INSTRUMENT OF DELEGATION

INSTRUMENT B – INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY

21 JULY 2026

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument.

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

Delegation Sources

- Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);
- Planning, Development and Infrastructure (General) Regulations 2017
- Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019
- State Planning Commission Practice Direction 12 - Conditions
- State Planning Commission Practice Direction 18 Outline Consent

Positions

Abbreviation	Position	Name
CEO	Chief Executive Officer	Ross McNeil
DIO	Director Infrastructure & Operations	Geoff Van Mierlo
MDRS	Manager Development & Regulatory Services	Gabby Swearse
N/A	Not Applicable	
Not Sub Delegated	Not Sub-Delegated	

Positions Groups

Positions Group	Position	Positions
BO	Contract Building Officer	BO1, BO2, BO3, BO4, BO5
PO	Planning Officers	PO1, PO2

Instrument B – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
s7(5)(a)	1. Environment and Food Production Areas – Greater Adelaide 1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.	N/A	
s7(5)(d)	1. Environment and Food Production Areas – Greater Adelaide 1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development that involves a division of land that would create one or more additional allotments in an environmental and food production area, to, if the proposed development will create additional allotments in an environmental and food production area that are to be used for residential development, refuse to grant development authorisation in relation to the proposed development.	N/A	
s99(2)(b)(ii)	2. Related Provisions 2.1 The power pursuant to Section 99(2)(b)(ii) of the	CEO, MDRS,	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	PDI Act to, if appropriate, grant development approval in the case of Section 99(1)(d) of the PDI Act.	DIO, BO, PO	
s99(3)	2. Related Provisions 2.2 The power pursuant to Section 99(3) of the PDI Act where a proposed development is to be undertaken within the area of the Council, to, subject to the regulations, if appropriate, grant the final development approval after all elements of the development have been approved by one or more relevant authorities under Section 99 of the PDI Act.	CEO, MDRS, DIO, BO, PO	
s102(1)	3. Matters Against Which Development Must be Assessed 3.1 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 the relevant provisions of the Building Rules (building consent).	CEO, MDRS, DIO, BO	
s102(8)	3. Matters Against Which Development Must be Assessed 3.2 The power pursuant to Section 102(8) of the PDI Act, when all relevant consents have been granted in relation to a development, to in accordance with the PDI Act, indicate that the development is approved.	CEO, MDRS, DIO, BO	
s118(1)	4. Building Consent 4.1 The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent (subject to such conditions or exceptions as may be prescribed	CEO, MDRS, DIO, BO	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	by the regulations).		
s118(2)(a)	4. Building Consent 4.2 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.	CEO, MDRS, DIO, BO	
s118(2)	4. Building Consent 4.3 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: 4.3.1 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: 4.3.1.1 that: (a) the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and (b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or 4.3.1.2 in a case where the consent is being sought after the development has occurred - that the	CEO, MDRS, DIO, BO	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	variance is justifiable in the circumstances of the particular case.		
s118(4)	4. Building Consent 4.4 The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial building standard.	CEO, MDRS, DIO, BO	
s118(6)	4. Building Consent 4.5 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.	CEO, MDRS, DIO, BO	
s118(7)	4. Building Consent 4.6 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.	CEO, MDRS, DIO, BO	
s118(8)	4. Building Consent 4.7 The power pursuant to Section 118(8) of the PDI	CEO, MDRS,	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that: 4.7.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or 4.7.2 such compliance is certified by a building certifier.	DIO, BO	
s118(10)	4. Building Consent 4.8 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	CEO, MDRS, DIO, BO	
s118(11)	4. Building Consent 4.9 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): 4.9.1 the variance; and 4.9.2 the grounds on which the decision is being made.	CEO, MDRS, DIO, BO	
s119(1)(b)	5. Application and Provision of Information	CEO,	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	5.1 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.	MDRS, DIO, BO	
s119(3)	5. Application and Provision of Information 5.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant: 5.2.1 to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application; 5.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act; 5.2.3 to consult with an authority or body prescribed by the regulations; 5.2.4 to comply with any other requirement prescribed by the regulations.	CEO, MDRS, DIO, BO	
s119(6)(b)	5. Application and Provision of Information 5.3 The power pursuant to Section 119(6)(b) 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, subject to Section 119(6)(b)(ii), to refuse the application.	CEO, MDRS, DIO, BO, PO	
s119(7)	5. Application and Provision of Information 5.4 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.	CEO, Not Sub Delegated	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
s119(9)	5. Application and Provision of Information 5.5 The power pursuant to Section 119(9) of the PDI Act to: 5.5.1 permit an applicant: 5.5.1.1 to vary an application; 5.5.1.2 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);	CEO, MDRS, DIO, BO	
s119(9)	5. Application and Provision of Information 5.5 The power pursuant to Section 119(9) of the PDI Act to: 5.5.2 permit an applicant to lodge an application without the provision of any information or document required by the regulations;	CEO, MDRS, DIO, BO	
s119(9)	5. Application and Provision of Information 5.5 The power pursuant to Section 119(9) of the PDI Act to: 5.5.3 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);	CEO, MDRS, DIO, BO	
