p>57.1 The power pursuant to clause 10(2) of PD3, in relation to clause 10(1)(a) of PD3, to determine the most appropriate position for the notice on the land in order to provide for maximum visibility from a public road, and in cases where the relevant land has more than 1 frontage to a public road, to determine that more than 1 notice must be erected on each of the public road frontages to ensure that notice of the development is reasonably apparent to members of the public.</p>
386242	State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019	cl4(6)	<p>58. Qualifications and Experience of Additional members</p> <p>58.1 The power pursuant to clause 4(6) of the State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019 (PD5) where the delegate forms the view that additional expert advice is required for an application which requires assessment of a matter listed in Column 1 of PD5, to engage an additional assessment panel member provided that person maintains both the minimum experience detailed in Column 2 of PD5, as well as the minimum qualification listed in Column 3 of PD5.</p>
386243	State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019	cl4(7)	<p>58. Qualifications and Experience of Additional members</p> <p>58.2 The power pursuant to clause 4(7) of PD5 to be satisfied of the minimum experience and qualifications of an additional assessment panel member.</p>

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ID	Delegation Source	Provision	Item Delegated
386244	State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019	cl5(1)	<p>59. Scheme Provisions</p> <p>59.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019 (PD6), to in undertaking a planning assessment or imposing controls, including through the imposition of conditions of planning consent, ensure that such assessment or controls do not conflict or duplicate matters dealt with or addressed under licencing or regulatory regimens under another Act.</p>
386245	State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019	cl5(3)	<p>59. Scheme Provisions</p> <p>59.2 The power pursuant to clause 5(3) of PD6 to, where the delegate is uncertain whether a matter conflicts with, or duplicates a matter dealt with under a licencing or regulatory regime under another Act, to seek the advice of that authority or agency.</p>
502632	Site Planning Commission Practice Direction 14 Site Contamination Assessment 2021	cl 12	<p>60. Change of Use Where Remediation is Required After the Issue of Planning Consent – Section 127(1)(b) of Act</p> <p>60.1 The power pursuant to clause 12 of the State Planning Commission Practice Direction (Site Contamination Assessment) 2021 (PD14) to be satisfied that a site is suitable for its intended use subject to remediation being undertaken and to issue a planning consent without the remediation work having been carried out, subject to Condition A, B or C in PD14 as relevant.</p>
502633	Site Planning Commission Practice Direction 14 Site Contamination Assessment 2021	cl 13	<p>61. Land Division Where Remediation is Required After the Issue of Planning Consent – Section 127(1)(b) of Act</p> <p>61.1 The power pursuant to clause 13 of PD14 to be satisfied in relation to proposed land division that a site is suitable for its intended use subject to remediation being undertaken and to issue a planning consent without the remediation work having been carried out subject to the consent being subject to the following condition:</p> <p>A land division certificate under Section 138 of the Planning, Development and Infrastructure Act 2016 must not be issued until a statement of site suitability is issued certifying that the required</p>

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			remediation has been undertaken and the land is suitable for the proposed use.
502634	Site Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme	cl 6(2)	62. Reserved Matter 62.1 The power pursuant to clause 6(2) of State Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme (PD16) to where an applicant has elected to reserve consideration of the DTS/DPF Policy in the Overlay, as provided for in the Code and under Section 102(4) of the PDI Act, to require the applicant to provide documents which are considered by the delegate as sufficient to confirm whether the relevant development site includes a Designated Soil Type.
502635	Site Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme	cl 7	63. Process for Payments to the Fund 63.1 The power pursuant to clause 7 of PD16 where an applicant has elected to make a payment into the Fund, in lieu of planting a tree (or trees) as provided in the DTS/DPF Policy in the Overlay, to verify the payment as being correct in accordance with the Scheme, prior to the granting of development authorisation under the PDI Act.
502636	Site Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme	cl 8(3)	64. Development within Council Fund Designated Areas 64.1 The power pursuant to clause 8(3) of PD16, where a development application relates to a site which is located both within a Council Fund Designated Area and within the Overlay to impose a condition requiring payment into a Council Fund, irrespective of an election by the applicant to plant a tree or make a payment into the Fund as provided under the Scheme.
502637	Urban Tree Canopy Off-set Scheme	cl 6(4)	65. Payment into Fund 65.1 The power pursuant to clause 6(4) of the Urban Tree Canopy Off-set Scheme (UTCOS) where an applicant has elected to make a contribution to the fund under this scheme to impose a condition on the relevant development authorisation for planning consent requiring that payment of the amount specified in clause 6(1) of the UTCOS be made

