

Agenda Report for Decision

Meeting Date: 29 June 2023

Item Name	Delegations under the PDI Act – 2023 Review and Update
Presenters	Chelsea Lucas and Ben Sieben
Purpose of Report	Decision
Item Number	5.1
Strategic Plan Reference	N/A
Work Plan Reference	N/A
Confidentiality	Not Confidential (Release Delayed)
Related Decisions	3 February 2022 – SPC Delegations 2022 Update

Recommendation

It is recommended that the State Planning Commission (the Commission) resolves to:

1. Approve the designation of the item as Not Confidential (Release Delayed), with the meeting papers for the item to be released following final adoption of the updated delegations by the Commission and the State Commission Assessment Panel (SCAP).
2. Approve the draft Instrument of Delegation at **Attachment 2**, with the instrument to be effective from the date of signing by the Chair.
3. Authorise the Chair to sign the Instrument of Delegation as approved, including accepting all mark-up and making any minor amendments as required to finalise.

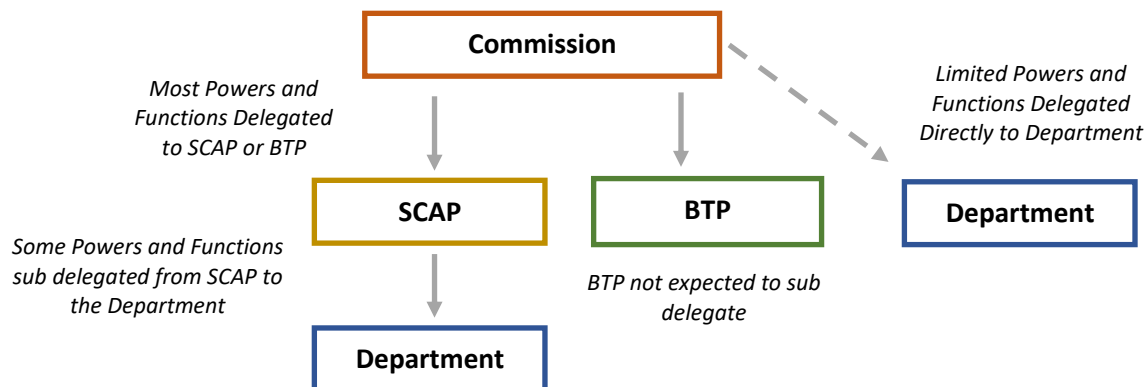
Background

The current Instrument of Delegation from the Commission under the *Planning, Development and Infrastructure Act 2016* (the Act) was executed by the Chair of the Commission on 1 March 2022, following the 2021 annual review and update.

The current arrangements delegate most development assessment functions from the Commission directly to SCAP and the Building Technical Panel (BTP). The Commission's intention was that SCAP would manage its procedural and administrative arrangements with the Department for Trade and Investment (the Department) through its Instrument of Further Delegation, as well as its Delegations Policy.

As a result, a limited number of powers and functions have been delegated directly to the Department by the Commission, and these primarily relate to policy matters (for example, powers relating to Code Amendments, Practice Directions and Practice Guidelines).

The current structure of the Commission's delegations is shown in the flowchart below:



Discussion

A review of the Commission's Instrument of Delegation and SCAP's Instrument of Further Delegation has been undertaken by the Department to ensure those instruments remain effective, efficient and fit-for-purpose, as well as to incorporate additional operational improvements which have been identified throughout the past 12 months.

A draft Instrument of Delegation has been included at **Attachment 1** for the Commission's consideration. The amendments to the Instrument include:

- Refinement to the delegation regarding the power to advise the Minister on proposals to initiate code amendments, so it is limited to circumstances where the delegate considers that the proposed amendment is not of State significance. This delegation was approved by the Commission on 2 February 2023 (Item 5.2) and is supported by Code Amendment Delegation Criteria and Call-in Procedure also approved at that meeting.
- Inclusion of an additional delegation for the power to approve or vary Building Envelope Plans under Regulation 19A. This new delegation was approved by the Commission at its meeting on 2 February 2023 (Item 5.6).
- Delegation of the power under section 78(3) to receive and respond to consultation from the Minister before an amendment to the Code commences early. This delegation is considered necessary to respond to tight timelines for Code Amendments that are required to commence early. The use of the delegated power has been restricted to Code Amendments that have been initiated by the Commission, the Chief Executive of the Department, or another agency or instrumentality of the Crown. Privately led and Council led Code Amendments would still be provided to the Commission for a response to consultation on early commencement.
- Amendments resulting from changes to the Regulations, effective from 25 May 2023, including:
 - Additional powers and functions delegated with respect to referrals for Essential Infrastructure applications under section 130 of the Act. These are similar to the existing powers and functions delegated with respect to referrals of Crown Developments.
 - Additional power to determine a development is ancillary to or in association with a development approved by the Commission, for the variation application to be further assessed by the Commission as the relevant authority.

- Providing an additional delegation under Regulation 109(4) for the power to provide a report to the Minister for advice on a designated mining matter under section 160(5) of the Act.
- Inclusion of an additional (non-statutory) delegation permitting the Chair to approve changes to confidentiality treatments of the Commission's Agenda Reports, and to authorise the publication (or not) of such documents. The need for this arises from time to time, where the publication of a document may no longer be appropriate following a Commission meeting (or vice versa, a document may be able to be published where it was initially considered as confidential). The Department will provide the Chair with advice on any such determinations (in line with the Commission's transparency measures under its Governance Manual) in each case and prior to any approval and publication.
- Deletion of reference to PLUS in the operative provision of the Instrument, as the administrative units for Office of Design and Local Government (ODASA) and the Housing Infrastructure Planning Delivery Unit (HIPDU) have been relocated or created outside of PLUS within the last 12 months. This change also required an additional reference to "PLUS" to be included after reference to Executive Director and Business Services directorate, to avoid any uncertainty as to which roles holds the delegated powers.
- Replacing Director, ODASA with Government Architect in relation to powers delegated for local design review, as requested by ODASA.

Next Steps

Following approval of the draft Instrument of Delegation by the Commission, SCAP will consider a draft Instrument of Further Delegation, which will sub-delegate SCAP powers and functions to officers in the Department (as shown in **Attachment 2**). The changes to the SCAP Instrument of Further Delegation are primarily required for consistency with the Commission's head Instrument.

Both the Instrument of Delegation from the Commission and the Instrument of Further Delegation from SCAP will be effective from the date of signing by the Chair of the Commission and Presiding Member of SCAP (respectively).

The Instrument of Delegation will be reviewed by the Department on an annual basis, or earlier (if appropriate or required in response to legislative change or other urgent operational matters).

Attachments:

1. Draft Instrument of Delegation (#20126248).
2. Draft Instrument of Further Delegation from the State Commission Assessment Panel to Planning and Land Use Services (#16771384).

Prepared by: Chelsea Lucas

Endorsed by: Sally Smith

Date: 1 June 2023

INSTRUMENT OF DELEGATION

PLANNING DEVELOPMENT AND INFRASTRUCTURE ACT 2016

DELEGATION

1. We, the State Planning Commission (“the Commission”), in exercise of the power under section 30 of the *Planning, Development and Infrastructure Act 2016* (the Act) hereby:
 - (a) **REVOKE** all previous delegations made under the Act and its statutory instruments, with the exception of:
 - (i) the instrument of delegation dated 9 July 2020 from the Commission to the Chief Executive, Department of Infrastructure and Transport regarding the project known as “Port Spencer Grain Export Facility”; and
 - (ii) the instrument of delegation dated 24 May 2019 from the Commission to the Executive Director, Planning and Land Use Services (and various other positions), delegating powers and functions under the *Character Preservation (Barossa Valley) Act 2012*, the *Character Preservation (McLaren Vale) Act 2012* and the *Roads (Opening and Closing) Act 1991*.
 - (b) **DELEGATE** each of the powers and functions under the section of the Act and its statutory instruments identified in Column 1 of Schedule 1 to this instrument to:
 - (i) the person or persons for the time being holding, acting in or assigned to the noted positions within the Department;
 - (ii) the panel or panels for the time being established by the Commission under section 29(1) of the Act and its statutory instruments;
 - (iii) the Chair of the Commission;as specified in the corresponding line of Column 3 of Schedule 1, subject to those conditions (if any) specified in the corresponding line of Column 4 of Schedule 1 of this instrument.

FURTHER DELEGATION

2. Under section 30(5) of the Act, any of the powers or functions hereby delegated may be further delegated by the delegate, by instrument in writing, except as expressly limited.

INTERPRETATION

3. The terms in this instrument of delegation have the same meaning as under the Act.
4. The descriptions in Column 2 of Schedule 1 of this instrument are for administrative use only and do not form part of this delegation. All delegates exercising delegated powers or functions should refer to the statutory power or function delegated when exercising that power or function.
5. A reference to a business unit or directorate in this instrument of delegation is a reference to the relevant named business unit or directorate within the organisational structure of the Department.

6. A reference to a position, business unit or directorate that no longer exists is a reference to the position, business unit or directorate who performs the functions previously performed by the position, business unit or directorate named in this instrument of delegation.
7. A reference to:
 - (a) "PO" in this instrument will be taken to be a reference to a Professional Officer of the relevant classification in the Professional Officers Stream;
 - (b) "ASO" in this instrument will be taken to be a reference to an Administrative Services Officer of the relevant classification in the Administrative Services Stream;
 - (c) "MAS" in this instrument will be taken to be a reference to a Manager Administrative Services in the Administrative Services Stream;as described in the relevant enterprise agreement applying from time to time to South Australian public sector employees, but as limited to a business unit or directorate of the Department, where noted in this instrument of delegation.
8. A reference to a PO, ASO or MAS "and higher" will be taken to mean the relevant position classification referred to, and all other positions of higher classification within the Professional Officers Stream and the Administrative Services Stream.
9. A reference to a position designated as:
 - (a) "PO4" will also be deemed to be a reference to an "ASO7";
 - (b) "PO3" will also be deemed to be a reference to an "ASO6";
 - (c) "PO2" will also be deemed to be a reference to an "ASO5"; and
 - (d) "PO1" will also be deemed to be a reference to an "ASO4",for the purposes of this instrument of delegation.
10. A reference to "PLUS" is a reference to the business unit known as "Planning and Land Use Services" within the Department.

**EXECUTED FOR AND ON BEHALF OF
THE STATE PLANNING COMMISSION**



Stephanie Johnston
Acting Chair, State Planning Commission

12 July 2023

SCHEDULE 1			
COLUMN 1 Power/Function	COLUMN 2 Description of power or function	COLUMN 3 Delegated To	COLUMN 4 Conditions and limitations on delegation (where applicable)
<i>Planning, Development and Infrastructure Act 2016</i>			
PART 1	Preliminary		
Section 7	Environment and food production areas – Greater Adelaide		
Section 7(5)(a)	The power to determine whether to concur in the granting of the authorisation.	State Commission Assessment Panel	
Division 4	Practice directions and practice guidelines		
Section 42	Practice Directions		
Section 42(4)(b)	The power to, from time to time, vary or revoke a practice direction by notification in the Gazette and publication on the SA planning portal.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, Growth Management • Director, State Assessment • Director, Land and Built Environment 	Limited to variations to existing practice directions which the delegate considers to be minor.
Section 43	Practice guidelines		

Section 43(4)(b)	The power to, from time to time, vary or revoke a practice guideline by notification in the Gazette and publication on the SA planning portal.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, Growth Management • Director, State Assessment • Director, Land and Built Environment 	Limited to variations to existing practice guidelines which the delegate considers to be minor.
Part 4	Community engagement and information sharing		
Division 1	Community engagement		
Section 44	Community Engagement Charter		
Section 44(12)	<p>The power to determine whether an entity has failed to comply with the charter and:</p> <p>(a) to direct the entity to comply with the charter; and</p> <p>(b) if the direction is not complied with within a period prescribed by the regulations—to take any action required by the delegate’s direction and recover the reasonable costs and expenses of so doing as a debt from the entity that failed to comply with the direction.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS 	<p>Limited to proposals to amend the Planning and Design Code in circumstances where:</p> <ul style="list-style-type: none"> • the Department has not received any complaints regarding an engagement process undertaken by a Designated Entity; • the Chief Executive is not the Designated Entity under section 73 of the Act; and

			<ul style="list-style-type: none"> the delegate forms the opinion that the Community Engagement Charter has been complied with for such engagement.
Division 2	Online planning services and information		
Section 51	Standards and specifications		
Section 51(1)	The power to prepare and publish standards and specifications that are to apply to or in relation to the SA planning portal, the SA planning database and the online atlas and search facility.	<ul style="list-style-type: none"> Executive Director, PLUS Surveyor-General 	Limited to amendments to the Spatial Information Standard which are considered by the delegate as minor or operational in nature.
Part 5	Statutory instruments		
Division 2	Planning instruments		
Section 73	Preparation and amendment		
Section 73(2)(a)	The power to initiate a proposal to amend a designated instrument (or at the request of the Minister).	<ul style="list-style-type: none"> Executive Director, PLUS Director, Growth Management 	<p>Limited to proposals to initiate:</p> <ul style="list-style-type: none"> technical amendments to the Planning and Design Code (which

			<p>may include amendments considered by the delegate as minor, such as amendments to aid interpretation of policy or adjust mapping boundaries); or</p> <ul style="list-style-type: none"> • amendments to the Planning and Design Code that were subject to a Development Plan Amendment which has since lapsed.
<p>Section 73(2)(b) Section 22(1)(b)</p>	<p>The function of providing advice to the Minister in relation to a proposal to amend a designated instrument.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, Growth Management 	<p>A proposal to initiate a code amendment that meets all of the following criteria:</p> <ul style="list-style-type: none"> • the delegate considers that the proposed amendment is not of State significance; AND • the Chief Executive of the Department is not the proponent under section

			<p>73(2)(b)(i) of the Act; AND</p> <ul style="list-style-type: none"> the Commission has not resolved or noted that it will determine the advice to the Minister on the proposal to initiate the code amendment.
<p>Section 73(6)</p> <p><i>Commission as a designated entity initiating a proposal to prepare or amend a designated instrument</i></p>	<p>The powers and functions, as a designated entity, to comply with the requirements of section 73(6), including the power to determine any person or body requiring consultation under section 73(6)(e).</p>	<ul style="list-style-type: none"> Executive Director, PLUS Director, Growth Management 	<p>Limited to proposed code amendments where the function of initiating the code amendment under section 73(2)(a) of the Act has also been exercised under delegation.</p>
<p>Section 73(6)</p> <p><i>Commission <u>not</u> as a designated entity</i></p>	<p>The power to:</p> <p>(e) specify any person or body with which the designated entity must consult;</p> <p>(f) specify such investigations which must be carried out, and information which must be obtained.</p>	<ul style="list-style-type: none"> Executive Director, PLUS Director, Growth Management 	<p>Limited to proposed code amendments where the function of providing advice to the Minister under section 73(2)(b) of the Act has also been exercised under delegation.</p>
<p>Section 73(7)</p>	<p>The function of preparing a report in accordance with any practice direction that applies for the purposes of section 73 (including information</p>	<ul style="list-style-type: none"> Executive Director, PLUS Director, Growth Management 	<p>Limited to engagement reports relating to technical amendments</p>

<p><i>Commission as a designated entity</i> Section 22(1)(b)</p>	<p>about any change to the original proposal that the designated entity considers should be made) and furnishing a copy of the report to the Minister.</p>		<p>to the Planning and Design Code (which may include amendments considered by the delegate as minor, such as amendments to aid interpretation of policy or adjust mapping boundaries).</p>
<p>Section 73(8) <i>Commission as a designated entity</i> Section 42</p>	<p>The function of, after furnishing a report to the Minister under section 73(7), ensuring that a copy of the report is published on the SA planning portal in accordance with a practice direction that applies for the purposes of section 73.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, Growth Management 	
<p>Section 74</p>	<p>Parliamentary Scrutiny</p>		
<p>Section 74(3)</p>	<p>The function of preparing a report for the ERD Committee under section 74.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, Growth Management 	<p>Limited to amendments to the Planning and Design Code:</p> <ul style="list-style-type: none"> • which are initiated by the Commission, and where such amendments are adopted by the Minister under section 73(10)(c) of the Act as

			<p>outlined in the relevant engagement report; or</p> <ul style="list-style-type: none"> • where the delegate forms the opinion that no reasonable objections have been made in response to public consultation on the proposed Code Amendment; or • where the delegate forms the opinion that all objections made in response to public consultation on the proposed Code Amendment have been adequately addressed through changes to the proposed Code Amendment, as reflected in the relevant engagement report.
<p>Section 74(3)(c)</p>	<p>The power to determine whether material is relevant to be included in the report prepared pursuant to section 74(3).</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, Growth Management 	<p>Limited to amendments to the Planning and Design Code:</p> <ul style="list-style-type: none"> • which are initiated by the Commission, and

			<p>where such amendments are adopted by the Minister under section 73(10)(c) of the Act as outlined in the relevant engagement report; or</p> <ul style="list-style-type: none"> • where the delegate forms the opinion that no reasonable objections have been made in response to public consultation on the proposed Code Amendment; or • where the delegate forms the opinion that all objections made in response to public consultation on the proposed Code Amendment have been adequately addressed through changes to the proposed Code Amendment, as reflected in the relevant engagement report.
<p>Section 76</p>	<p>Minor or operational amendments</p>		