s119(9)	5. Application and Provision of Information 5.5 The power pursuant to Section 119(9) of the PDI Act to:	CEO, MDRS, DIO, BO	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	5.5.4 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.		
s119(10)	5. Application and Provision of Information 5.6 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.	CEO, MDRS, DIO, BO	
s119(12)	5. Application and Provision of Information 5.7 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.	CEO, MDRS, DIO, BO	
s119(14)	5. Application and Provision of Information 5.8 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.	CEO, MDRS, DIO, BO	
s122(1)	6. Referrals to Other Authorities or Agencies 6.1 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:	CEO, MDRS, DIO, BO	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	6.1.1 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 6.1.2 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.		
s122(5)(b)	6. Referrals to Other Authorities or Agencies 6.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body: 6.2.1 to refuse the application; or 6.2.2 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.	CEO, MDRS, DIO, BO	
s122(7)	6. Referrals to Other Authorities or Agencies 6.3 The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.	CEO, MDRS, DIO, BO	
s122(10)	7. Referrals to Other Authorities or Agencies	CEO, MDRS,	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	7.4 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.	DIO, BO	
s124(1)	7. Proposed Development Involving Creation of Fortifications 7.1 The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).	CEO, MDRS, DIO, BO	
s124(5)	7. Proposed Development Involving Creation of Fortifications 7.2 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: 7.2.1 if the proposed development consists only of the creation of fortifications – refuse the application; 7.2.2 in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortification.	CEO, MDRS, DIO, BO	
s124(6)	7. Proposed Development Involving Creation of Fortifications 7.3 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	CEO, MDRS, DIO, BO	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	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.		
s124(7)	7. Proposed Development Involving Creation of Fortifications 7.4 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.	CEO, MDRS, DIO, BO	
s126(1)	8. Determination of Application 8.1 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).	CEO, MDRS, DIO, BO, PO	
s126(3)	8. Determination of Application 8.2 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.	CEO, MDRS, DIO, BO	
s127(1)	9. Conditions 9.1 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	CEO, MDRS, DIO, BO	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	the development.		
s127(2)(c)	9. Conditions 9.2 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.	CEO, MDRS, DIO, BO	
s128(1) and (2)	10. Variation of Authorisation 10.1 The power pursuant to Sections 128(1) and (2) of the PDI Act to determine an application seeking the variation of a development authorisation previously given under the PDI Act (including an application seeking the variation of a condition imposed with respect to the development authorisation).	CEO, MDRS, DIO, BO	
s128(2)(d)	10. Variation of Authorisation 10.2 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.	CEO, MDRS, DIO, BO	
s133(3)	11. Saving Provisions 11.1 The power pursuant to Section 133(3) of the PDI Act to, in order to avoid or reduce hardship, extend the limitation period referred to in Section 133(2) of the PDI Act.	CEO, MDRS, DIO, BO	
s134(1)	12. Requirement to Up-grade 12.1 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	CEO, MDRS, DIO, BO	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	condition.		
s134(1)	12. Requirement to Up-grade 12.2 The power pursuant to Section 134(1) of the PDI Act, if: 12.2.1.1 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 12.2.1.2 a change of classification of a building; and 12.2.2 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.	CEO, MDRS, DIO, BO	
s134(2)	12. Requirement to Up-grade 12.3 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.	CEO, MDRS, DIO, BO	
s134(3)	12. Requirement to Up-grade 12.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:	CEO, MDRS, DIO, BO	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	12.4.1 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 12.4.2 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		
s134(4)	12. Requirement to Up-grade 12.5 The power pursuant to Section 134(4) of the PDI Act if: 12.5.1 an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and 12.5.2 the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities, to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be).	CEO, MDRS, DIO, BO	
s134(5)	12. Requirement to Up-grade 12.6 The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act: 12.6.1 subject to Section 134(5)(b) of the PDI Act -	CEO, MDRS, DIO, BO	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	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 12.6.2 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.		
s135(2)(d)	13. Urgent Building Work 13.1 The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.	CEO, MDRS, DIO, BO	
s143(1)	14. Cancellation of Development Authorisation 14.1 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.	CEO, MDRS, DIO, BO	
s143(2)	14. Cancellation of Development Authorisation 14.2 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.	CEO, MDRS, DIO, BO	
s235(1)	15. Professional Advice to be Obtained in Relation to Certain Matters 15.1 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	CEO, MDRS, DIO, BO, PO	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	qualifications.		
s235(2)	15. Professional Advice to be Obtained in Relation to Certain Matters 15.2 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.	CEO, MDRS, DIO, BO, PO	
cl18(2) sch8	16. Continuation of Processes 16.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to: 16.1.1 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 16.1.2 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 16.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and 16.1.4 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 16.1.5 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	N/A	