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			into the fund before the issue of development approval for the subject development application.

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL

POLICY FOR ASSESSMENT PANEL REVIEW OF DECISION OF ASSESSMENT MANAGER

1. LEGISLATIVE FRAMEWORK

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

2. COMMENCING A REVIEW

- 2.1 An application for review in relation to a development application or development authorisation may only be commenced by the applicant for the development authorisation.
- 2.2 An application for review must relate to a Prescribed Matter in relation to which the Assessment Manager was the relevant authority.
- 2.3 A “Prescribed Matter” means:
- 2.3.1 any assessment, request, decision, direction or act of the Assessment Manager under the Act that is relevant to any aspect of the determination of the development application; or
 - 2.3.2 a decision to refuse to grant development authorisation to the application; or
 - 2.3.3 the imposition of conditions in relation to a grant of development authorisation; or
 - 2.3.4 subject to any exclusion prescribed by the *Planning, Development and Infrastructure (General) Regulations 2017*, any other assessment, request, decision, direction or act of the Assessment Manager under the Act in relation to the grant of development authorisation.
- 2.4 An application for review must be:
- 2.4.1 made using the [Application to Assessment Panel for Assessment Manager’s Decision Review \(MS Word Document, 63.4 KB\)](#) (**the Form**);
 - 2.4.2 lodged in a manner identified on the Form; and
 - 2.4.3 lodged within one month of the applicant receiving notice of the Prescribed Matter, unless the Presiding Member, in his or her discretion, grants an extension of time.

- 2.5 In determining whether to grant an extension of time, the Presiding Member may consider:
- 2.5.1 the reason for the delay;
 - 2.5.2 the length of the delay;
 - 2.5.3 whether any rights or interests of other parties would be affected by allowing the review to be commenced out of time;
 - 2.5.4 the interests of justice;
 - 2.5.5 whether the applicant has, or is within time to, appeal the Prescribed Matter to the ERD Court; and
 - 2.5.6 any other matters the Presiding Member considers relevant.
- 2.6 An application for review should, upon receipt by the Panel, be notified to the Assessment Manger within 2 business days.

3. **APPLICANT'S DOCUMENTS**

Written submission

- 3.1 An applicant may provide a written submission in support of his or her application for review.
- 3.2 Such a submission must be received by the Presiding Member within one month of the lodgement of the application for review, or such longer period as is requested by the applicant and granted by the Presiding Member, in his or her discretion.
- 3.3 A written submission should be marked to the attention of the Presiding Member and lodged in a manner specified in Clause 7.
- 3.4 The Presiding Member should provide a copy of any written submission to the Assessment Manager within 2 business days of its receipt.

Additional information

- 3.5 An applicant may request the opportunity to place additional information and/or materials before the Panel, by application to the Presiding Member lodged in a manner specified in Clause 7.
- 3.6 Any such application must be received by the Presiding Member within one month of the lodgement of the application for review, or such longer period as is requested by the applicant and granted by the Presiding Member, in his or her discretion and either attach the additional information and/or materials, or set out the nature of the information and/or materials and by whom it has been or will be prepared.
- 3.7 The Presiding Member will determine, in his or her discretion, whether to permit the additional information and/or materials to be put before the Panel within 5 business days.
- 3.8 In making this decision, the Presiding Member may consider:

- 3.8.1 the relevance of the information and/or materials to the review application;
 - 3.8.2 the amount of time the Panel would need to consider the additional information and/or materials;
 - 3.8.3 whether the information and/or materials relate to a matter which has been the subject of a referral to a referral agency;
 - 3.8.4 the reasons the additional information and/or materials were not put before the Assessment Manager;
 - 3.8.5 the interests of justice;
 - 3.8.6 whether the information and/or materials would cause prejudice to any party; and
 - 3.8.7 any other matters the Presiding Member considers relevant.
- 3.9 The Presiding Member should advise the applicant of his or her decision within 2 business days. If the decision is to allow the provision of additional information and/or materials, the Presiding Member should also advise the applicant of the time within which the information and/or materials is to be provided.
- 3.10 Additional information provided in accordance with Clause 3.7 should be marked to the attention of the Presiding Member and lodged in a manner specified in Clause 7.
- 3.11 Upon receipt of additional information and/or materials, the Presiding Member should provide a copy to the Assessment Manager within 2 business days.
- 3.12 Within 5 business days of the receipt of additional information, the Presiding Member should determine, in his or her discretion, whether to provide a referral agency which provided a response on the application with the opportunity to review and respond to the additional information and/or materials, in such manner and within such time as is determined by the Presiding Member.
- 3.13 Where a response is received from a referral agency, the Presiding Member should provide a copy to the applicant and Assessment Manager within 2 business days.

4. MATERIALS FOR REVIEW HEARING

- 4.1 Within the time prescribed in clause 4.5, the Assessment Manager should collate for the Panel:
- 4.1.1 all materials which were before the Assessment Manager (or delegate) at the time of the decision on the Prescribed Matter, including but not limited to:
 - 4.1.1.1 application documents, reports, submissions, plans, specifications or other documents submitted by the applicant;
 - 4.1.1.2 internal and/or external referral responses; and
 - 4.1.1.3 any report from Council staff or an external planning consultant written for the Assessment Manager;

- 4.1.2 any assessment checklist used by the Assessment Manager or delegate when making the decision on the Prescribed Matter;
- 4.1.3 a report prepared by the Assessment Manager (or delegate) setting out the details of the relevant development application; the Prescribed Matter; an assessment of any additional information and/or materials provided by the applicant pursuant to clause 3.7 (including, where appropriate, whether the additional information and/or materials changes the Assessment Manager's original decision on the Prescribed Matter); and the reasons for the Assessment Manager (or delegate's) decision on the Prescribed Matter;
- 4.1.4 any written submission prepared by the applicant pursuant to clause 3.1;
- 4.1.5 such additional information or materials as the Presiding Member has permitted to be placed before the Panel pursuant to clause 3.7; and
- 4.1.6 any further information requested by the Presiding Member.
- 4.2 After the completion of the requirements in Clause 4.1, the Assessment Manager should assign the review application to the next available Panel meeting.
- 4.3 The documents identified in Clause 4.1 will be included as Annexures to the agenda item.
- 4.4 The Assessment Manager should advise the applicant in writing of the time and date of the Panel meeting at which the review application will be heard not less than 5 business days before the meeting.
- 4.5 The Assessment Manager should comply with Clause 4.1 within the following period of time:
 - 4.5.1 one month from the lodgement of the application for review; plus
 - 4.5.2 where the applicant is granted an extension of time to provide a written submission pursuant to clause 3.2, the period of time granted by the Presiding Members; plus
 - 4.5.3 where the applicant requests the opportunity to put additional information and/or materials before the Panel, the time taken by the Presiding Member to determine that request and advise the applicant; plus
 - 4.5.4 where the Presiding Member determines to allow an applicant to put additional information and/or materials before the Panel:

the time allowed by the Presiding Member for those materials to be provided; plus

the time taken to determine whether to provide those materials to a referral agency; plus

the time allowed for the referral agency to respond; plus

4.5.5 any additional period of time granted by the Presiding Member, in his or her discretion, upon the request of the Assessment Manager.