Section 76(4) <i>Section 22(1)(b)</i>	The function of receiving and responding to consultation from the Minister before the making of an amendment under section 76.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, Growth Management 	
Section 78	Early commencement		
Section 78(3) <i>Section 22(1)(b)</i>	The function of receiving and responding to consultation from the Minister before an amendment to the Planning and Design Code commences early.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, Growth Management 	Limited to amendments to the Planning and Design Code that have been initiated by the Commission, the Chief Executive of the Department, or another agency or instrumentality of the Crown.
Section 80	Ministerial Building Standards		
Section 80(4)	The power to receive and respond to consultation from the Minister regarding variation or revocation of a Ministerial Building Standard.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, Land and Built Environment 	Limited only to consultation from the Minister regarding variations to an existing Ministerial Building Standard, and where the delegate forms the opinion that such variations are of a minor operational nature.
Division 5	Determination of relevant authority		

Section 94	Relevant authority - Commission		
Section 94(3)(a)	The function of requesting the relevant authority (already acting in relation to the proposed development under another paragraph of subsection (1)) to provide a report relating to any application for development authorisation that has been under consideration by the relevant authority.	State Commission Assessment Panel	
Section 94(3)(b) <i>Commission as relevant authority</i>	The power to determine whether to do either or both of the following: (i) adopt any assessment, finding or determination that was made by a relevant authority that has been acting in relation to the proposed development; (ii) continue to assess the proposed development from the stage reached immediately before the Minister acted under that subsection.	State Commission Assessment Panel	
Section 99	Related provisions		
Section 99(1) <i>Commission as relevant authority</i>	(a) 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 (b) require that the assessment of the development in respect of the Building Rules be undertaken by a private certifier.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher, ASO4 and higher within the State 	

		Assessment and Land and Built Environment directorates	
Part 7	Development assessment – general scheme		
Division 1	Approvals		
Section 102	Matters against which development must be assessed		
Section 102(1) <i>Commission as relevant authority</i>	The function of assessing a development against and granting or refusing consent in respect of each of the following matters (insofar as they are relevant to that development) and determining whether to grant the relevant consent.	State Commission Assessment Panel	
Section 102(3) <i>Commission as relevant authority</i>	The power to, in relation to the delegate granting planning consent, on the delegate's own initiative or on application, reserve its decision on a specified matter or reserve its decision to grant planning consent.	State Commission Assessment Panel	
Section 102(8) <i>Commission as relevant authority</i>	The function of indicating whether a development is approved.	State Commission Assessment Panel	
Division 2	Planning consent		
Subdivision 3	Code assessed development		

Section 103	The function of determining the categorisation of development for the purpose of assessment in relation to planning consent.	State Commission Assessment Panel	
Section 106	Deemed-to-satisfy assessment		
Section 106(2) <i>Commission as relevant authority</i>	The function of being satisfied that a variation in relation to a deemed-to-satisfy development is minor.	State Commission Assessment Panel	
Section 107	Performance assessed development		
Section 107(2) <i>Commission as relevant authority</i>	The function of determining whether a development is seriously at variance with the Planning and Design Code (disregarding minor variations).	State Commission Assessment Panel	
Section 107(3) <i>Commission as relevant authority</i>	The functions of giving notice of the application for planning consent and forwarding to the applicant a copy of the representations.	State Commission Assessment Panel	
Subdivision 4	Impact assessed development		
Section 109	Practice direction to provide guidance		
Section 109(1) <i>Section 42</i>	The function of preparing and publishing a practice direction with respect to - (a) impact assessed development (not being restricted development)—	State Commission Assessment Panel	

	<ul style="list-style-type: none"> (i) requirements as to the preparation of an EIS, including the level of detail that an EIS must address with respect to various classes of development; and (ii) any other requirements for assessing the level of impact of a development that is to be assessed as impact assessed development; and (iii) the information that must be provided by the proponent at the various stages assessed under this Act; and <p>any other matter prescribed by the regulations.</p>		
Section 110	Restricted Development		
Section 110(1)	The function of determining, in relation to proposed development classified as restricted development, whether the development will be assessed and, if so, whether to grant planning consent.	State Commission Assessment Panel	
Section 110(2)(a)	The function of giving notice of the application for planning consent.	State Commission Assessment Panel	
Section 110(2)(a)(ii)	The function to determine whether any other owner or occupier of land would be directly affected to a significant degree by development if it were to proceed.	State Commission Assessment Panel	

Section 110(3)	The function of ensuring that a copy of the application, accompanying documents, and a copy of any report prepared by or on behalf of the Commission in relation to the application, are published on the SA planning portal and available for inspection and downloading without charge.	State Commission Assessment Panel	
Section 110(5)	The discretion to determine whether to take into account a representation not made in accordance with requirements prescribed by the regulations for the purposes of section 110.	State Commission Assessment Panel	
Section 110(6)	<p>The function of giving the person notice of –</p> <ul style="list-style-type: none"> (i) The Commission’s delegate’s decision on the application for development; and (ii) The date of the decision; and (iii) The person’s appeal rights under this Act. <p>The function of giving to the Court notice of –</p> <ul style="list-style-type: none"> (i) The Commission’s decision on the application for development; and (ii) The date of the decision; and (iii) The names and addresses of the person or persons who made representations to the Commission under that subsection. 	State Commission Assessment Panel	
Section 110(13)	The power to determine the form of any notice to be given under section 110.	State Commission Assessment Panel	
Section 110(14)	The power to refuse an application that relates to proposed development classified as restricted	State Commission Assessment Panel	

	development without proceeding to make an assessment of the application.		
Section 113	EIS process		
Section 113(10)	The function of providing notice in accordance with section 113(10).	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher, ASO4 and higher within the State Assessment directorate 	
Section 113(11)	The function of determining the place and period for which copies of the EIS, the proponent's response, and the Assessment Report must be kept available for inspection and purchase.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher, ASO4 and higher within the State Assessment directorate 	
Section 113(12)	The function of giving a copy of the EIS, the proponent's response and the Assessment Report to the council.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher, ASO4 and higher within the State Assessment directorate 	
Section 114	Amendment of an EIS		
Section 114(3)	The function of giving notice of the place or places at which copies of the relevant document or documents (with the amendments) are available for inspection and purchase.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher, ASO4 and higher within the State Assessment directorate 	
Division 3	Building consent		

Section 118	Building consent		
Section 118(2)(a)	The power to determine whether to, in relation to a development that is at variance with the Building Rules, concur in the granting of building consent.	Building Technical Panel	
Section 118(2)(b) <i>The Commission as relevant authority</i>	The power to, in relation to a development that is at variance with the Building Rules: (a) And the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard: determine whether it is appropriate to grant the consent despite the variance on the basis that the Commission's delegate is satisfied of the matters in (i) or (ii).	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, Land and Built Environment • PO2 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
Section 118(4) <i>The Commission as relevant authority</i>	The function of, at the request or with the agreement of the applicant, referring 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.	Building Technical Panel	
Section 118(4) <i>The Commission <u>not</u> as relevant authority</i>	The function of, upon referral of proposed building work under this subsection from a relevant authority, providing an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial building standard.	Building Technical Panel	

<p>Section 118(6) <i>The Commission as relevant authority</i></p>	<p>The power, where an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to determine an application for Building Rules Consent, so far as it 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>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, Land and Built Environment • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate 	
<p>Section 118(7) <i>The Commission as relevant authority</i> Section 22(1)(b)</p>	<p>The function of providing advice to a relevant authority prior to the imposition or agreement to a requirement under section 118(6) that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.</p>	<p>Building Technical Panel</p>	
<p>Section 118(10) <i>The Commission as relevant authority</i></p>	<p>The power to determine whether, as a result of a 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>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
<p>Section 118(11) <i>The Commission as relevant authority</i></p>	<p>The power to give notice of the delegate's decision on the application for consent.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	

		<ul style="list-style-type: none"> MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
Division 4	Procedural matters and assessment facilitation		
Section 119	Application and provision of information		
Section 119(1)(b) <i>The Commission as relevant authority</i>	The power to specify information reasonably required in relation to an application for the purposes of this Part.	State Commission Assessment Panel	
Section 119(3) <i>The Commission as relevant authority</i>	<p>The power to request an applicant –</p> <ul style="list-style-type: none"> (a) to provide such additional documents, assessments or information (including calculations and technical details) as the relevant authority may reasonably require to assess the application; (b) to remedy any defect or deficiency in any application or accompanying document or information required by or under this Act; (c) to consult with an authority or body prescribed by the regulations; (d) to comply with any other requirement prescribed by the regulations. 	State Commission Assessment Panel	
Section 119(6)(b) <i>The Commission as relevant authority</i>	<p>If a request is made under section 119(3) and the request is not complied with within the prescribed time period:</p> <ul style="list-style-type: none"> (a) the discretion to refuse the application; 	State Commission Assessment Panel	

	(b) the power to refuse the application.		
Section 119(7) <i>The Commission as relevant authority</i>	The discretion to, in dealing with an application that relates to a regulated tree, determine whether special circumstances apply for the purposes of this subsection.	State Commission Assessment Panel	
Section 119(8) <i>The Commission as relevant authority</i>	The discretion to, in dealing with an application that relates to a regulated tree that is not a significant tree, determine whether special circumstances apply for the purposes of this subsection.	State Commission Assessment Panel	
Section 119(9)(a) <i>The Commission as relevant authority</i>	The power to determine whether to: <ul style="list-style-type: none"> (a) grant permission to an applicant— <ul style="list-style-type: none"> (i) to vary an application; (ii) 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). 	State Commission Assessment Panel	
Section 119(9)(b) <i>The Commission as relevant authority</i>	The power to determine whether to: <ul style="list-style-type: none"> (b) grant permission to an applicant to lodge an application without the provision of any information or document required by the regulations. 	State Commission Assessment Panel	

<p>Section 119(9)(c)</p> <p><i>The Commission as relevant authority</i></p>	<p>The power to determine whether to:</p> <p>(c) 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).</p>	<p>State Commission Assessment Panel</p>	
<p>Section 119(9)(d)</p> <p><i>The Commission as relevant authority</i></p>	<p>The power to determine whether to:</p> <p>(d) if there is an inconsistency between any documents lodged with the delegate for the purposes of this Part (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:</p> <p>To determine whether to 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>	<p>State Commission Assessment Panel</p>	
<p>Section 119(10)</p> <p><i>The Commission as relevant authority</i></p>	<p>The power to determine and impose such conditions as the relevant authority thinks fit in granting permission under section 119(9).</p>	<p>State Commission Assessment Panel</p>	
<p>Section 119(14)</p>	<p>The power to determine whether to refund the application fee in the case where an applicant withdraws an application under this subsection.</p>	<p>State Commission Assessment Panel</p>	

<i>The Commission as relevant authority</i>			
Section 120	Outline consent		
Section 120(1) <i>The Commission as relevant authority</i>	The power to grant a consent in the nature of an outline consent.	State Commission Assessment Panel	
Section 121	Design Review		
Section 121(3)	(a) the power to determine the required form for an application under section 121; and (b) the power to specify information to be included in an application under section 121.	Government Architect	
Section 122	Referrals to other authorities or agencies		
Section 122(6)(a) <i>The Commission as relevant authority</i>	The function of notifying the applicant that the application was refused, or the conditions imposed, by direction under section 122.	State Commission Assessment Panel	
Section 122(7) <i>The Commission as relevant authority</i>	The power to make an application to be joined as a party to proceedings.	State Commission Assessment Panel	
Section 122(10)	The function of (upon request of the applicant) deferring a referral under this section to a particular stage in the process of assessment.	State Commission Assessment Panel	

<i>The Commission as relevant authority</i>			
Section 122(12) <i>The Commission as relevant authority</i>	The function of ensuring that a response from a prescribed body under section 122 is published on the SA planning portal and available for inspection and downloading without charge as soon as is reasonably practicable after the response is received by the relevant authority.	State Commission Assessment Panel	
Section 123	Preliminary advice and agreement		
Section 123(2)(e) <i>The Commission as relevant authority</i>	The discretion to determine whether the delegate is satisfied that the application accords with the agreement under section 123(2)(c) of the prescribed body.	State Commission Assessment Panel	
Section 123(4) <i>The Commission as relevant authority</i>	The power to determine whether the agreement is no longer appropriate due to the operation of section 132.	State Commission Assessment Panel	
Section 124	Proposed development involving creation of fortifications		
Section 124(1) <i>The Commission as relevant authority</i>	The power to determine, whether there is reason to believe that a proposed development may involve the creation of fortifications. And to refer the application to the Commissioner of Police (the Commissioner).	State Commission Assessment Panel	

Section 124(6) <i>The Commission as relevant authority</i>	The function and power 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.	State Commission Assessment Panel	
Section 124(7) <i>The Commission as relevant authority</i>	The power to make an application to be joined as a party to the appeal.	State Commission Assessment Panel	
Section 125	Time within which a decision must be made		
Section 125(4) <i>The Commission as relevant authority</i>	The power to, in relation to a deemed consent notice: (a) grant the planning consent itself; or (b) grant the planning consent subject to conditions.	State Commission Assessment Panel	
Section 125(6) <i>The Commission as relevant authority</i>	The power, in relation to a deemed planning consent, to determine whether the relevant application for planning consent should have been refused. <u>and</u> The power to make an application to the Court for an order quashing the consent.	State Commission Assessment Panel	
Section 126	Determination of application		
Section 126(1)	The function of giving notice of the decision in accordance with the regulations.	State Commission Assessment Panel	

<i>The Commission as relevant authority</i>			
Section 126(3) <i>The Commission as relevant authority</i>	The power to extend the prescribed period of a development authorisation.	State Commission Assessment Panel	
Division 5	Conditions		
Section 127	Conditions		
Section 127 <i>The Commission as relevant authority</i>	The power to impose conditions.	State Commission Assessment Panel	
Section 127(6) <i>The Commission as relevant authority</i>	The power 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) (and the requirements under section 127(4) will then be adjusted accordingly).	State Commission Assessment Panel	
Section 127(8)(b) <i>The Commission as relevant authority</i>	The power to determine whether it is appropriate to grant an exemption under this subsection in a particular case.	State Commission Assessment Panel	
Division 6	Variation of authorisation		
Section 128	Variation of authorisation		

Section 128(2)(c) <i>The Commission as relevant authority</i>	The power to determine whether any representations are related to any aspect of the development that is now under consideration on account of the application for variation and that, in the circumstances, the level of notification and consultation envisaged by section 110 is not required.	State Commission Assessment Panel	
Section 128(2)(d) <i>The Commission as relevant authority</i>	The power to determine whether to extend the period for which the relevant authorisation remains operative (in relation to an application for the variation of a development authorisation).	State Commission Assessment Panel	
PART 8	Development assessment – essential infrastructure		
Division 2	Essential infrastructure – alternative assessment process		
Section 130	Essential infrastructure – alternative assessment process		
Section 130(4)	The power to request the proponent to provide additional documents or information (including calculations and technical details) in relation to the application.	State Commission Assessment Panel	
Section 130(5)	The function of giving notice containing prescribed particulars of the development to the council in accordance with the regulations.	State Commission Assessment Panel	

Section 130(8)	The function of assessing an application lodged with the delegate of the Commission under section 130.	State Commission Assessment Panel	
Section 130(12)	<p>The function and power of determining whether an application for a variation to an approved development is of a minor nature for the purposes of this subsection.</p> <p><u>And</u></p> <p>(a) If the application is not of a minor nature, the function of inviting interested persons to make written submissions to the Commission (or its delegate) on the proposal in accordance with this subsection.</p> <p>(b) The function of providing a reasonable opportunity to appear personally or by representative in support of his or her submission.</p> <p>(c) The function of giving due consideration in the assessment of the application to any submissions made by interested persons as referred to in paragraphs (a) or (b).</p>	State Commission Assessment Panel	
Section 130(13)	The function of preparing a report to the Minister on the matter.	State Commission Assessment Panel	
Section 130(21)	The function of providing advice to a person acting under section 130(20), before that person gives a certificate in respect of building work that	Building Technical Panel	

	would be at variance with the performance requirements of the Building Code.		
Part 9	Development assessment – Crown development		
Section 131	Development assessment – Crown development		
Section 131(5)	The power to request the State agency to provide additional documents or information (including calculations and technical details) in relation to the application.	State Commission Assessment Panel	
Section 131(6)	The function of giving notice containing prescribed particulars of the development to the council in accordance with the regulations.	State Commission Assessment Panel	
Section 131(9)	The function of assessing an application lodged under section 131.	State Commission Assessment Panel	
Section 131(13)	<p>The function of determining whether an application for a variation to an approved development is of a minor nature.</p> <p>If the application is not of a minor nature, the function of—</p> <p>(a) by public notice, inviting interested persons to make written submissions to the delegate on the proposal within a period of at least 15 business days; and</p>	State Commission Assessment Panel	

	(b) allowing a person who has made a written submission to the delegate within that period and who, as part of that submission, has indicated an interest in appearing before the delegate, a reasonable opportunity to appear personally or by representative before the Commission (or its delegate) to be heard in support of his or her submission.		
Section 131(14)	The function of preparing a report to the Minister on the matter.	State Commission Assessment Panel	
Section 131(22)(a)	The function of providing advice to a person acting under section 131(21) before that person gives a certificate in respect of building work that would be at variance with the performance requirements of the Building Code.	Building Technical Panel	
PART 10	Development assessment and approval – related provisions		
Division 1	General principles		
Section 133	Saving provisions		
Section 133(3) <i>The Commission as relevant authority</i>	The power to, in order to avoid or reduce hardship, extend the limitation period referred to in section 133(2).	State Commission Assessment Panel	
Division 2	Buildings		