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority (Instrument B);			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.		

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
r25(7)(c)	17. Accredited Professionals 17.1 The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to form the opinion and be satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations.	CEO, MDRS, DIO, BO	
r31(1)	18. Verification of Application 18.1 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:	N/A	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	18.1.1 determine the nature of the development; and		
r31(1)	18. Verification of Application 18.1 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: 18.1.2 if the application is for planning consent - determine: 18.1.2.1 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 18.1.2.2 the category or categories of development that apply for the purposes of development assessment; and	N/A	
r31(1)	18. Verification of Application 18.1 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: 18.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and	N/A	
r31(1)	18. Verification of Application 18.1 The power pursuant to Regulation 31(1) of the	CEO, PO	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	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: 18.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application): 18.1.4.1 check that the appropriate documents and information have been lodged with the application; and 18.1.4.2 confirm the prescribed fees required to be paid at that point ; and 18.1.4.3 provide an appropriate notice via the SA planning portal; and		
r31(1)	18. Verification of Application 18.1 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: 18.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application): 18.1.5.1 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 18.1.5.2 provide an appropriate notice via the SA planning portal.	N/A	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
r35(3)	19. Amended Applications 19.1 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.	CEO, DIO	
r35(4)	19. Amended Applications 19.2 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.	CEO, MDRS, DIO, BO	
r38(1)	20. Withdrawing/Lapsing Applications 20.1 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: 20.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and 20.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations, of the withdrawal.	CEO, MDRS, DIO, BO	
r38(2)	20. Withdrawing/Lapsing Applications 20.2 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	CEO, MDRS, DIO, BO, PO	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	if at least one year has passed since the date on which the application was lodged with the relevant authority.		
r38(3)	20. Withdrawing/Lapsing Applications 20.3 The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations to: 20.3.1 take reasonable steps to notify the applicant of the action under consideration; and 20.3.2 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.	CEO, MDRS, DIO, BO, PO	
r40	21. Court Proceedings 21.1 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.	CEO, MDRS, DIO, BO	
r42(1)	22. Additional Information or Amended Plans 22.1 The power pursuant to Regulation 42(1) of the General Regulations if the relevant authority 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.	CEO, MDRS, DIO, BO	
r45(1)	23. Building Matters 23.1 The power pursuant to Regulation 45(1) of the	CEO, MDRS,	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	General Regulations to, if, in assessing an application for building consent, the delegate considers that: 23.1.1 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 23.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or 23.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code, refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the relevant authority that a referral is not required.	DIO, BO	
r45(2)	23. Building Matters 23.2 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.	CEO, MDRS, DIO, BO	
r45(3)	23. Building Matters 23.3 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.	CEO, MDRS, DIO, BO	
r45(4)	23. Building Matters 23.4 The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application	CEO, MDRS, DIO, BO	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	referred to a fire authority under Regulation 45 of the General Regulations, the fire authority: 23.4.1 recommends against the granting of building consent; or 23.4.2 concurs in the granting of consent on conditions specified in its report, but the delegate: 23.4.3 proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or 23.4.4 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: 23.4.5 refer the application to the Commission; and 23.4.6 not grant consent unless the Commission concurs in the granting of the consent.		
r45(5)	23. Building Matters 23.5 The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.	CEO, MDRS, DIO, BO	
r57(2)(b)	24. Notice of Decision (Section 126(1)) 24.1 The power pursuant to Regulation 57(2)(b) of the General Regulations to provide notice via the SA Planning Portal and to determine if necessary to give notice to the applicant in some other way determined to be appropriate by the delegate.	CEO, MDRS, DIO, BO, PO	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
r57(4)(a)	24. Notice of Decision (Section 126(1)) 24.2 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.	CEO, MDRS, DIO, BO, PO	
r60	25. Consideration of Other Development Authorisations 25.1 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.	CEO, MDRS, DIO, BO	
r61(4)(c)	26. Certificate of Independent Technical Expert in Certain Cases 26.1 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.	CEO, MDRS, DIO, BO, PO	
r63(1)	27. Urgent Work 27.1 The power pursuant to Regulation 63(1) of the General Regulations to, 27.1.1 determine a telephone number determined for	CEO, MDRS, DIO, BO	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	the purposes of Regulation 63(1)(a) of the General Regulations; and 27.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.		
r63(2)	27. Urgent Work 27.2 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.	CEO, MDRS, DIO, BO	
r63(3)	27. Urgent Work 27.3 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.	CEO, MDRS, DIO, BO	
r65(1)(a)	28. Variation of Authorisation (Section 128) 28.1 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.	CEO, MDRS, DIO, BO, PO	
r99(4)	29. Construction Industry Training Fund 29.1 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	CEO, MDRS, DIO, BO, PO	