5. **REVIEW HEARING**

- 5.1 On review, the Panel will consider the Prescribed Matter afresh.
- 5.2 The Panel will not hear from any party other than the applicant and the Assessment Manager.
- 5.3 The Panel will hear from the applicant (or his or her representative), where he or she requests to be heard.
- 5.4 An applicant will be allowed five minutes to address the Panel. The Presiding Member may allow additional time at his or her discretion.
- 5.5 Where an applicant is heard by the Panel, the Assessment Manager will be allowed five minutes to respond to any issues raised by the applicant. The Presiding Member may allow additional time at his or her discretion.
- 5.6 Panel members may ask questions and seek clarification from the applicant and/or Assessment Manager at the conclusion of their addresses.
- 5.7 Whether or not the applicant chooses to be heard by the Panel, the Assessment Manager should be present at the Panel meeting to respond to any questions or requests for clarification from the Panel.
- 5.8 Where the Decision was made by a delegate of the Assessment Manager, the delegate may appear in place of the Assessment Manager.
- 5.9 Following any addresses from the applicant and/or Assessment Manager, the Presiding Member will invite all Panel Members to speak on any matter relevant to the review.
- 5.10 The Panel may resolve to defer its decision if it considers it requires additional time, or additional information from the applicant or the Assessment Manager (including legal or other professional advice), to make its decision.
- 5.11 The deferral will be to the next ordinary meeting of the Panel, or such longer period of time as is determined by the Panel to enable the information sought to be obtained and considered.
- 5.12 Where an applicant is to provide further information to a Panel pursuant to Clause 5.10, the information must be provided within the time specified by the Panel and in a manner specified in Clause 7.
- 5.13 Where an Assessment Manager is to provide further information to a Panel pursuant to Clause 5.10, a copy of the information must also be provided to the

applicant not less than 5 business days before the meeting at which it will be considered by the Panel.

6. OUTCOME ON REVIEW HEARING

6.1 The Panel may, on a review:

6.1.1 affirm the Assessment Manager's decision on the Prescribed Matter;

6.1.2 vary the Assessment Manager's decision on the Prescribed Matter; or

6.1.3 set aside the Assessment Manager's decision on the Prescribed Matter and substitute its own decision.

6.2 An applicant should be advised in writing of the Panel's decision (including its reasons) by the Assessment Manager (or delegate) within 2 business days of the Panel's decision.

7. LODGING WRITTEN MATERIALS & DOCUMENTS WITH THE PANEL

7.1 All documents and written communications with the Panel must be lodged via:

7.1.1 the SA Planning Portal (to the extent the Portal is able to receive such a submission);

7.1.2 email to: city@mountgambier.sa.gov.au; or

7.1.3 hand-delivery or post to City of Mount Gambier, P O Box 56, MOUNT GAMBIER SA 5290

8. DRAFT RESOLUTIONS

Draft resolution 8.1 below may be adopted by Panels in order to adopt this Policy and delegate to the Presiding Member administrative decisions regarding the manner in which reviews will proceed.

8.1 *The Panel resolves to adopt the Policy for Assessment Panel Review of Decision of Assessment Manager dated July 2022 (**the Policy**).*

Draft resolutions 8.2 to 8.5 below are intended to provide guidance to Panels as to how they might word resolutions to give effect to the decisions they make on review. Panels may adopt this wording, or amend it as appropriate.

8.2 Resolution to affirm a decision of the Assessment Manager:

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

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

- *that the application is not seriously at variance with the Planning and Design Code (disregarding minor variations), but that DA No. [insert] does not warrant planning consent for the following reasons:*

8.3 Resolution to vary a decision of the Assessment Manager:

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

[insert varied condition]

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

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

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

8.5 Resolution to defer review hearing:

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

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

(etc).