Section 134	Requirement to up-grade		
<p>Section 134(1)</p> <p><i>The Commission as relevant authority</i></p>	<p>The power to determine whether the building subject to an application for a building consent, is unsafe, structurally unsound or in an unhealthy condition.</p> <p><u>And</u></p> <p>The power to, if the requirements in sections 134(1)(a) and (b) are met, 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>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO4 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
<p>Section 134(4)</p> <p><i>The Commission as relevant authority</i></p>	<p>The power to determine whether 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.</p> <p>The power 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).</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO4 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
<p>Division 3</p>	<p>Trees</p>		

Division 4	Land division certificate		
Section 138	Land division certificate		
Section 138(1)	<p>The power to consider whether to issue a certificate from the Commission that it is satisfied the prescribed conditions as to development have been satisfied, or that the applicant has, by virtue of an entitlement under the regulations, entered into a binding agreement, supported by adequate security.</p> <p>The function of providing a certificate in accordance with this subsection.</p>	State Commission Assessment Panel	
Section 138(2)	<p>The power to require the applicant, the council for the area in which the land is situated (if any), or any other person or body, to furnish it with appropriate information as to compliance with a particular condition, or to comply with any requirement prescribed by the regulations.</p>	State Commission Assessment Panel	
Section 138(4)	<p>The function of, as soon as practicable after issuing a certificate under section 138(1) that relates to land within the area of a council, furnishing the council with such information as the regulations may require.</p>	State Commission Assessment Panel	

Section 138(6)	The power to extend the prescribed period under the regulations for a certificate issued under section 138.	State Commission Assessment Panel	
Division 6	Uncompleted development		
Section 141	Action if development not completed		
Section 141(1) <i>The Commission as a designated authority</i>	The power to apply to the Court for an order under section 141, and in the circumstances in section 141(1).	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
Section 141(5) <i>The Commission as a designated authority</i>	<p>If the Court makes an order under section 141(3)(a), (b) or (d) and a person fails to comply with the order within the period specified by the Court:</p> <p>The power to cause any work contemplated by the order to be carried out, and to recover the costs of that work, as a debt from the person.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director State Assessment • Director, Land and Built Environment 	
Section 141(6)(a) <i>The Commission as a designated authority</i>	<p>If an amount is recoverable from a person by a designated authority under section 141(5)—</p> <p>The power to, by notice in writing to the person, fix a period, within which the amount must be paid by the person.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
Section 142	Completion of work		
Section 142(1)	The power to, by notice in writing, require the owner of the relevant land to complete the	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment 	

<i>The Commission as a designated authority</i>	development within a period specified in the notice.	<ul style="list-style-type: none"> • Director, Land and Built Environment 	
Section 142(2) <i>The Commission as a designated authority</i>	If an owner fails to carry out work as required by a notice under section 142(1), the power to cause the necessary work to be carried out.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
Section 142(3) <i>The Commission as a designated authority</i>	The power to recover the reasonable costs and expenses incurred under section 142, as a debt due from the owner.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
Section 142(4)(a) <i>The Commission as a designated authority</i>	<p>If an amount is recoverable from a person by the delegate (as a designated authority) under section 142—</p> <p>The power to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate on the amount unpaid.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
Division 7	Cancellation of development authorisation		
Section 143	Cancellation of development authorisation		
Section 143(1) <i>The Commission as relevant authority</i>	The power to cancel a development authorisation previously given by the Commission.	State Commission Assessment Panel	

Section 143(2) <i>The Commission as relevant authority</i>	The power to impose conditions to a cancellation under section 143.	State Commission Assessment Panel	
PART 11	Building Activity and Use – Special Provisions		
Division 2	Notifications		
Section 146	Notification during building		
Section 146(3) <i>Where the Commission is deemed as a ‘council’ for this Part (see reg 92 of the (General) Regulations)</i>	The power to direct a person who is carrying out building work, to stop building work when a mandatory notification stage has been reached pending an inspection by an authorised officer who holds prescribed qualifications.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO4 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
Division 4	Classification and occupation of buildings		
Section 151	Classification of buildings		
Section 151(2) <i>Where the Commission is deemed as a ‘council’ for this Part (see reg 92 of the (General) Regulations)</i>	The power to assign to a building erected in its area a classification that conforms with the regulations.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the Building Policy and Programs 	

		business unit in the Land and Built Environment directorate.	
Section 151(3) <i>Where the Commission is deemed as a 'council' for this Part (see reg 92 of the (General) Regulations)</i>	The function of giving notice in writing to the owner of the building to which the classification has been assigned, of the classification assigned to the building.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
Section 152	Certificates of occupancy		
Section 152(2) <i>Where the Commission is deemed as a 'council' for this Part (see reg 92 of the (General) Regulations)</i>	The power to appoint an accredited professional to issue a certificate of occupancy.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
Section 152(3) <i>Where the Commission is deemed as a 'council' for this Part (see reg 92 of the (General) Regulations)</i>	The power to require information to be included with an application for a certificate of occupancy.	<ul style="list-style-type: none"> • Executive Director • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	

		<ul style="list-style-type: none"> • MAS3 and higher within the State Assessment directorate. 	
<p>Section 152(10)</p> <p><i>Where the Commission is deemed as a ‘council’ for this Part (see reg 92 of the (General) Regulations)</i></p>	<p>The function of notifying the applicant in writing of:</p> <p>(a) a refusal; and</p> <p>(b) reasons for the refusal; and</p> <p>(c) the applicant’s right of appeal.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. • MAS3 and higher within the State Assessment directorate. 	
<p>Section 152(13)</p> <p><i>Where the Commission is deemed as a ‘council’ for this Part (see reg 92 of the (General) Regulations)</i></p>	<p>The power to appoint an accredited professional to revoke a certificate of occupancy.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. • MAS3 and higher within the State Assessment directorate. 	
Section 153	Temporary occupation		
<p>Section 153(1)</p> <p><i>Where the Commission is deemed as a ‘council’ for this Part (see reg 92</i></p>	<p>The power to determine whether to grant approval for a person to occupy a building on a temporary basis without a certificate of occupancy.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	

<p><i>of the (General Regulations)</i></p>		<ul style="list-style-type: none"> • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. • MAS3 and higher within the State Assessment directorate. 	
<p>Section 153(2) <i>Where the Commission is deemed as a ‘council’ for this Part (see reg 92 of the (General Regulations)</i></p>	<p>The power to determine conditions.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. • MAS3 and higher within the State Assessment directorate. 	
<p>Section 153(3) <i>Where the Commission is deemed as a ‘council’ for this Part (see reg 92 of the (General Regulations)</i></p>	<p>The function of notifying the applicant in writing of: (a) the refusal; and (b) the reasons for the refusal; and (c) the applicant’s right of appeal under this Act.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. • MAS3 and higher within the State Assessment directorate. 	
<p>Division 5</p>	<p>Emergency orders</p>		

Section 155	Emergency Orders		
Section 155(6) <i>Where the Commission is deemed as a 'council' for this Part (see reg 92 of the (General) Regulations)</i>	The power to recover reasonable costs and expenses incurred by the delegate as a debt due to from the owner.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. • MAS3 and higher within the State Assessment directorate. 	
Section 155(7)(a) <i>Where the Commission is deemed as a 'council' for this Part (see reg 92 of the (General) Regulations)</i>	The power to, by notice in writing, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate on the amount unpaid.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
PART 15	Funds and off-set schemes		
Division 2	Off-set schemes		
Section 198	Open space contribution scheme		
Section 198(1)	Where a development application provides for the division of land into more than 20 allotments,	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment 	

	<p>and 1 or more allotments is less than 1 hectare in area -</p> <p>The power to require, and specify:</p> <p>(c) that up to 12.5% in area of the relevant area be vested in the council or the Crown (as the case requires) to be held as open space; or</p> <p>(d) that the applicant make the contribution prescribed by the regulations in accordance with the requirements of section 198; or</p> <p>(e) that land be vested in the council or the Crown under paragraph (c) and that the applicant make a contribution determined in accordance with section 198(8),</p> <p>according to the determination and specification of the council or the Commission.</p>	<ul style="list-style-type: none"> • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Section 198(1)</p>	<p>The power to determine whether to concur with a council before it can take any action that is at variance with the Planning and Design Code.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Section 198(2)</p>	<p>The power to require the applicant to pay the contribution prescribed by the regulations in accordance with the requirements of section 198.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	

		<ul style="list-style-type: none"> • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Section 198(2)	The power to enter into an agreement with the applicant.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Section 198(4)	<p>The power to require:</p> <p>(a) that an area be kept as open space or in some other form that allows for active or passive recreation (as determined by the Commission or its delegate), with some or all of this area to be vested in the Crown or, with the concurrence of the council, a council; or</p> <p>(b) that the applicant pay the contribution prescribed; or</p> <p>(c) that certain land be kept in the manner contemplated by paragraph (a) and that</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	

	the applicant will make a contribution to the Commission.		
Section 198(10)	The function of receiving payment from the applicant under section 198(1) if the land is not situated within the area of a council.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
PART 18	Enforcement		
Division 1	Civil Enforcement		
Section 213	Enforcement notices		
Section 213(1) <i>The Commission as a designated authority</i>	The power to take action under section 213.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	

<p>Section 213(5) <i>The Commission as a designated authority</i></p>	<p>The power to cause the necessary action to be taken, if a person fails to comply with a direction under section 213(1)(b) within the time specified in the notice.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
<p>Section 213(6) <i>The Commission as a designated authority</i></p>	<p>The power to recover the reasonable costs and expenses incurred as a debt.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
<p>Section 213(7)(a) <i>The Commission as a designated authority</i></p>	<p>The power to, by notice in writing to the person, fix a period, within which the amount must be paid by the person.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher in the State Assessment directorate. • MAS3 and higher within the Building Policy and Programs 	

		business unit in the Land and Built Environment directorate.	
Section 214	Applications to the Court		
Section 214(9) <i>The Commission as a designated authority</i>	The power to appear, before a final order is made, and be heard in proceedings based on the application.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher in the State Assessment directorate. • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
Section 214(12) <i>The Commission as a designated authority</i>	<p>The power to, (if the Court makes an order under section 214(6)(d) and the respondent fails to comply with the order within the period specified by the Court), cause any work contemplated by the order to be carried out.</p> <p><u>And</u></p> <p>The power to subsequently recover the costs of that work, as a debt, from the respondent.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher in the State Assessment directorate. • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
Section 214(13)(a) <i>The Commission as a designated authority</i>	The power to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	

	prescribed rate per annum on the amount unpaid.	<ul style="list-style-type: none"> • MAS3 and higher in the State Assessment directorate. • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
Division 2	General Offences and Provisions Relating to Offences		
Section 223	Adverse publicity orders		
Section 223(4)	<p>The power to take the action or actions specified in the Court order.</p> <p>The power to authorise a person in writing to do so.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
Section 223(5)	The power to apply to the Court for an order authorising the Commission or a person authorised in writing by the Commission, to take the action or actions.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
Section 223(6)	The power to recover from the offender an amount in relation to the reasonable expenses of taking the action or actions, as a debt.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
Division 3	Civil Penalties		
Section 225	Civil Penalties		

<p>Section 225(1) <i>The Commission as a designated entity</i></p>	<p>The power to recover, by negotiation or by application to the Court, an amount as a civil penalty in respect of a contravention.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS 	
<p>Section 225(3)(a) <i>The Commission as a designated entity</i></p>	<p>The function of serving on a person a notice in the prescribed form advising the person that the person may, by written notice to the designated entity, elect to be prosecuted for the contravention.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
<p>Section 225(16)</p>	<p>The function of ensuring that information about the commencement of proceedings under section 225 is published on the SA Planning Portal.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
<p>Section 225(17)(b) <i>The Commission as a designated entity</i></p>	<p>The power to determine whether to grant authorisation to a council to act as a designated entity.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
<p>Section 225(17)(c) <i>The Commission as a designated entity</i></p>	<p>The function of consulting with the Commissioner for Consumer Affairs with regard to the acting as a designated entity under section 225.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
<p>Section 225(18)</p>	<p>(a) The power to grant an authorisation to a council under section 225(17) subject to conditions; (b) The power to vary or revoke an authorisation granted to a council under section 225(17).</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	

Section 230	Enforceable voluntary undertakings		
Section 230(1) <i>The Commission as a designated entity</i>	The power to determine whether to accept (by written notice) a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of this Act.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
Section 230(4) <i>The Commission as a designated entity</i>	The power to apply to the Court for enforcement of the undertaking if the delegate or the Commission considers it has been contravened.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
Section 230(7) <i>The Commission as a designated entity</i>	The power to determine whether to agree to: (a) Vary the undertaking; or (b) Withdraw the undertaking.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
Section 230(11) <i>The Commission as a designated entity</i>	The power to determine whether to accept an undertaking before proceedings have been finalised.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
Section 230(12) <i>The Commission as a designated entity</i>	The function of taking all reasonable steps to have the proceedings discontinued as soon as possible.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
Section 230(13) <i>The Commission as a designated entity</i>	The function of publishing, on the SA Planning Portal, notice of: (a) the giving of an undertaking under section 230; or	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	

	(b) the variation or withdrawal of an undertaking under section 230.		
Section 230(14) <i>The Commission as a designated entity</i>	(b) The power to grant an authorisation to a council to act as a designated entity under section 230; (c) The function of consulting with the Commissioner for Consumer Affairs regarding acting as a designated entity under section 230.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
Section 230(15) <i>The Commission as a designated entity</i>	(a) The power to grant an authorisation to a council under section 230(14) subject to conditions determined by the delegate; and (b) The power to determine and subsequently vary or revoke an authorisation granted to a council under section 230(14).	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
PART 19	Regulation of advertisements		
Section 231	Advertisements		
Section 231(1)	The power to serve a notice requiring the person to remove or obliterate the advertisement or to remove the advertising hoarding (or both) within a period specified in the notice.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. 	
Section 231(3)(a)	The power to enter on the land and take the necessary steps to carry out the requirements of	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment 	

	the notice and recover the costs of so doing, as a debt.	<ul style="list-style-type: none"> • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. 	
Section 231(3)(a)	The power to recover the costs of taking the necessary steps to carry out the requirements of the notice	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. 	
Part 20	Miscellaneous		
Section 238	Copyright issues		
Section 238(2) <i>The Commission as a designated entity</i>	The power to publish any document, instrument, or material in which copyright may exist.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher • ASO3 and higher 	
Section 238(3) <i>The Commission as a designated entity</i>	The power to determine whether to refuse to accept any document, instrument or material unless or until there is an agreement relating to copyright in place.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	
Section 238(4) <i>The Commission as a designated entity</i>	The power to determine whether to not accept any document, instrument or material in which copyright may exist if the delegate considers the issue of copyright has not been dealt with appropriately or adequately.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	

Section 239	Charges on land The power to deliver a notice in writing to the Registrar-General to enter a note of the charge against the relevant title or land.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. 	
Section 243	Compulsory acquisition of land		
Section 243(2) <i>As per s22(1)(b)</i>	The power to advise the Minister with respect to the compulsory acquisition of land under section 243(1).	<ul style="list-style-type: none"> • Executive Director, PLUS 	
Schedule 6	Repeal and certain amendments		
Part 3	<i>Amendment of Character Preservation (Barossa Valley) Act 2012</i>		
Clause 3	Re: Amendment of section 3 – Interpretation		
Clause 3(3)	Section 3: Interpretation The function of being a relevant authority for the purposes of the <i>Character Preservation (Barossa Valley) Act 2012</i> .	State Commission Assessment Panel	
Clause 3(3) <i>Where the Commission is a relevant authority for the purposes of the Character Preservation</i>	Section 8(5) of the <i>Character Preservation (Barossa Valley) Act 2012</i> : Limitations on land division in district. The power to determine whether to refuse to grant development authorisation in relation to a proposed development to which Section 8(5) of	State Commission Assessment Panel	

<i>(Barossa Valley) Act 2012</i>	the <i>Character Preservation (Barossa Valley) Act 2012</i> applies.		
Clause 3(3) <i>Where the Commission is a relevant authority for the purposes of the Character Preservation (Barossa Valley) Act 2012</i>	Section 8(6) of the <i>Character Preservation (Barossa Valley) Act 2012</i> : Limitations on land division in district. The function of notifying the applicant that the relevant authority has determined an application in respect of a development authorisation on the basis of section 8(5).	State Commission Assessment Panel	
Clause 7	Re: Amendment of section 8—Limitations on land division in district		
Clause 7(2)	Section 8(2) of the <i>Character Preservation (Barossa Valley) Act 2012</i> : Limitations on land division in district. The power to determine whether to concur in the granting of authorisation to a development to which this section applies.	State Commission Assessment Panel	
Clause 7(2) <i>Where the Commission is the relevant authority for the purposes of the Character Preservation (Barossa Valley) Act 2012</i>	Section 8(3) of the <i>Character Preservation (Barossa Valley) Act 2012</i> : Limitations on land division in district. The function of seeking the concurrence of the council for the area where the proposed development is situated in the granting of authorisation.	State Commission Assessment Panel	

Part 4	<i>Amendment of Character Preservation (McLaren Vale) Act 2012</i>		
Clause 10	Amendment of section 3 – Interpretation		
Clause 10(3)	Section 3(1): Interpretation The function of being a relevant authority for the purposes of the <i>Character Preservation (McLaren Vale) Act 2012</i> .	State Commission Assessment Panel	
Clause 10(3) <i>Where the Commission is a relevant authority for the purposes of the Character Preservation (McLaren Vale) Act 2012</i>	Section 8(5) of the <i>Character Preservation (Barossa Valley) Act 2012</i> : Limitations on land division in district. The power to determine whether to refuse to grant development authorisation in relation to a proposed development to which Section 8(5) of the <i>Character Preservation (McLaren Vale) Act 2012</i> applies.	State Commission Assessment Panel	
Clause 10(3) <i>Where the Commission is a relevant authority for the purposes of the Character Preservation (McLaren Vale) Act 2012</i>	Section 8(6) of the <i>Character Preservation (McLaren Vale) Act 2012</i> : Limitations on land division in district. The function of notifying the applicant the relevant authority has determined an application in respect of a development authorisation on the basis of section 8(5).	State Commission Assessment Panel	
Clause 14	Amendment of section 8—Limitations on land division in district		