Planning, Development and Infrastructure (General) Regulations 2017			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	not payable.		
r99(5)	29. Construction Industry Training Fund 29.2 The power pursuant to Regulation 99(5) of the General Regulations, if a notification has been given under Regulation 99(4) of the General Regulations and if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification to, if the delegate thinks fit, determine that the application has lapsed.	CEO, MDRS, DIO, BO, PO	
cl4(3) sch8	30. Plans for Building Work 30.1 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: 30.1.1 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 30.1.2 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.	CEO, MDRS, DIO, BO	

Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
r5(1)	31. Calculation or Assessment of Fees 31.1 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): 31.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate a prescribed fee; and 31.1.2 to make any other determination for the purposes of the Fees Regulations a related set of regulations or a fee notice (even if the Council is not a relevant authority)	CEO, MDRS, DIO, BO, PO	
r5(2)	31. Calculation or Assessment of Fees 31.2 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.	CEO, MDRS, DIO, BO, PO	
5(3)	31. Calculation or Assessment of Fees 31.3 The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.	CEO, MDRS, DIO, BO	
r7	32. Waiver or Refund of Fee 32.1 The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so: 32.1.1 waive the payment of the fee, or the payment of	CEO, MDRS, DIO, BO	

Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	part of the fee; or 32.1.2 refund the whole or a part of the fee.		
r13(3a)	33. Development to be Assessed by Accredited Professional 33.1 The power pursuant to Regulation 13(3a) of the Fees Regulations, if an accredited professional has not elected to collect the compliance fee in accordance with Regulation 13(2)(a)(ii) of the Fees Regulations in respect of an application, to collect the fee.	CEO, MDRS	

State Planning Commission Practice Direction 12 - Conditions			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
clause 6	34. Notification of Deemed Planning Consent Notice 34.1 The power pursuant to clause 6 of the State Planning Commission Practice Direction 12 – Conditions Consent (PD12), where a person has issued a Deemed Planning Consent Notice (the Notice) to the relevant authority pursuant to Section 125(2) of the PDI Act, to upon receipt of the Notice, provide a copy of the Notice to: 34.1.1 any other relevant authority that has given or is considering another development authorisation relating to the same development; and 34.1.2 if the application was referred to a prescribed body under Section 122 of the PDI Act – to that prescribed body or bodies; and 34.1.3 if the owner of land to which the application related is not a party to the application – to the owner of the land; and 34.1.4 if any person has made a representation to the	CEO, MDRS	

State Planning Commission Practice Direction 12 - Conditions			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
	relevant authority in respect of the proposed development – to that person or persons; and 34.1.5 in the case of restricted development, the Environment, Resources and Development Court.		

State Planning Commission Practice Direction 18 Outline Consent			
Provision	**Power and Functions Delegated**	**Delegate**	**Conditions and Limitations**
cl5(1)(b)	63. Circumstances in Which Outline Consent May be Granted 36.1 The power pursuant to clause 5(1)(b) of the State Planning Commission Practice Direction 18 Outline Consent (PD18) to provide advice to an applicant that if the application were to be for planning consent, the council would request the Minister to give notice under Section 94(1)(g) of the PDI Act.	CEO, MDRS, BO	