Clause 14(2)	Section 8(2) of the <i>Character Preservation (McLaren Vale) Act 2012</i> : Limitations on land division in district: The power to determine whether to concur in the granting of authorisation to a development to which this section applies.	State Commission Assessment Panel	
Clause 14(2)	Section 8(3) of the <i>Character Preservation (McLaren Vale) Act 2012</i> : Limitations on land division in district: The function of seeking the concurrence of the council for the area where the proposed development is situated in the granting of authorisation.	State Commission Assessment Panel	
Part 7	<i>Amendment of Local Government Act 1999</i>		
Clause 21	Amendment of section 221 – Alteration of road		
Clause 21(2) <i>The Commission as relevant authority</i>	Section 221(7)(b) of the <i>Local Government Act 1999</i> : Alteration of road: The function of consulting with the council before granting an approval under section 221(3)(b).	State Commission Assessment Panel	
Clause 22	Amendment of section 222 – permits for business purposes		
<i>The Commission as relevant authority</i>	Section 222(6b)(b) of the <i>Local Government Act 1999</i> : Permits for business purposes:	State Commission Assessment Panel	

	The function of consulting with the council before granting an approval under section 222(6a).		
Part 9	<i>Amendment of Urban Renewal Act 1995</i>		
Schedule 8	Transitional Provisions		
Division 1	Commission		
Clause 6	Commission authorised to assume functions under the repealed Act		
Clause 6(1) and clause 6(7)(a) <i>Where the Commission assumes the role of the Development Assessment Commission</i>	The functions, powers and duties of the designated entities (as defined in clause 6(7)) under the repealed Act	State Commission Assessment Panel	
Clause 6(1) and clause 6(7)(b) <i>Where the Commission assumes the role of the Building Rules Assessment Commission</i>	The functions, powers and duties of the designated entity (as defined in clause 6(7)) under the repealed Act	Building Technical Panel	

<p>Clause 6(1) and clause 6(7)(c)</p> <p><i>Where the Commission assumes the role of the Development Policy Advisory Committee</i></p>	<p>The functions, powers and duties of the designated entities (as defined in clause 6(7)) under the repealed Act</p>	<ul style="list-style-type: none"> Executive Director, PLUS 	
<p>Part 6</p>	<p>Existing applications</p>		
<p>Clause 18(2)</p> <p><i>Where the Commission is the relevant authority</i></p>	<p><i>The power to:</i></p> <ul style="list-style-type: none"> <i>(a) adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which that subclause applies; and</i> <i>(b) adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which that subclause applies; and</i> <i>(c) deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and</i> <i>(d) deal with any requirement or grant any variation imposed or proposed in connection with an application to which that subclause applies; and</i> <i>(e) 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</i> 	<p>State Commission Assessment Panel</p>	

	<i>functions, powers or duties under this clause.</i>		
Part 7	Development Plans relevant to assessments under this Act		
Clause 25	Non-complying development		
Clause 25(6)	<p><i>The power to:</i></p> <ul style="list-style-type: none"> <i>(a) adopt any findings or determinations of an assessment panel that may be relevant to an application to which that subclause applies; and</i> <i>(b) adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which that subclause applies; and</i> <i>(c) deal with any matter that is subject to a reserved decision before the designated day; and</i> <i>(d) deal with any requirement or grant any variation imposed or proposed in connection with an application to which that subclause applies; and</i> <i>(e) 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 this clause.</i> 	State Commission Assessment Panel	

<i>Planning Development and Infrastructure (General) Regulations 2017</i>			
Part 2	Administration and structural matters		
Regulation 11	Compliance with code of conduct – assessment panels		
Regulation 11(2)	The function of receiving complaints in relation to contraventions of the code of conduct by a member of an assessment panel.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • Director, Business Services, PLUS • ASO4 and PO3 and higher within the Business Services directorate in PLUS. 	
Regulation 11(4)	The function of determining whether to provide approval to a person for a complaint to be lodged outside the prescribed period.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • Director, Business Services, PLUS • ASO7 and PO4 and higher within the Governance and Legislation business unit in the Business Services directorate in PLUS. 	

<p>Regulation 11(5)</p>	<p>The power to require the complainant to give further particulars of the complaint.</p> <p><u>And</u></p> <p>The power to require verification of the complaint by statutory declaration.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • Director, Business Services, PLUS • ASO7 and PO4 and higher within the Business Services directorate in PLUS. 	
<p>Regulation 11(6)</p>	<p>The power to determine whether to refuse to entertain a complaint or refuse to continue to entertain a complaint.</p>	<p>Chair, State Planning Commission</p>	
<p>Regulation 11(7)</p>	<p>The power to refer the matter to the member of the assessment panel to whom the complaint relates for a response.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • Director, Business Services, PLUS • ASO7 and PO4 and higher within the Governance and Legislation business unit within the Business Services directorate in PLUS. 	
<p>Regulation 11(8)</p>	<p>The power to take such further action as the delegate or Commission thinks fit.</p>	<p>Chair, State Planning Commission</p>	
<p>Regulation 11(9)</p>	<p>The power to appoint a person to investigate a complaint.</p>	<p>Chair, State Planning Commission</p>	

Regulation 11(10)(a)	The function of informing the member of the assessment panel to whom the complaint relates of the appointment of an investigator and of furnishing formal notification of the nature of the complaint.	Chair, State Planning Commission	
Regulation 11(11)	The function of being consulted with by the investigator in relation to a complaint investigation.	Chair, State Planning Commission	
Regulation 11(12)	The function of receiving and considering reports from the investigator.	Chair, State Planning Commission	
Regulation 11(13)	The function of providing the person to whom the complaint relates with a copy of a report presented under reg 11(12)(b). <u>And</u> The power to invite a response from the person.	Chair, State Planning Commission	
Regulation 11(15)	The function of informing the complainant of the outcome of a complaint under reg 11(14).	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • Director, Business Services, PLUS • ASO7 and PO4 and higher within the Governance and Legislation business unit in the 	

		Business Services directorate in PLUS.	
Regulation 11(16)(a)	The power to consult with or provide a report to the Minister about a complaint that has been made under this regulation.	Chair, State Planning Commission	
Regulation 11(16)(b)	The power to consult with or provide a report to a joint planning board or council (in the case of a complaint that related to a member of an assessment panel appointed by a joined planning board or a council), about a complaint that has been made under this regulation.	Chair, State Planning Commission	
PART 4	Building Envelope Plans		
Regulation 19A(1)	The power of a designated authority to, on application, approve a building envelope plan prepared in accordance with a Practice Direction issued for the purpose of this Regulation.	State Commission Assessment Panel	
Regulation 19A(2)	The power of a designated authority to, on application, vary a building envelope plan.	State Commission Assessment Panel	
PART 5	Relevant authorities and accredited professionals		
Regulation 23	State Planning Commission (section 94)		

<p>Regulation 23(2)(a)(i) <i>Commission as a relevant authority under s94(1) of the Act</i></p>	<p>Where the Minister has acted under s94(1)(h) of the Act: The function of receiving any application received by the relevant authority and of determining and indicating whether the entity may retain some or all of the fees.</p>	<p>State Commission Assessment Panel</p>	
<p>Regulation 23(2)(a)(ii) <i>Commission as a relevant authority under s94(1) of the Act</i></p>	<p>Where the Minister has acted under s94(1)(h) of the Act: (A) The power to adopt any act or decision in relation to the assessment of the application that has already been made by a relevant authority; and (B) The power to disregard reject any act or decision of a relevant authority that has already been made in relation to the assessment of the application.</p>	<p>State Commission Assessment Panel</p>	
<p>Regulation 23(2)(b) <i>Commission as a relevant authority under s94(1) of the Act</i></p>	<p>Where the Minister has acted under s94(1)(h) of the Act: The function of receiving a report from the Chief Executive Officer of the council for the area in which the development is to be undertaken, and to determine whether to allow for a longer period for the report to be provided.</p>	<p>State Commission Assessment Panel</p>	

Regulation 23(3)(a)	The power to determine and specify a matter specified for the purposes of a report under reg 23(2)(b).	State Commission Assessment Panel	
Regulation 26	Requirement to obtain advice of an accredited professional		
Regulation 26(1)	The function of seeking and considering the advice of an accredited professional who would be qualified to give building consent in relation to the building work if the accredited professional were acting as a relevant authority in the particular case.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
PART 7	Assessment – process and assessment facilitation		
Division 1	Applications		
Regulation 29	Application to relevant authority		
Regulation 29(4) <i>Commission as a relevant authority</i>	The function of lodging an application on the SA planning portal within 5 business days after receipt.	State Commission Assessment Panel	
Regulation 31	Verification of application		

<p>Regulation 31(1)(a)</p> <p><i>Commission as a relevant authority</i></p>	<p>The function of determining the nature of the development.</p>	<p>State Commission Assessment Panel</p>	
<p>Regulation 31(1)(b)</p> <p><i>Commission as a relevant authority</i></p>	<p>If an application is for planning consent, the function of determining whether the development involves 2 or more elements, of identifying each of those elements for the purposes of assessment against the provisions of the Planning and Design Code, and of determining the category or categories of development that apply for the purposes of development assessment.</p>	<p>State Commission Assessment Panel</p>	
<p>Regulation 31(1)(c)</p> <p><i>Commission as a relevant authority</i></p>	<p>The function of determining whether the relevant authority is the correct entity to assess the application under the Act.</p>	<p>State Commission Assessment Panel</p>	
<p>Regulation 31(1)(d)</p> <p><i>Commission as a relevant authority and it is the correct entity to assess any part of the application</i></p>	<p>The function of:</p> <ul style="list-style-type: none"> (i) checking that the appropriate documents and information have been lodged with the application; and (ii) confirming the fees required to be paid at that point under the <i>Planning, Development and Infrastructure (Fees, Charges and</i> 	<p>State Commission Assessment Panel</p>	

	<p><i>Contributions) Regulations 2019; and</i></p> <p>(iii) providing an appropriate notice via the SA planning portal.</p>		
<p>Regulation 31(1)(e)</p> <p><i>Commission as a relevant authority but it is <u>not</u> the correct entity to assess any part of the application</i></p> <p><i>Section 42</i></p>	<p>The function of:</p> <p>(i) providing 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 it considers to be the correct relevant authority in accordance with any practice direction; and</p> <p>(ii) providing an appropriate notice via the SA planning portal.</p>	<p>State Commission Assessment Panel</p>	
<p>Regulation 32</p> <p><i>Commission as a relevant authority</i></p>	<p>Application for accepted development</p> <p>The function of advising the applicant of its determination with regard to whether the development falls within the category of accepted development.</p>	<p>State Commission Assessment Panel</p>	
<p>Regulation 34</p>	<p>Period for additional information and other matters</p>		

Regulation 34(1) <i>Commission as a relevant authority</i>	The power to determine whether to allow for a longer period for the applicant to comply with.	State Commission Assessment Panel	
Regulation 35	Amended applications		
Regulation 35(3) <i>Commission as a relevant authority</i>	The power 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.	State Commission Assessment Panel	
Regulation 35(4) <i>Commission as a relevant authority</i>	Where a variation would change the essential nature of a proposed development: The power to enter into an agreement 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 these regulations.	State Commission Assessment Panel	
Regulation 38	Withdrawing/lapsing applications		
Regulation 38(1) <i>Commission as a relevant authority</i>	The function of notifying the following of the withdrawal: (a) Any agency to which the application has been referred under Division 2; and	State Commission Assessment Panel	

	(b) Any person who has made a representation in relation to the application under Division 3.		
Regulation 38(2) <i>Commission as a relevant authority</i>	The power to determine whether an application should be lapsed for a development authorisation under Part 7 of the Act if at least 1 year has passed since the date on which the application was lodged with the relevant authority under the Act.	State Commission Assessment Panel	
Regulation 38(3) <i>Commission as a relevant authority</i>	The function of (before taking action to lapse an application under reg 38(2)) – (a) taking reasonable steps to notify the applicant of the action under consideration; and (b) allowing the applicant a reasonable opportunity to make submissions to the relevant authority (in a manner and form determined by the relevant authority) about the proposed course of action.	State Commission Assessment Panel	
Regulation 38(3)(b) <i>Commission as a relevant authority</i>	The power to determine the manner and form in which submissions can be received by the relevant authority or its delegate.	State Commission Assessment Panel	
Regulation 40	Court proceedings The power to determine whether decline to deal with an application until	State Commission Assessment Panel	

<i>Commission as a relevant authority</i>	any proceedings under the Act have been concluded, and to notify the applicant of the decision made in writing.		
Division 2	Referrals		
Regulation 42	Additional information or amended plans		
Regulation 42(1) <i>Commission as a relevant authority</i>	The power to repeat the referral process in accordance with this subsection.	State Commission Assessment Panel	
Regulation 45	Building matters		
Regulation 45(4) <i>Where the Commission is <u>not</u> the relevant authority</i>	The function of considering an application for building consent referred to the Commission and the power to determine whether to concur in the grant of consent by a relevant authority.	Building Technical Panel	
Regulation 45(4)(e) <i>Commission as a relevant authority</i>	The function of referring the application to the Commission.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate.(Building Policy and 	

		Programs, Land and Built Environment)	
Regulation 45(5) <i>Where the Commission is <u>not</u> the relevant authority</i>	The function of receiving a copy of any report received from a fire authority that relates to an application that is referred to the Commission under the Act.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate.(Building Policy and Programs, Land and Built Environment) 	
Regulation 45(5) <i>Commission as a relevant authority</i>	The function of providing to the Commission a copy of any report received from a fire authority that relates to an application that is referred to the Commission under the Act.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
Regulation 45(6)	The power to determine whether to concur in the granting of consent in relation to building work comprising or including the construction or installation of a private bushfire shelter.	Building Technical Panel	
Regulation 46	Preliminary advice and agreement (section 123)		
Regulation 46(6)(b)	The power to determine whether the application no longer accords with the	State Commission Assessment Panel	

<i>Commission as a relevant authority</i>	agreement indicated by the prescribed body.		
Regulation 46(7) <i>Commission as a relevant authority</i>	The function of notifying the relevant prescribed body of the withdrawal.	State Commission Assessment Panel	
Regulation 46(8) <i>Commission as a relevant authority</i>	The function of notifying the relevant prescribed body of the lapsing.	State Commission Assessment Panel	
Regulation 46(9) <i>Commission as a relevant authority</i>	The function of providing a copy of the notice to the prescribed body.	State Commission Assessment Panel	
Division 3	Notice requirements and consultation		
Regulation 47	Performance assessed development and restricted development		
Regulation 47(2)(a)	The power to determine the prescribed form for the purposes of this regulation.	State Commission Assessment Panel	
Regulation 48 <i>Commission as a relevant authority</i>	Notification of application of tree-damaging activity to owner of land The function of giving the owner notice of the application.	State Commission Assessment Panel	

Regulation 49	Public inspection of applications		
Regulation 49(1) <i>Commission as a relevant authority</i>	The function of ensuring that copies of the application and supporting plans, drawings, specifications and other documents or information provided to the relevant authority under section 119 of the Act, are reasonably available for inspection (without charge) by the public at the principal office of the relevant authority.	State Commission Assessment Panel	
Regulation 49(2) <i>Commission as a relevant authority</i>	The function of providing to a member of the public a copy of any document or information available under reg 49(1).	State Commission Assessment Panel	
Regulation 49(3) <i>Commission as a relevant authority</i>	The power to request a person making a request under reg 49(2), to verify information provided as the relevant authority or its delegate thinks fit.	State Commission Assessment Panel	
Regulation 49(4) <i>Commission as a relevant authority</i>	The function of ensuring that any document or information required to be available under reg 49(1) is also available on the SA Planning portal.	State Commission Assessment Panel	
Regulation 50	Representations		
Regulation 50(5) <i>Commission as a relevant authority</i>	The power to allow a person who has made a representation under reg 50(1) in relation to development being assessed under section 107 of the Act,	State Commission Assessment Panel	

	and who has indicated an interest in appearing before the relevant authority, an opportunity to appear personally or by representative before the relevant authority to be heard in support of the representation that has been made under reg 50(1).		
Regulation 50(6) <i>Commission as a relevant authority</i>	The duty of giving the applicant notice of the place and time where the person has been invited to appear under that subregulation and, if the applicant appears personally or by representative, allowing the applicant a reasonable opportunity, on request, to respond to any relevant matter.	State Commission Assessment Panel	
Regulation 51	Response by applicant		
Regulation 51(1) <i>Commission as a relevant authority</i>	The power to determine whether to allow a longer period within which an applicant may submit a response.	State Commission Assessment Panel	
Regulation 52	Notice of hearing of submissions Where a person is to be allowed to appear before the Commission pursuant to section 110(2)(c)(ii) of the Act: The function of giving the person at least 5 business days' notice of the place and time at which the person should appear.	State Commission Assessment Panel	

Division 4	Determination of application		
Regulation 53	Time within which decision must be made (section 125(1))		
Regulation 53(7) <i>Commission as a relevant authority</i>	The power to give final development approval.	State Commission Assessment Panel	
Regulation 54	Deemed consent notice (section 125(2))		
Regulation 54(1)	The function of determining the prescribed form for a deemed consent notice, and of publishing the form on the SA Planning Portal.	State Commission Assessment Panel	
Regulation 55	Notice of decision – accredited professionals (section 89)		
Regulation 55(2)(a)	In relation to a proposed development that is to be undertaken in a part of the State that is not (wholly or in part) within the area of a council: The function of being a prescribed body for the purposes of section 89(a) of the Act and therefore of being notified by an accredited professional pursuant to section 89.	State Commission Assessment Panel	
Regulation 56	Issue of building consent by other bodies	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment 	

	<p>The duty of providing the council for the area in which the development is to be undertaken (if any) with –</p> <p>(a) a copy of the plans, drawings, specifications and other documents and information lodged by the applicant, endorsed with the relevant consent; and</p> <p>(b) if relevant, a schedule of essential safety provisions in the appropriate form which sets out the matters to be specified under these regulations.</p>	<ul style="list-style-type: none"> • Director, Land and Built Environment • PO2 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
Regulation 57	Notice of decision (section 126(1))		
<p>Regulation 57(2)</p> <p><i>Commission as a relevant authority</i></p>	<p>The power to determine the appropriate form for notice to be given under this regulation.</p>	<p>State Commission Assessment Panel</p>	
<p>Regulation 57(4)</p> <p><i>Commission as a relevant authority</i></p>	<p>The function of endorsing a set of any approved plans and other relevant documentation with an appropriate form of authentication, and the function of ensuring that the notice provided by the SA Planning Portal under reg 57(2) includes the endorsed set of approved plans and other relevant documentation.</p>	<p>State Commission Assessment Panel</p>	

<p>Regulation 57(5)</p> <p><i>Commission as a relevant authority</i></p>	<p>The function of, in acting under reg 57(4), providing the successful applicant with a copy of the plans, drawings, specifications and other documents and information lodged by the applicant in accordance with the requirements of these regulations (endorsed as required by reg 57(4)).</p>	<p>State Commission Assessment Panel</p>	
<p>Regulation 57(7)</p> <p><i>Commission as a relevant authority</i></p>	<p>The power to specify any additional stage of building work for which notice must be given to the council under reg 93.</p>	<p>State Commission Assessment Panel</p>	
<p>Regulation 57(9)</p> <p><i>Commission as a relevant authority</i></p>	<p>Where the relevant authority issued a notice under reg 57(1):</p> <p>The duty of providing the notice:</p> <ul style="list-style-type: none"> (a) to any other relevant authority— <ul style="list-style-type: none"> (i) that has already given another development authorisation that relates to the same development; or (ii) that is considering an application for another development authorisation that relates to the same development; and (b) if the application was referred to a prescribed body under section 	<p>State Commission Assessment Panel</p>	

	122 of the Act—to the prescribed body; and (c) if an owner of the land to which the application related was not a party to the application—to that owner.		
Division 5	Conditions		
Regulation 58 <i>Commission as a relevant authority</i>	Notice of conditions The function of identifying the prescribed body.	State Commission Assessment Panel	
Division 6	Other matters		
Regulation 61	Certificate of independent technical expert in certain cases		
Regulation 61(4)(c) <i>Commission as a relevant authority</i>	The power to determine whether (on the basis of advice received from the accreditation authority under the <i>Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019</i>) a relevant professional association, or another relevant registration or accreditation authority, qualify the person to act as a technical expert under this regulation.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO4 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
Regulation 62	Requirement to upgrade building in certain cases		

<p>Regulation 62(3) <i>Commission as a relevant authority</i></p>	<p>The power to require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of the Building Code for bushfire protection.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO4 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate 	
<p>Regulation 63</p>	<p>Urgent work</p>		
<p>Regulation 63(1) <i>Commission as a relevant authority</i></p>	<p>(a) the power to determine and to specify a telephone number to which relevant notification must be given. (b) The power to determine and to specify an email address to which relevant notification must be given.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO4 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. PO4 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
<p>Regulation 63(2) <i>Commission as a relevant authority</i></p>	<p>The power to determine and allow a longer period for the commencement of relevant work.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO4 and higher within the 	

		Building Policy and Programs business unit in the Land and Built Environment directorate.	
Regulation 63(3) <i>Commission as a relevant authority</i>	The power to determine and allow a longer period for the performance of the relevant tree-damaging activity.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO4 and higher within the State Assessment directorate. • PO4 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
Regulation 65	Variation of authorisation (section 128)		
Regulation 65(1)(a) <i>Commission as a relevant authority</i>	The power to determine whether to approve a minor variation.	State Commission Assessment Panel	
Part 8	Impact Assessed Development		
Regulation 68	Procedural matters (section 111(2))		
Regulation 68(1) <i>Commission as a relevant authority</i>	The function of ensuring that all relevant documentation is available to the Minister via the SA planning portal.	State Commission Assessment Panel	

Regulation 68(2) <i>Commission as a relevant authority</i>	The function of transmitting to the Minister any fees that have been paid by the proponent under the <i>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</i> (less any amount that the Minister determines should be retained by the relevant authority).	State Commission Assessment Panel	
Regulation 70	Level of detail – EIS (section 112(c)) The function of : (a) by written notice, providing an invitation to the proponent to express any view on the level of detail required in the EIS; and (b) determining the manner in which a proponent may respond to the invitation in (a).	State Commission Assessment Panel	
Regulation 73	Notification of decision		
Regulation 73(3)(b)	The power to determine the manner to give notification of a decision in relation to impact assessed development.	State Commission Assessment Panel	
Part 9	Special provisions relating to land division		
Division 2	Advice from Commission		
Regulation 76	Advice from Commission		

<p>Regulation 76(2) <i>Where the Commission is <u>not</u> the relevant authority</i></p>	<p>The power to determine whether to give notice of a longer period to the relevant authority.</p>	<p>State Commission Assessment Panel</p>	
<p>Regulation 76(3)(b)</p>	<p>The power to determine the manner in which a notice under Regulation 76(2) may be given.</p>	<p>State Commission Assessment Panel</p>	
<p>Regulation 76(4)</p>	<p>The power to, in relation to an application which relates to a proposed development that involves the division of land, consult with any other agency. <u>And</u> The power to determine whether to impose a time limit of 20 business days for a response from that agency.</p>	<p>State Commission Assessment Panel</p>	
<p>Regulation 78</p>	<p>Underground mains areas</p>		
<p>Regulation 78(1) <i>Where the Commission is deemed as a council as per reg 75 in this Part</i></p>	<p>The power to consider whether an area should be declared an underground mains area and to seek a report from the relevant electricity authority in relation to the matter.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. 	
<p>Regulation 78(2)</p>	<p>The power to, after having received and considered a report from the electricity authority, declare the area to be an underground mains area.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	

<p><i>Where the Commission is deemed as council as per reg 75 in this Part</i></p>		<ul style="list-style-type: none"> • MAS3 and higher within the State Assessment directorate. 	
<p>Regulation 78(3) <i>Commission as a relevant authority</i></p>	<p>The power to require, as a condition on the relevant authority or it's delegate's decision on the application, that any electricity mains be placed underground.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. 	
<p>Division 6</p>	<p>Prescribed requirements – general land division</p>		
<p>Regulation 81</p>	<p>Width of roads and thoroughfares</p>		
<p>Regulation 81(4) <i>Where the Commission is deemed as a council as per reg 75 in this Part</i></p>	<p>The power to dispense with a width prescribed by Regulation 81(1) or (3) (and specify a different width) if the width so prescribed is not necessary for the safe and convenient movement of vehicles or pedestrians, or for underground services.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. 	
<p>Regulation 81(6) <i>Where the Commission is deemed as council as per reg 75 in this Part</i></p>	<p>The power to dispense with a requirement under Regulation 81(5) if it appears that the cul-de-sac is likely to become a through road.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. 	
<p>Regulation 82</p>	<p>Road Widening</p>		

<p>Regulation 82(1) <i>Where the Commission is deemed as council as per reg 75 in this Part</i></p>	<p>The power to determine whether the road should be widened in order to provide a road of adequate width having regard to existing and future requirements of the area, the proposed division of land must make provision for that widening.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. 	
<p>Regulation 83</p>	<p>Requirement as to forming of roads</p>		
<p>Regulation 83(1) <i>Where the Commission is deemed as council as per reg 75 in this Part</i></p>	<p>The power to determine and specify a width for the roadway of every proposed road on a plan of division.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. 	
<p>Regulation 83(4) <i>Where the Commission is deemed as council as per reg 75 in this Part</i></p>	<p>The power to dispense with the requirements under Regulation 83(3) if the cul-de-sac is likely to become a through road.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. 	
<p>Regulation 83(5) <i>Where the Commission is deemed as council as per reg 75 in this Part</i></p>	<p>The power to determine the satisfactory form of every footpath, water table, kerbing, culvert and drain of every proposed road.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. 	

Regulation 83(6) <i>Where the Commission is deemed as council as per reg 75 in this Part</i>	The power to determine whether to dispense with a requirement under Regulation 83(5).	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. 	
Regulation 84	Construction of roads, bridges, drains and services		
Regulation 84(1) <i>Where the Commission is deemed as council as per reg 75 in this Part</i>	The power to require a roadway to be paved and sealed with bitumen, tar or asphalt or an other material approved by the Commission or its delegate.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. 	
Regulation 84(3) <i>Where the Commission is deemed as council as per reg 75 in this Part</i>	The power to require any footpath, water-table, kerbing, culvert or drain of a proposed road to be constructed.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. 	
Regulation 85	Supplementary provisions		
Regulation 85(1) <i>Where the Commission is deemed as council as per reg 75 in this Part</i>	The power to approve a road location and grading plan.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. 	

<p>Regulation 85(2)</p> <p><i>Where the Commission is deemed as council as per reg 75 in this Part</i></p>	<p>The power to determine whether works referred to in regulations 83 and 84 have been carried out in a satisfactory manner.</p> <p><u>And</u></p> <p>The power to direct the works to be carried out in conformity with a licensed surveyor.</p> <p><u>And</u></p> <p>The power to approve the work referred to in regulations 83 and 84.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. 	
<p>Regulation 85(4)</p> <p><i>Where the Commission is deemed as council as per reg 75 in this Part</i></p>	<p>The power to determine whether to be satisfied that all connections for water supply and sewerage services to any allotment delineated on the plan which, in the opinion of the Chief Executive of the South Australian Water Corporation are necessary and need to be laid under the surface of the proposed road, have been made.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • MAS3 and higher within the State Assessment directorate. 	
<p>Division 7</p>	<p>Certificate in respect of division of land</p>		
<p>Regulation 87</p>	<p>General Land Division</p>		
<p>Regulation 87(1)</p> <p><i>Where the Commission is <u>not</u> a council as per R75 in this Part</i></p>	<p>In accordance with s138(1) of the Act, the power to issue a certificate under that section notwithstanding that the requirements under Division 6 have not been fully satisfied if the council</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	

	<p>advises the Commission of the matters in this subregulation.</p>	<ul style="list-style-type: none"> • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 87(1) <i>Where the Commission is deemed as council as per reg 75 in this Part</i></p>	<p>The power to advise the Commission:</p> <p>(a) that the applicant has entered into a binding arrangement with the council for the satisfaction of those requirements (other than a requirement under regulation 84(5)) and that the arrangement is supported by adequate security; and</p> <p>(b) in a case where a requirement under regulation 84(5) has not been fully satisfied—that the applicant has entered into a binding arrangement with the appropriate electricity authority for the satisfaction of the requirement and that the arrangement is supported by adequate security.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. 	
<p>Regulation 87(2)</p>	<p>In accordance with section 138(1) of the Act, the power to determine whether to issue a certificate under that section notwithstanding that the requirements of the relevant responsible Minister relating to the provision of water supply and sewerage services have not been fully</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • ASO4 and higher within the 	

	satisfied if that Minister advises the Commission that the applicant has entered into a binding arrangement with the Minister for the satisfaction of those requirements and that the arrangement is supported by adequate security.	Land Tenure business unit in the Land and Build Environment directorate.	
Regulation 88	Division of land by strata title		
Regulation 88(1) <i>Where the Commission is <u>not</u> a council as per R75 in this Part</i>	In accordance with s138(1) of the Act, the power to issue a certificate under that section in relation to the division of land by strata plan under the <i>Community Titles Act 1996</i> or the <i>Strata Titles Act 1988</i> notwithstanding that the requirements of section 102(1)(d) of the Act have not been fully satisfied if the council advises the Commission that the applicant has entered into a binding arrangement with the council for the satisfaction of those requirements and that the arrangement is supported by adequate security.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • ASO4 and higher within the Land Tenure business unit in the Land and Build Environment directorate. 	
Regulation 88(1) <i>Where the Commission is deemed as council as per reg 75 in this Part</i>	The power to advise the Commission that the applicant has entered into a binding arrangement with the council for the satisfaction of those requirements and that the arrangement is supported by adequate security.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. 	

Regulation 89	General Provisions		
Regulation 89(3)(a)(i)	The power to determine whether to approve a certification for the purposes of this subparagraph.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • ASO4 and higher within the Land Tenure business unit in the Land and Build Environment directorate. 	
Regulation 89(3)(b) <i>Where the Commission is deemed as council as per reg 75 in this Part</i>	The function of providing a certificate.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • ASO4 and higher within the Land Tenure business unit in the Land and Build Environment directorate. 	
Regulation 89(6) <i>Where the Commission is deemed as council as per reg 75 in this Part</i>	The function of being furnished with a copy of the certificate and plan referred to in reg 89(3) – (a) via electronic access on the SA planning portal; and (b) by requesting that the certificate and plan be provided via written copy to the council.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • ASO4 and higher within the Land Tenure business unit in the Land and Build Environment directorate. 	
Regulation 89(6)(b) <i>Where the Commission is <u>not</u> a council as per reg 75 in this Part</i>	The power to determine the manner in which a copy of the certificate and plan	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	

	referred to in Regulation 89(3) must be furnished to the relevant council.	<ul style="list-style-type: none"> ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Regulation 89(6)(b) <i>Where the Commission is deemed as council as per reg 75 in this Part</i>	The power to request a written copy of the certificate/s and plan/s referred to in reg 89(3).	<ul style="list-style-type: none"> Executive Director, PLUS Director, State Assessment Director, Land and Built Environment PO1 and higher within the State Assessment directorate. 	
Regulation 89(7)	The power to determine whether to extend the expiration date of a certificate in response to an application made prior to the lapse of the certificate.	<ul style="list-style-type: none"> Executive Director, PLUS Director, State Assessment Director, Land and Built Environment ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Regulation 89(8) <i>Where the Commission is <u>not</u> a council as per reg 75 in this Part</i>	The function of consulting with the relevant council before granting an extension period under reg 89(7).	<ul style="list-style-type: none"> Executive Director, PLUS Director, State Assessment Director, Land and Built Environment ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Regulation 89(9)	The power to consult with and determine whether to agree to a scheme with the Registrar-General in	<ul style="list-style-type: none"> Executive Director, PLUS Director, State Assessment Director, Land and Built Environment 	

	connection with the operation of this regulation.	higher within the State Assessment	
Part 10	Special provisions relating to buildings and building work		
Division 3	Safety, health and amenity		
Regulation 94	Essential safety provisions		
Regulation 94(4) <i>Commission as a relevant authority</i>	The function of issuing a schedule in the form determined by the Chief Executive for the purposes of this Regulation.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO4 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
Regulation 99	Construction Industry Training Fund		
Regulation 99(4) <i>Commission as a relevant authority</i>	The power to notify the applicant that it cannot issue a building rules consent until the relevant authority is satisfied that the levy has been paid or is not payable.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO4 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
Regulation 99(5)(b) <i>Commission as a relevant authority</i>	The power to determine whether the application has lapsed.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	

		<ul style="list-style-type: none"> • PO4 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
Regulation 103	Certificates of occupancy		
Regulation 103(6b) <i>Commission as a relevant authority</i>	<p>The function of receiving from a council:</p> <p>(a) notice of its determination to carry out an inspection of building work in accordance with reg 103(6a); and</p> <p>(b) notice of the completion of the inspection (after any building work or other action required by the inspection has been undertaken).</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO4 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
Regulation 104	Statement of Compliance		
Regulation 104(5) <i>Commission as a relevant authority</i>	<p>The power to indicate (by notice issued at the time that the relevant building consent was given) which certificates, reports or other documents need to be furnished.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO4 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
Part 11A	Essential Infrastructure		

Regulation 104A	Essential Infrastructure – alternative assessment process		
Regulation 104A(5)	<p>For the purpose of section 130(9) of the Act:</p> <p>The function of referring the application, together with a copy of any relevant information provided by the State agency, to the relevant body under Schedule 9 for comment and report within the period of 30 business days.</p>	State Commission Assessment Panel	
Part 12	Crown development		
Regulation 107	General Scheme		
Regulation 107(5)	<p>For the purpose of section 131(10) of the Act:</p> <p>The function of referring the application, together with a copy of any relevant information provided by the State agency, to the relevant body under Schedule 9 for comment and report within the period of 30 business days.</p>	State Commission Assessment Panel	
Regulation 107(6)	The power to determine the form required for a notice on the land for the purposes of section 131(13)(a) of the Act.	State Commission Assessment Panel	

	<u>And</u> The power to cause the sign to be removed at a later time.		
Regulation 107(7)	The power to require the relevant State agency to place the notice on the land under reg 107(6) on behalf of the Commission.	State Commission Assessment Panel	
Regulation 107(8)(b)	The power to determine whether it is impracticable or unnecessary to place a notice on the land under that subregulation.	State Commission Assessment Panel	
Part 13	Mining		
Regulation 109(4)	Providing a report to the Minister for the purpose of section 160(5) of the Act	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO4 and higher within the State Assessment directorate 	
Part 14	Land Management Agreements		
Regulation 111(7) <i>Commission as a relevant authority</i>	The function of providing a copy of a notice under reg 111(6) to – <ul style="list-style-type: none"> (a) any owner of the land who is not a party to the agreement; and (b) if the council for the area where the relevant land is situated is not a party to the agreement – the council. 	State Commission Assessment Panel	
Part 18	Miscellaneous		

Regulation 120	Record of applications		
<p>Regulation 120(1)</p> <p><i>Commission as a relevant authority</i></p>	<p>The function of ensuring that the following matters are recorded on the SA planning portal in respect of each application for a development authorisation under section 102 of the Act:</p> <ul style="list-style-type: none"> (a) the name and contact details of the relevant authority; (b) the name and address of the applicant (or of each applicant); (c) the date on which the application was lodged under section 119 of the Act; (d) the date on which the application was verified under regulation 31; (e) the date (or dates) on which the fees relating to the application were paid in accordance with these regulations and the <i>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</i>; (f) a description of the land which is the subject of the application; (g) a brief summary of the matters, acts or things in respect of 	<p>State Commission Assessment Panel</p>	

	<p>which any consent or approval is sought;</p> <p>(h) details of any referral or concurrence on the application;</p> <p>(i) details of any other decision made on the application by another entity exercising a power under this Act that has been notified to the relevant authority in accordance with these regulations;</p> <p>(j) any decision on the application (including the date of the decision and any conditions that are imposed);</p> <p>(k) the date of the commencement of any building work, and the date of the completion of any building work, as notified under regulation 93;</p> <p>(l) if any decision on the application is the subject of an appeal, the result of the appeal.</p>		
<p>Regulation 120(4)(a) <i>Commission as a relevant authority</i></p>	<p>The power to form the opinion whether including a document on the SA Planning portal would unreasonably jeopardise the present or future security of a building.</p>	<p>State Commission Assessment Panel</p>	
<p>Schedule 6</p>	<p>Relevant authority - Commission</p>		

Clause 3	City of Adelaide – developments over \$10m		
Clause 3(2)(b)	The power to determine whether development is ancillary to or in association with a development the subject of an authorisation given by the Commission (or its delegate) under this clause.	State Commission Assessment Panel	
Clause 4	Inner Metropolitan Area – buildings exceeding 4 storeys		
Clause 4(2)(b)	The power to determine whether development is ancillary to or in association with a development the subject of an authorisation given by the Commission under this clause.	State Commission Assessment Panel	
Clause 4A	Morphettville and Camden Park – buildings exceeding 4 storeys		
Clause 4A(2)(b)	The power to determine whether development is ancillary to or in association with a development the subject of an authorisation given by the Commission under this clause.	State Commission Assessment Panel	
Clause 5	City of Port Adelaide Enfield – developments over \$3m in identified area		

Clause 5(2)(b)	The power to determine whether development is ancillary to or in association with a development the subject of an authorisation given by the Commission under this clause.	State Commission Assessment Panel	
Clause 8	City of Charles Sturt – developments over \$3m in identified area		
Clause 8(2)(b)	The power to determine whether development is ancillary to or in association with a development the subject of an authorisation given by the Commission under this clause.	State Commission Assessment Panel	
Clause 17	Variations of authorisations		
Clause 17(b)	The power to determine whether development is ancillary to or in association with a development the subject of an authorisation given by the Commission under this Schedule.	State Commission Assessment Panel	
Schedule 8	Plans		
Clause 2	Plans for residential alterations, additions and new dwellings		
Clause 2(d)(ii)	The power to determine whether the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous	State Commission Assessment Panel	

	activity on the land or in the vicinity of the land.		
Clause 4	Plans for building work		
Clause 4(3)	The power to require such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application), as is reasonable to show that the entire building will, on completion of the building work, comply with the requirements of the Act and these 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.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO4 and higher within the Building Policy and Programs business unit in the Land and Built Environment directorate. 	
<i>Planning Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</i>			
Part 3	General		
Regulation 5	Calculation or assessment of fees		
Regulation 5(1) <i>Where the Commission is an 'authority' with which an application is duly lodged under a related set of regulations</i>	The power to: (a) Require the applicant to provide such information as is reasonably required to calculate any fee payable under these	State Commission Assessment Panel	

<p><i>(including via the SA planning portal)</i></p>	<p>regulations or a related set of regulations; and (b) Make any other determination for the purposes of these regulations or a related set of regulations (even if it is not a relevant authority).</p>		
<p>Regulation 5(2) <i>Where the Commission is an 'authority' acting under (1) or a relevant authority in any event</i></p>	<p>If any information provided by an applicant is incomplete or inaccurate: The power to calculate any fee on the basis of estimates made.</p>	<p>State Commission Assessment Panel</p>	
<p>Regulation 5(3) <i>Where the Commission is an 'authority'</i></p>	<p>The power to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under these regulations or a related set of regulations.</p>	<p>State Commission Assessment Panel</p>	
<p>Regulation 7 <i>Where the Commission is an 'authority' to which a fee is payable under these regulations or a related set of regulations</i></p>	<p>Waiver or refund of fee Where a fee is payable under these regulations or a related set of delegations to the delegate: The power to waive or refund the payment of the whole or a part of the fee.</p>	<p>State Commission Assessment Panel</p>	
<p><i>Planning Development and Infrastructure (Transitional Provisions) Regulations 2017</i></p>			

Part 4	Staged commencement of development assessment under Act		
Regulation 11	Related provisions		
Regulation 11(3)(b)	The power to adopt any findings or determinations of the Minister under those subsections made before the relevant day to give effect to this subregulation.	State Commission Assessment Panel	
Regulation 11(3)	The power to adopt any findings or determinations of the Minister under those sections 46B(9) to (12), 46C(9) to (12), 46D(8) to (10) and 47(3) of the repealed Act, made before the relevant day to give effect to this subregulation.	State Commission Assessment Panel	

Development Act 1993 As per Planning Development and Infrastructure (Transitional Provisions) Regulations 2017: Part 4, Regulation 11(3)(b) On or after the relevant day:			
Section 46B	EIS process – Specific Provisions		
Section 46B(9) <i>Where the Minister is to be read as a reference to the Commission as per the (Transitional Provisions) Regulations reg 11(3)(b):</i>	The power and function of preparing an Assessment Report in accordance with the requirements of section 46B(9).	State Commission Assessment Panel	
Section 46B(10) <i>Where the Minister is to be read as a reference to the Commission as per the (Transitional Provisions) Regulations reg 11(3)(b):</i>	The power and function to: <ul style="list-style-type: none"> (a) notify a person who made a written submission under section 46B(5) of the availability of the Assessment Report in the manner prescribed by the regulations; and (b) by public advertisement, give notice of the place or places at which copies of the Assessment Report are available for inspection and purchase. 	State Commission Assessment Panel	
Section 46B(11) <i>Where the Minister is to be read as a reference to the Commission</i>	The power and function to keep available for inspection and purchase copies of the EIS, the proponent's response under section 46B(8) and the	State Commission Assessment Panel	

<p><i>as per the (Transitional Provisions) Regulations reg 11(3)(b):</i></p>	<p>Assessment Report, at a place determined by the delegate and for a period determined by the delegate.</p>		
<p>Section 46B(12) <i>Where the Minister is to be read as a reference to the Commission as per the (Transitional Provisions) Regulations reg 11(3)(b):</i></p>	<p>The power and function, if a proposed development or project to which an EIS relates will, if the development or project proceeds, be situated wholly or partly within the area of a council, to give a copy of the EIS, the proponent's response under section 46B(8) and the Assessment Report to the council.</p>	<p>State Commission Assessment Panel</p>	
<p>Section 46C</p>	<p>PER Process – Specific provisions</p>		
<p>Section 46C(9) <i>Where the Minister is to be read as a reference to the Commission as per the (Transitional Provisions) Regulations reg 11(3)(b):</i></p>	<p>The power and function of preparing an Assessment Report in accordance with the requirements of section 46C(9).</p>	<p>State Commission Assessment Panel</p>	
<p>Section 46C(10) <i>Where the Minister is to be read as a reference to the Commission as per the (Transitional Provisions) Regulations reg 11(3)(b):</i></p>	<p>The function of, by public advertisement, giving notice of the place or places at which copies of the Assessment Report are available for inspection and purchase.</p>	<p>State Commission Assessment Panel</p>	

<p>Section 46C(11)</p> <p><i>Where the Minister is to be read as a reference to the Commission as per the (Transitional Provisions) Regulations reg 11(3)(b):</i></p>	<p>The power and function to keep available for inspection and purchase copies of the PER, the proponent's response under section 46C(8) and the Assessment Report, at a place determined by the delegate and for a period determined by the delegate.</p>	<p>State Commission Assessment Panel</p>	
<p>Section 46C(12)</p> <p><i>Where the Minister is to be read as a reference to the Commission as per the (Transitional Provisions) Regulations reg 11(3)(b):</i></p>	<p>The power and function, if a proposed development or project to which an PER relates will, if the development or project proceeds, be situated wholly or partly within the area of a council, to give a copy of the PER, the proponent's response under section 46C(8) and the Assessment Report to the council.</p>	<p>State Commission Assessment Panel</p>	
<p>Section 46D</p>	<p>DR process – specific provisions</p>		
<p>Section 46D(8)</p> <p><i>Where the Minister is to be read as a reference to the Commission as per the (Transitional Provisions) Regulations reg 11(3)(b):</i></p>	<p>The power and function of preparing an Assessment Report in accordance with the requirements of section 46D(8).</p>	<p>State Commission Assessment Panel</p>	
<p>Section 46D(9)</p>	<p>The power and function to keep available for inspection and purchase copies of any response under section</p>	<p>State Commission Assessment Panel</p>	

<p><i>Where the Minister is to be read as a reference to the Commission as per the (Transitional Provisions) Regulations reg 11(3)(b):</i></p>	<p>46D(7) and the Assessment Report, at a place determined by the delegate and for a period determined by the delegate.</p>		
<p>Section 46D(10) <i>Where the Minister is to be read as a reference to the Commission as per the (Transitional Provisions) Regulations reg 11(3)(b):</i></p>	<p>The power and function, if a proposed development or project to which an DR relates will, if the development or project proceeds, be situated wholly or partly within the area of a council, to give a copy of the DR, the any response under section 46D(7) and the Assessment Report to the council.</p>	<p>State Commission Assessment Panel</p>	
<p>Section 47</p>	<p>Amendment of EIS, PER or DR</p>		
<p>Section 47(3) <i>Where the Minister is to be read as a reference to the Commission as per the (Transitional Provisions) Regulations reg 11(3)(b):</i></p>	<p>The function of, if an EIS, PER, DR, or Assessment Report is amended under section 47, by public advertisement, giving notice of the place or places at which copies of the relevant document or documents (with the amendments) are available for inspection and purchase.</p>	<p>State Commission Assessment Panel</p>	
<p>National Parks and Wildlife Act 1972</p>			
<p>Part 3 – Reserves and sanctuaries</p>			
<p>Division 5 – Control and management of reserves</p>			

Section 38	Management plans		
Section 38(2a)(a)	To receive and respond to consultation from the Minister responsible for the <i>National Parks and Wildlife Act 1972</i> regarding a plan of management.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, Growth Management 	Limited to responses addressing operational matters (including consistency with the Planning and Design Code).
<i>Non-Statutory Matters</i>			
State Planning Commission Governance Manual			
Governance Manual clause 4.4 (Agenda Reports) and 4.5 (Minutes)	To change the confidentiality treatments of the Commission's Agenda Reports, Attachments or Appendices, and authorise the publication (or not) of such documents.	Chair, State Planning Commission	

INSTRUMENT OF FURTHER DELEGATION

PLANNING DEVELOPMENT AND INFRASTRUCTURE ACT 2016

DELEGATION

1. We, the State Commission Assessment Panel (“the SCAP”), in exercise of the power of further delegation provided by the Instrument of Delegation by the State Planning Commission dated 12 July 2023, under section 30(5) of the *Planning, Development and Infrastructure Act 2016* (the Act) hereby:
 - (a) **REVOKE** all previous further delegations made under the Act and its statutory instruments;
and
 - (b) **FURTHER DELEGATE** each of the powers and functions under the section of the Acts and its statutory instruments identified in Column 1 of Schedule 1 to this instrument to the person or persons for the time being holding, acting in or assigned to the positions within the Department, as specified in the corresponding line of Column 3 of Schedule 1, subject to those conditions (if any) specified in the corresponding line of Column 4 of Schedule 1 of this instrument.

FURTHER DELEGATION

2. Under section 30(5) of the Act, any of the powers or functions hereby delegated may be further delegated by the delegate, by instrument in writing, except as expressly limited.

INTERPRETATION

3. The terms in this instrument of further delegation have the same meaning as under the Act.
4. The descriptions in Column 2 of Schedule 1 of this instrument are for administrative use only and do not form part of this delegation. All delegates exercising delegated powers or functions should refer to the statutory power or function delegated when exercising that power or function.
5. A reference to a business unit or directorate in this instrument of further delegation is a reference to the relevant named business unit or directorate within the organisational structure of the Department.
6. A reference to a position, business unit or directorate that no longer exists is a reference to the position, business unit or directorate who performs the functions previously performed by the position, business unit or directorate named in this instrument of further delegation.
7. Where more than one person is named in Column 3 of Schedule 1, each of the named persons may act severally in the exercise of delegated powers or functions.
8. A reference to:
 - (c) “PO” in this instrument will be taken to be a reference to a Professional Officer of the relevant classification in the Professional Officers Stream;
 - (d) “ASO” in this instrument will be taken to be a reference to an Administrative Services Officer of the relevant classification in the Administrative Services Stream;
 - (e) “MAS” in this instrument will be taken to be a reference to a Manager Administrative Services in the Administrative Services Stream;

as described in the relevant enterprise agreement applying from time to time to South Australian public sector employees, but as limited to a business unit or directorate of the Department, where noted in this instrument of further delegation.

9. A reference to a PO, ASO or MAS “and higher” will be taken to mean the relevant position classification referred to, and all other positions of higher classification within the Professional Officers Stream or the Administrative Services Stream.
10. A reference to a position designated as:
 - (a) “PO4” will also be deemed to be a reference to an “ASO7”;
 - (b) “PO3” will also be deemed to be a reference to an “ASO6”;
 - (c) “PO2” will also be deemed to be a reference to an “ASO5”; and
 - (d) “PO1” will also be deemed to be a reference to an “ASO4”,for the purposes of this instrument of further delegation.
11. A reference to “PLUS” is a reference to the business unit known as “Planning and Land Use Services” within the Department.

**EXECUTED FOR AND ON BEHALF OF
THE STATE COMMISSION ASSESSMENT PANEL**



Rebecca Thomas

Presiding Member, State Commission Assessment Panel

12 July 2023

SCHEDULE 1			
COLUMN 1 Power/Function	COLUMN 2 Description of power or function	COLUMN 3 Further Delegated To	COLUMN 4 Conditions and limitations on delegation (where applicable)
<i>Planning Development and Infrastructure Act 2016</i>			
Part 1	Preliminary		
Section 7	Environment and food production areas – Greater Adelaide		
Section 7(5)(a)	The power to determine whether to concur in the granting of the authorisation.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • MAS3 and higher within the State Assessment directorate. 	
Part 6	Relevant authorities		
Division 5	Determination of relevant authority		
Section 94	Relevant authority - Commission		
Section 94(3)(a)	The function of requesting the relevant authority (already acting in relation to the proposed development under another paragraph of subsection (1)) to provide a report relating to any application for	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	

	development authorisation that has been under consideration by the relevant authority.		
Section 94(3)(b) <i>Commission as relevant authority</i>	The power to determine whether to do either or both of the following: (i) adopt any assessment, finding or determination that was made by a relevant authority that has been acting in relation to the proposed development; (ii) continue to assess the proposed development from the stage reached immediately before the Minister acted under that subsection.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Part 7	Development assessment – general scheme		
Division 1	Approvals		
Section 102	Matters against which development must be assessed		
Section 102(1) <i>Commission as relevant authority</i>	The function of assessing a development against and granting or refusing consent in respect of each of the following matters (insofar as they are relevant to that development) and determining whether to grant the relevant consent.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Section 102(3)	The power to, in relation to the delegate granting planning consent, on the delegate's own initiative or on application, reserve its	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment 	

<i>Commission as relevant authority</i>	decision on a specified matter or reserve its decision to grant planning consent.	<ul style="list-style-type: none"> • PO1 and higher within the State Assessment directorate. 	
Section 102(8) <i>Commission as relevant authority</i>	The function of indicating whether a development is approved.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Division 2	Planning consent		
Subdivision 3	Code assessed development		
Section 103	The function of determining the categorisation of development for the purpose of assessment in relation to planning consent.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Section 106	Deemed-to-satisfy assessment		
Section 106(2) <i>Commission as relevant authority</i>	The function of being satisfied that a variation in relation to a deemed-to-satisfy development is minor.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Section 107	Performance assessed development		
Section 107(2) <i>Commission as relevant authority</i>	The function of determining whether a development is seriously at variance with the Planning and Design Code (disregarding minor variations).	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	

<p>Section 107(3) <i>Commission as relevant authority</i></p>	<p>The functions of giving notice of the application for planning consent and forwarding to the applicant a copy of the representations.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. • ASO3 and higher within the State Assessment directorate. 	
<p>Subdivision 4</p>	<p>Impact assessed development</p>		
<p>Section 109</p>	<p>Practice direction to provide guidance</p>		
<p>Section 109(1) <i>Section 42</i></p>	<p>The function of preparing and publishing a practice direction with respect to -</p> <p style="padding-left: 40px;">(a) impact assessed development (not being restricted development)—</p> <p style="padding-left: 80px;">(i) requirements as to the preparation of an EIS, including the level of detail that an EIS must address with respect to various classes of development; and</p> <p style="padding-left: 80px;">(ii) any other requirements for assessing the level of impact of a development that is to be assessed as impact assessed development; and</p> <p style="padding-left: 80px;">(iii) the information that must be provided by the proponent at the various stages assessed under this Act; and</p> <p>any other matter prescribed by the regulations.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • MAS3 or higher within the State Assessment directorate. 	

Section 110	Restricted Development		
Section 110(1)	The function of determining, in relation to proposed development classified as restricted development, whether the development will be assessed and, if so, whether to grant planning consent.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO4 and higher within the State Assessment directorate. 	
Section 110(2)(a)	The function of giving notice of the application for planning consent.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Section 110(2)(a)(ii)	The function of giving notice of the application for planning consent and to determine whether any other owner or occupier of land would be directly affected to a significant degree by development if it were to proceed.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Section 110(3)	The function of ensuring that a copy of the application, accompanying documents, and a copy of any report prepared by or on behalf of the Commission in relation to the application, are published on the SA planning portal and available for inspection and downloading without charge.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. • ASO3 and higher within the State Assessment directorate. 	
Section 110(5)	The discretion to determine whether to take into account a representation not made in accordance with requirements prescribed by the regulations for the purposes of section 110.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO4 and higher within the State Assessment directorate. 	

<p>Section 110(6)</p>	<p>The function of giving the person notice of –</p> <ul style="list-style-type: none"> (i) The Commission’s delegate’s decision on the application for development; and (ii) The date of the decision; and (iii) The person’s appeal rights under this Act. <p>The function of giving to the Court notice of –</p> <ul style="list-style-type: none"> (i) The Commission’s decision on the application for development; and (ii) The date of the decision; and (iii) The names and addresses of the person or persons who made representations to the Commission under that subsection. 	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. • ASO3 and higher within the State Assessment directorate. 	
<p>Section 110(13)</p>	<p>The power to determine the form of any notice to be given under section 110.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • MAS3 and higher within the State Assessment directorate. 	
<p>Section 110(14)</p>	<p>The power to refuse an application that relates to proposed development classified as restricted development without proceeding to make an assessment of the application.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • MAS3 and higher within the State Assessment directorate. 	
<p>Division 4</p>	<p>Procedural matters and assessment facilitation</p>		
<p>Section 119</p>	<p>Application and provision of information</p>		

<p>Section 119(1)(b) <i>The Commission as relevant authority</i></p>	<p>The power to specify information reasonably required in relation to an application for the purposes of this Part.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. • ASO3 and higher within the State Assessment directorate. 	
<p>Section 119(3) <i>The Commission as relevant authority</i></p>	<p>The power to request an applicant –</p> <ul style="list-style-type: none"> (a) to provide such additional documents, assessments or information (including calculations and technical details) as the relevant authority may reasonably require to assess the application; (b) to remedy any defect or deficiency in any application or accompanying document or information required by or under this Act; (c) to consult with an authority or body prescribed by the regulations; (d) to comply with any other requirement prescribed by the regulations. 	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. • ASO3 and higher within the State Assessment directorate. 	
<p>Section 119(6)(b) <i>The Commission as relevant authority</i></p>	<p>If a request is made under section 119(3) and the request is not complied with within the prescribed time period:</p> <ul style="list-style-type: none"> (a) the discretion to refuse the application; (b) the power to refuse the application. 	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO4 and higher within the State Assessment directorate. 	
<p>Section 119(7)</p>	<p>The discretion to, in dealing with an application that relates to a regulated tree, determine</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment 	

<p><i>The Commission as relevant authority</i></p>	<p>whether special circumstances apply for the purposes of this subsection.</p>	<ul style="list-style-type: none"> • PO1 and higher within the State Assessment directorate. 	
<p>Section 119(8) <i>The Commission as relevant authority</i></p>	<p>The discretion to, in dealing with an application that relates to a regulated tree that is not a significant tree, determine whether special circumstances apply for the purposes of this subsection.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
<p>Section 119(9)(a) <i>The Commission as relevant authority</i></p>	<p>The power to determine whether to:</p> <p style="padding-left: 40px;">(a) grant permission to an applicant—</p> <p style="padding-left: 80px;">(i) to vary an application;</p> <p style="padding-left: 80px;">(ii) to vary any plans, drawings, specifications or other documents that accompanied an application,</p> <p style="padding-left: 40px;">(provided that the essential nature of the proposed development is not changed).</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
<p>Section 119(9)(b) <i>The Commission as relevant authority</i></p>	<p>The power to determine whether to:</p> <p style="padding-left: 40px;">(b) grant permission to an applicant to lodge an application without the provision of any information or document required by the regulations.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
<p>Section 119(9)(c) <i>The Commission as relevant authority</i></p>	<p>The power to determine whether to:</p> <p style="padding-left: 40px;">(c) 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).</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO4 and higher within the State Assessment directorate. 	

	<i>Note: Prior to exercising this power, delegates should take note of the Chief Executive's Internal Fee Waiver and Refund Delegation Policy 2021 (as varied from time to time).</i>	<ul style="list-style-type: none"> • MAS3 and higher within the Land and Built Environment directorate. 	
<p>Section 119(9)(d)</p> <p><i>The Commission as relevant authority</i></p>	<p>The power to determine whether to:</p> <p>(d) if there is an inconsistency between any documents lodged with the delegate for the purposes of this Part (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:</p> <p>To determine whether to 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>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • PO1 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	<p>In relation to the positions within the Land and Built Environment directorate, the power to grant land division consent and development approval for land division only.</p>
<p>Section 119(10)</p> <p><i>The Commission as relevant authority</i></p>	<p>The power to determine and impose such conditions as the relevant authority thinks fit in granting permission under section 119(9).</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
<p>Section 119(14)</p> <p><i>The Commission as relevant authority</i></p>	<p>The power to determine whether to refund the application fee in the case where an applicant withdraws an application under this subsection.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • MAS3 and higher within the State Assessment directorate. 	
Section 120	Outline consent		

Section 120(1) <i>The Commission as relevant authority</i>	The power to grant a consent in the nature of an outline consent.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • MAS3 and higher within the State Assessment directorate. 	
Section 122	Referrals to other authorities or agencies		
Section 122(6)(a) <i>The Commission as relevant authority</i>	The function of notifying the applicant that the application was refused, or the conditions imposed, by direction under section 122.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Section 122(7) <i>The Commission as relevant authority</i>	The power to make an application to be joined as a party to proceedings.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment 	
Section 122(10) <i>The Commission as relevant authority</i>	The function of (upon request of the applicant) deferring a referral under this section to a particular stage in the process of assessment.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Section 122(12) <i>The Commission as relevant authority</i>	The function of ensuring that a response from a prescribed body under section 122 is published on the SA planning portal and available for inspection and downloading without charge as soon as is reasonably practicable after the response is received by the relevant authority.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. • ASO3 and higher within the State Assessment directorate or the Business Services directorate in PLUS. 	
Section 123	Preliminary advice and agreement		

Section 123(2)(e) <i>The Commission as relevant authority</i>	The discretion to determine whether the delegate is satisfied that the application accords with the agreement under section 123(2)(c) of the prescribed body.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Section 123(4) <i>The Commission as relevant authority</i>	The power to determine whether the agreement is no longer appropriate due to the operation of section 132.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO4 and higher within the State Assessment directorate. 	
Section 124	Proposed development involving creation of fortifications		
Section 124(1) <i>The Commission as relevant authority</i>	The power to determine, whether there is reason to believe that a proposed development may involve the creation of fortifications. And to refer the application to the Commissioner of Police (the Commissioner).	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • MAS3 and higher within the State Assessment directorate. 	
Section 124(6) <i>The Commission as relevant authority</i>	The function and power 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.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • MAS3 and higher within the State Assessment directorate. 	
Section 124(7) <i>The Commission as relevant authority</i>	The power to make an application to be joined as a party to the appeal.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director State Assessment 	
Section 125	Time within which a decision must be made		

Section 125(4) <i>The Commission as relevant authority</i>	The power to, in relation to a deemed consent notice: (a) grant the planning consent itself; or (b) grant the planning consent subject to conditions.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate 	
Section 125(6) <i>The Commission as relevant authority</i>	The power, in relation to a deemed planning consent, to determine whether the relevant application for planning consent should have been refused. <u>and</u> The power to make an application to the Court for an order quashing the consent.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, Planning and Development 	
Section 126	Determination of application		
Section 126(1) <i>The Commission as relevant authority</i>	The function of giving notice of the decision in accordance with the regulations.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate 	
Section 126(3) <i>The Commission as relevant authority</i>	The power to extend the prescribed period of a development authorisation.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate 	
Division 5	Conditions		
Section 127	Conditions		
Section 127	The power to impose conditions.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment 	

<i>The Commission as relevant authority</i>		<ul style="list-style-type: none"> • PO1 and higher within the State Assessment directorate 	
Section 127(6) <i>The Commission as relevant authority</i>	The power 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) (and the requirements under section 127(4) will then be adjusted accordingly).	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate 	
Section 127(8)(b) <i>The Commission as relevant authority</i>	The power to determine whether it is appropriate to grant an exemption under this subsection in a particular case.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate 	
Division 6	Variation of authorisation		
Section 128	Variation of authorisation		
Section 128(2)(c) <i>The Commission as relevant authority</i>	The power to determine whether any representations are related to any aspect of the development that is now under consideration on account of the application for variation and that, in the circumstances, the level of notification and consultation envisaged by section 110 is not required.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO4 and higher within the State Assessment directorate 	
Section 128(2)(d) <i>The Commission as relevant authority</i>	The power to determine whether to extend the period for which the relevant authorisation remains operative (in relation to an application for the variation of a development authorisation).	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate 	

PART 8	Development assessment – essential infrastructure		
Division 2	Essential infrastructure – alternative assessment process		
Section 130	Essential infrastructure – alternative assessment process		
Section 130(4)	The power to request the proponent to provide additional documents or information (including calculations and technical details) in relation to the application.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate 	
Section 130(5)	The function of giving notice containing prescribed particulars of the development to the council in accordance with the regulations.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. • ASO3 and higher within the State Assessment directorate or the Business Services directorate in PLUS. 	
Section 130(8)	The function of assessing an application lodged with the delegate of the Commission under section 130.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Section 130(12)	The function and power of determining whether an application for a variation to an approved development is of a minor nature for the purposes of this subsection.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	

	<p><u>And</u></p> <p>(a) If the application is not of a minor nature, the function of inviting interested persons to make written submissions to the Commission (or its delegate) on the proposal in accordance with this subsection.</p> <p>(b) The function of providing a reasonable opportunity to appear personally or by representative in support of his or her submission.</p> <p>(c) The function of giving due consideration in the assessment of the application to any submissions made by interested persons as referred to in paragraphs (a) or (b).</p>		
Section 130(13)	The function of preparing a report to the Minister on the matter.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Part 9	Development assessment – Crown development		
Section 131	Development assessment – Crown development		
Section 131(5)	The power to request the State agency to provide additional documents or information (including calculations and technical details) in relation to the application.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	

<p>Section 131(6)</p>	<p>The function of giving notice containing prescribed particulars of the development to the council in accordance with the regulations.</p>	<ul style="list-style-type: none"> • Executive Director • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
<p>Section 131(9)</p>	<p>The function of assessing an application lodged under section 131.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
<p>Section 131(13)</p>	<p>The function of determining whether an application for a variation to an approved development is of a minor nature.</p> <p>If the application is not of a minor nature, the function of—</p> <ul style="list-style-type: none"> (a) by public notice, inviting interested persons to make written submissions to the delegate on the proposal within a period of at least 15 business days; and (b) allowing a person who has made a written submission to the delegate within that period and who, as part of that submission, has indicated an interest in appearing before the delegate, a reasonable opportunity to appear personally or by representative before the Commission (or its delegate) to be heard in support of his or her submission. 	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	

Section 131(14)	The function of preparing a report to the Minister on the matter.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
PART 10	Development assessment and approval – related provisions		
Division 1	General principles		
Section 133	Saving provisions		
Section 133(3) <i>The Commission as relevant authority</i>	The power to, in order to avoid or reduce hardship, extend the limitation period referred to in section 133(2).	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO4 and higher within the State Assessment directorate. 	
Division 3	Trees		
Division 4	Land division certificate		
Section 138	Land division certificate		
Section 138(1)	The power to consider whether to issue a certificate from the Commission that it is satisfied the prescribed conditions as to development have been satisfied, or that the applicant has, by virtue of an entitlement under the regulations, entered into a binding agreement, supported by adequate security.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	

	The function of providing a certificate in accordance with this subsection.		
Section 138(2)	The power to require the applicant, the council for the area in which the land is situated (if any), or any other person or body, to furnish it with appropriate information as to compliance with a particular condition, or to comply with any requirement prescribed by the regulations.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Section 138(4)	The function of, as soon as practicable after issuing a certificate under section 138(1) that relates to land within the area of a council, furnishing the council with such information as the regulations may require.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Section 138(6)	The power to extend the prescribed period under the regulations for a certificate issued under section 138.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. 	

		<ul style="list-style-type: none"> ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Division 7	Cancellation of development authorisation		
Section 143	Cancellation of development authorisation		
Section 143(1) <i>The Commission as relevant authority</i>	The power to cancel a development authorisation previously given by the Commission.	<ul style="list-style-type: none"> Executive Director, PLUS Director, State Assessment PO4 and higher within the State Assessment directorate. 	
Section 143(2) <i>The Commission as relevant authority</i>	The power to impose conditions to a cancellation under section 143.	<ul style="list-style-type: none"> Executive Director, PLUS Director, State Assessment PO4 and higher within the State Assessment directorate. 	
Schedule 6	Repeal and certain amendments		
Part 3	<i>Amendment of Character Preservation (Barossa Valley) Act 2012</i>		
Clause 3	Re: Amendment of section 3 – Interpretation		
Clause 3(3)	Section 3: Interpretation The function of being a relevant authority for the purposes of the <i>Character Preservation (Barossa Valley) Act 2012</i> .	<ul style="list-style-type: none"> Executive Director, PLUS Director, State Assessment MAS3 and higher within the State Assessment directorate. 	

<p>Clause 3(3)</p> <p><i>Where the Commission is a relevant authority for the purposes of the Character Preservation (Barossa Valley) Act 2012</i></p>	<p>Section 8(5) of the <i>Character Preservation (Barossa Valley) Act 2012</i>: Limitations on land division in district.</p> <p>The power to determine whether to refuse to grant development authorisation in relation to a proposed development to which Section 8(5) of the <i>Character Preservation (Barossa Valley) Act 2012</i> applies.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • MAS3 and higher within the State Assessment directorate. 	
<p>Clause 3(3)</p> <p><i>Where the Commission is a relevant authority for the purposes of the Character Preservation (Barossa Valley) Act 2012</i></p>	<p>Section 8(6) of the <i>Character Preservation (Barossa Valley) Act 2012</i>: Limitations on land division in district.</p> <p>The function of notifying the applicant that the relevant authority has determined an application in respect of a development authorisation on the basis of section 8(5).</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. • ASO2 and higher within the State Assessment directorate or the Business Services directorate in PLUS. 	
<p>Clause 7</p>	<p>Re: Amendment of section 8—Limitations on land division in district</p>		
<p>Clause 7(2)</p>	<p>Section 8(2) of the <i>Character Preservation (Barossa Valley) Act 2012</i>: Limitations on land division in district.</p> <p>The power to determine whether to concur in the granting of authorisation to a development to which this section applies.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • MAS3 and higher within the State Assessment directorate. 	
<p>Clause 7(2)</p>	<p>Section 8(3) of the <i>Character Preservation (Barossa Valley) Act 2012</i>: Limitations on land division in district.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment 	

<i>Where the Commission is the relevant authority for the purposes of the Character Preservation (Barossa Valley) Act 2012</i>	The function of seeking the concurrence of the council for the area where the proposed development is situated in the granting of authorisation.	<ul style="list-style-type: none"> • PO1 and higher within the State Assessment directorate. 	
Part 4	<i>Amendment of Character Preservation (McLaren Vale) Act 2012</i>		
Clause 10	Amendment of section 3 – Interpretation		
Clause 10(3)	Section 3(1): Interpretation The function of being a relevant authority for the purposes of the <i>Character Preservation (McLaren Vale) Act 2012</i> .	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • MAS3 and higher within the State Assessment directorate. 	
Clause 10(3) <i>Where the Commission is a relevant authority for the purposes of the Character Preservation (McLaren Vale) Act 2012</i>	Section 8(5) of the <i>Character Preservation (Barossa Valley) Act 2012</i> : Limitations on land division in district. The power to determine whether to refuse to grant development authorisation in relation to a proposed development to which Section 8(5) of the <i>Character Preservation (McLaren Vale) Act 2012</i> applies.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • MAS3 and higher within the State Assessment directorate. 	
Clause 10(3) <i>Where the Commission is a relevant authority for the purposes of the Character Preservation</i>	Section 8(6) of the <i>Character Preservation (McLaren Vale) Act 2012</i> : Limitations on land division in district. The function of notifying the applicant the relevant authority has determined an	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	

<i>(McLaren Vale) Act 2012</i>	application in respect of a development authorisation on the basis of section 8(5).	<ul style="list-style-type: none"> ASO2 and higher within the State Assessment directorate or the Business Services directorate in PLUS. 	
Clause 14	Amendment of section 8—Limitations on land division in district		
Clause 14(2)	<p>Section 8(2) of the <i>Character Preservation (McLaren Vale) Act 2012</i>: Limitations on land division in district:</p> <p>The power to determine whether to concur in the granting of authorisation to a development to which this section applies.</p>	<ul style="list-style-type: none"> Executive Director, PLUS Director, State Assessment MAS3 or higher within the State Assessment directorate. 	
Clause 14(2)	<p>Section 8(3) of the <i>Character Preservation (McLaren Vale) Act 2012</i>: Limitations on land division in district:</p> <p>The function of seeking the concurrence of the council for the area where the proposed development is situated in the granting of authorisation.</p>	<ul style="list-style-type: none"> Executive Director, PLUS Director, State Assessment PO1 and higher within the State Assessment directorate. 	
Part 7	Amendment of Local Government Act 1999		
Clause 21	Amendment of section 221 – Alteration of road		
<p>Clause 21(2)</p> <p><i>The Commission as relevant authority</i></p>	<p>Section 221(7)(b) of the <i>Local Government Act 1999</i>: Alteration of road:</p> <p>The function of consulting with the council before granting an approval under section 221(3)(b).</p>	<ul style="list-style-type: none"> Executive Director, PLUS Director, State Assessment PO1 and higher within the State Assessment directorate. 	

Clause 22	Amendment of section 222 – permits for business purposes		
<i>The Commission as relevant authority</i>	Section 222(6b)(b) of the <i>Local Government Act 1999</i> : Permits for business purposes: The function of consulting with the council before granting an approval under section 222(6a).	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Schedule 8	Transitional Provisions		
Division 1	Commission		
Clause 6	Commission authorised to assume functions under the repealed Act		
Clause 6(1) and clause 6(7)(a) <i>Where the Commission assumes the role of the Development Assessment Commission</i>	The functions, powers and duties of the designated entities (as defined in clause 6(7)) under the repealed Act	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Part 6	Existing applications		
Clause 18(2) <i>Where the Commission is the relevant authority</i>	<i>The power to:</i> <i>(a) adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an</i>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	

	<p><i>application to which that subclause applies; and</i></p> <p><i>(b) adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which that subclause applies; and</i></p> <p><i>(c) deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and</i></p> <p><i>(d) deal with any requirement or grant any variation imposed or proposed in connection with an application to which that subclause applies; and</i></p> <p><i>(e) 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 this clause.</i></p>		
Part 7	Development Plans relevant to assessments under this Act		
Clause 25	Non-complying development		
Clause 25(6)	<p><i>The power to:</i></p> <p><i>(a) adopt any findings or determinations of an assessment panel that may be relevant to an application to which that subclause applies; and</i></p> <p><i>(b) adopt or make any decision (including a decision in the nature of a determination), direction or order in</i></p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	

	<p><i>relation to an application to which that subclause applies; and</i></p> <p><i>(c) deal with any matter that is subject to a reserved decision before the designated day; and</i></p> <p><i>(d) deal with any requirement or grant any variation imposed or proposed in connection with an application to which that subclause applies; and</i></p> <p><i>(e) 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 this clause.</i></p>		
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Planning Development and Infrastructure (General) Regulations 2017

PART 4	Building Envelope Plans		
Regulation 19A(1)	The power of a designated authority to, on application, approve a building envelope plan prepared in accordance with a Practice Direction issued for the purpose of this Regulation.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO4 and higher within the State Assessment directorate. 	
Regulation 19A(2)	The power of a designated authority to, on application, vary a building envelope plan.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO4 and higher within the State Assessment directorate. 	

PART 5	Relevant authorities and accredited professionals		
Regulation 23	State Planning Commission (section 94)		
Regulation 23(2)(a)(i) <i>Commission as a relevant authority under s94(1) of the Act</i>	Where the Minister has acted under s94(1)(h) of the Act: The function of receiving any application received by the relevant authority and of determining and indicating whether the entity may retain some or all of the fees.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • MAS3 and higher within the State Assessment directorate. 	
Regulation 23(2)(a)(ii) <i>Commission as a relevant authority under s94(1) of the Act</i>	Where the Minister has acted under s94(1)(h) of the Act: (A) The power to adopt any act or decision in relation to the assessment of the application that has already been made by a relevant authority; and (B) The power to disregard reject any act or decision of a relevant authority that has already been made in relation to the assessment of the application.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • MAS3 and higher within the State Assessment directorate. 	
Regulation 23(2)(b) <i>Commission as a relevant authority under s94(1) of the Act</i>	Where the Minister has acted under s94(1)(h) of the Act: The function of receiving a report from the Chief Executive Officer of the council for the area in which the development is to be undertaken, and to determine whether to allow for a	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • MAS3 and higher within the State Assessment directorate. 	

	longer period for the report to be provided.		
Regulation 23(3)(a)	The power to determine and specify a matter specified for the purposes of a report under reg 23(2)(b).	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • MAS3 and higher within the State Assessment directorate. 	
PART 7	Assessment – process and assessment facilitation		
Division 1	Applications		
Regulation 29	Application to relevant authority		
Regulation 29(4) <i>Commission as a relevant authority</i>	The function of lodging an application on the SA planning portal within 5 business days after receipt.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Regulation 31	Verification of application		
Regulation 31(1)(a) <i>Commission as a relevant authority</i>	The function of determining the nature of the development.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	

		<ul style="list-style-type: none"> • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 31(1)(b)</p> <p><i>Commission as a relevant authority</i></p>	<p>If an application is for planning consent, the function of determining whether the development involves 2 or more elements, of identifying each of those elements for the purposes of assessment against the provisions of the Planning and Design Code, and of determining the category or categories of development that apply for the purposes of development assessment.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 31(1)(c)</p> <p><i>Commission as a relevant authority</i></p>	<p>The function of determining whether the relevant authority is the correct entity to assess the application under the Act.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 31(1)(d)</p>	<p>The function of:</p> <p>(i) checking that the appropriate documents</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment 	

<p><i>Commission as a relevant authority and it is the correct entity to assess any part of the application</i></p>	<p>and information have been lodged with the application; and</p> <p>(ii) confirming the fees required to be paid at that point under the <i>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</i>; and</p> <p>(iii) providing an appropriate notice via the SA planning portal.</p>	<ul style="list-style-type: none"> • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 31(1)(e)</p> <p><i>Commission as a relevant authority but it is <u>not</u> the correct entity to assess any part of the application</i></p> <p><i>Section 42</i></p>	<p>The function of:</p> <p>(i) providing 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 it considers to be the correct relevant authority in accordance with any practice direction; and</p> <p>(ii) providing an appropriate notice via the SA planning portal.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	

<p>Regulation 32 <i>Commission as a relevant authority</i></p>	<p>Application for accepted development The function of advising the applicant of its determination with regard to whether the development falls within the category of accepted development.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 34</p>	<p>Period for additional information and other matters</p>		
<p>Regulation 34(1) <i>Commission as a relevant authority</i></p>	<p>The power to determine whether to allow for a longer period for the applicant to comply with.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 35</p>	<p>Amended applications</p>		
<p>Regulation 35(3) <i>Commission as a relevant authority</i></p>	<p>The power 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>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	

		<ul style="list-style-type: none"> • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 35(4)</p> <p><i>Commission as a relevant authority</i></p>	<p>Where a variation would change the essential nature of a proposed development:</p> <p>The power to enter into an agreement 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 these regulations.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Regulation 38	Withdrawing/lapsing applications		
<p>Regulation 38(1)</p> <p><i>Commission as a relevant authority</i></p>	<p>The function of notifying the following of the withdrawal:</p> <ul style="list-style-type: none"> (a) Any agency to which the application has been referred under Division 2; and (b) Any person who has made a representation in relation to the application under Division 3. 	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	

<p>Regulation 38(2) <i>Commission as a relevant authority</i></p>	<p>The power to determine whether an application should be lapsed for a development authorisation under Part 7 of the Act if at least 1 year has passed since the date on which the application was lodged with the relevant authority under the Act.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 38(3) <i>Commission as a relevant authority</i></p>	<p>The function of (before taking action to lapse an application under reg 38(2)) –</p> <ul style="list-style-type: none"> (a) taking reasonable steps to notify the applicant of the action under consideration; and (b) allowing the applicant a reasonable opportunity to make submissions to the relevant authority (in a manner and form determined by the relevant authority) about the proposed course of action. 	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 38(3)(b) <i>Commission as a relevant authority</i></p>	<p>The power to determine the manner and form in which submissions can be received by the relevant authority or its delegate.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. 	

		<ul style="list-style-type: none"> • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Regulation 40 <i>Commission as a relevant authority</i>	Court proceedings The power to determine whether to decline to deal with an application until any proceedings under the Act have been concluded, and to notify the applicant of the decision made in writing.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Division 2	Referrals		
Regulation 42	Additional information or amended plans		
Regulation 42(1) <i>Commission as a relevant authority</i>	The power to repeat the referral process in accordance with this subsection.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	

Regulation 46	Preliminary advice and agreement (section 123)		
Regulation 46(6)(b) <i>Commission as a relevant authority</i>	The power to determine whether the application no longer accords with the agreement indicated by the prescribed body.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Regulation 46(7) <i>Commission as a relevant authority</i>	The function of notifying the relevant prescribed body of the withdrawal.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Regulation 46(8) <i>Commission as a relevant authority</i>	The function of notifying the relevant prescribed body of the lapsing.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. 	

		<ul style="list-style-type: none"> • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 46(9)</p> <p><i>Commission as a relevant authority</i></p>	<p>The function of providing a copy of the notice to the prescribed body.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Division 3	Notice requirements and consultation		
Regulation 47	Performance assessed development and restricted development		
<p>Regulation 47(2)(a)</p>	<p>The power to determine the prescribed form for the purposes of this regulation.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	

<p>Regulation 48 <i>Commission as a relevant authority</i></p>	<p>Notification of application of tree-damaging activity to owner of land The function of giving the owner notice of the application.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 49</p>	<p>Public inspection of applications</p>		
<p>Regulation 49(1) <i>Commission as a relevant authority</i></p>	<p>The function of ensuring that copies of the application and supporting plans, drawings, specifications and other documents or information provided to the relevant authority under section 119 of the Act, are reasonably available for inspection (without charge) by the public at the principal office of the relevant authority.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 49(2) <i>Commission as a relevant authority</i></p>	<p>The function of providing to a member of the public a copy of any document or information available under reg 49(1).</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. 	

		<ul style="list-style-type: none"> • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 49(3)</p> <p><i>Commission as a relevant authority</i></p>	<p>The power to request a person making a request under reg 49(2), to verify information provided as the relevant authority or its delegate thinks fit.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 49(4)</p> <p><i>Commission as a relevant authority</i></p>	<p>The function of ensuring that any document or information required to be available under reg 49(1) is also available on the SA Planning portal.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Regulation 50	Representations		
<p>Regulation 50(5)</p>	<p>The power to allow a person who has made a representation under reg 50(1) in relation to development being assessed under section 107 of the Act,</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment 	

<p><i>Commission as a relevant authority</i></p>	<p>and who has indicated an interest in appearing before the relevant authority, an opportunity to appear personally or by representative before the relevant authority to be heard in support of the representation that has been made under reg 50(1).</p>	<ul style="list-style-type: none"> • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Governance and Legislation business unit in the Business Services directorate in PLUS. 	
<p>Regulation 50(6) <i>Commission as a relevant authority</i></p>	<p>The duty of giving the applicant notice of the place and time where the person has been invited to appear under that subregulation and, if the applicant appears personally or by representative, allowing the applicant a reasonable opportunity, on request, to respond to any relevant matter.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Governance and Legislation business unit in the Business Services directorate in PLUS. 	
<p>Regulation 51</p>	<p>Response by applicant</p>		
<p>Regulation 51(1) <i>Commission as a relevant authority</i></p>	<p>The power to determine whether to allow a longer period within which an applicant may submit a response.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
<p>Regulation 52</p>	<p>Notice of hearing of submissions</p> <p>Where a person is to be allowed to appear before the Commission pursuant to section 110(2)(c)(ii) of the Act:</p> <p>The function of giving the person at least 5 business days' notice of the place and time at which the person should appear.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Executive Director • Director, State Assessment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Governance and Legislation business unit in the Business Services directorate in PLUS. 	

Division 4	Determination of application		
Regulation 53	Time within which decision must be made (section 125(1))		
Regulation 53(7) <i>Commission as a relevant authority</i>	The power to give final development approval.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Regulation 54	Deemed consent notice (section 125(2))		
Regulation 54(1)	The function of determining the prescribed form for a deemed consent notice, and of publishing the form on the SA Planning Portal.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. • ASO3 and higher within the Business Services directorate in PLUS. 	
Regulation 55	Notice of decision – accredited professionals (section 89)		
Regulation 55(2)(a)	<p>In relation to a proposed development that is to be undertaken in a part of the State that is not (wholly or in part) within the area of a council:</p> <p>The function of being a prescribed body for the purposes of section 89(a) of the Act and therefore of being notified by an accredited professional pursuant to section 89.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	

Regulation 57	Notice of decision (section 126(1))		
Regulation 57(2) <i>Commission as a relevant authority</i>	The power to determine the appropriate form for notice to be given under this regulation.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Regulation 57(4) <i>Commission as a relevant authority</i>	The function of endorsing a set of any approved plans and other relevant documentation with an appropriate form of authentication, and the function of ensuring that the notice provided by the SA Planning Portal under reg 57(2) includes the endorsed set of approved plans and other relevant documentation.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Regulation 57(5) <i>Commission as a relevant authority</i>	The function of, in acting under reg 57(4), providing the successful applicant with a copy of the plans, drawings, specifications and other documents and information lodged by the applicant in accordance with the requirements of these regulations (endorsed as required by reg 57(4)).	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. 	

		<ul style="list-style-type: none"> • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 57(7)</p> <p><i>Commission as a relevant authority</i></p>	<p>The power to specify any additional stage of building work for which notice must be given to the council under reg 93.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
<p>Regulation 57(9)</p> <p><i>Commission as a relevant authority</i></p>	<p>Where the relevant authority issued a notice under reg 57(1):</p> <p>The duty of providing the notice:</p> <ul style="list-style-type: none"> (a) to any other relevant authority— <ul style="list-style-type: none"> (i) that has already given another development authorisation that relates to the same development; or (ii) that is considering an application for another development authorisation that relates to the same development; and (b) if the application was referred to a prescribed body under section 122 of the Act—to the prescribed body; and (c) if an owner of the land to which the application related was not a party to the application—to that owner. 	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	

Division 5	Conditions		
Regulation 58 <i>Commission as a relevant authority</i>	Notice of conditions The function of identifying the prescribed body.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO5 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Division 6	Other matters		
Regulation 65	Variation of authorisation (section 128)		
Regulation 65(1)(a) <i>Commission as a relevant authority</i>	The power to determine whether to approve a minor variation.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO5 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Part 8	Impact Assessed Development		
Regulation 68	Procedural matters (section 111(2))		

<p>Regulation 68(1) <i>Commission as a relevant authority</i></p>	<p>The function of ensuring that all relevant documentation is available to the Minister via the SA planning portal.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
<p>Regulation 68(2) <i>Commission as a relevant authority</i></p>	<p>The function of transmitting to the Minister any fees that have been paid by the proponent under the <i>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</i> (less any amount that the Minister determines should be retained by the relevant authority).</p>	<ul style="list-style-type: none"> • Executive Director • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
<p>Regulation 70</p>	<p>Level of detail – EIS (section 112(c)) The function of:</p> <ul style="list-style-type: none"> (a) by written notice, providing an invitation to the proponent to express any view on the level of detail required in the EIS; and (b) determining the manner in which a proponent may respond to the invitation in (a). 	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO4 and higher within the State Assessment directorate. 	
<p>Regulation 73</p>	<p>Notification of decision</p>		
<p>Regulation 73(3)(b)</p>	<p>The power to determine the manner to give notification of a decision in relation to impact assessed development.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
<p>Part 9</p>	<p>Special provisions relating to land division</p>		

Division 2	Advice from Commission		
Regulation 76	Advice from Commission		
Regulation 76(2) <i>Where the Commission is <u>not</u> the relevant authority</i>	The power to determine whether to give notice of a longer period to the relevant authority.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Regulation 76(3)(b)	The power to determine the manner in which a notice under Regulation 76(2) may be given.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO5 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Regulation 76(4)	The power to, in relation to an application which relates to a proposed development that involves the division of land, consult with any other agency. <u>And</u>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. 	

	The power to determine whether to impose a time limit of 20 business days for a response from that agency.	<ul style="list-style-type: none"> ASO5 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Part 11A	Essential Infrastructure		
Regulation 104A	Essential Infrastructure – alternative assessment process		
Regulation 104A(5)	<p>For the purpose of section 130(9) of the Act:</p> <p>The function of referring the application, together with a copy of any relevant information provided by the State agency, to the relevant body under Schedule 9 for comment and report within the period of 30 business days.</p>	<ul style="list-style-type: none"> Executive Director, PLUS Director, State Assessment PO1 and higher within the State Assessment directorate. ASO5 and higher within the State Assessment directorate. 	
Part 12	Crown development		
Regulation 107	General Scheme		
Regulation 107(5)	<p>For the purpose of section 131(10) of the Act:</p> <p>The function of referring the application, together with a copy of any relevant information provided by the State agency, to the relevant body under Schedule 9 for comment and report within the period of 30 business days.</p>	<ul style="list-style-type: none"> Executive Director, PLUS Director, State Assessment PO1 and higher within the State Assessment directorate. ASO5 and higher within the State Assessment directorate. 	

Regulation 107(6)	<p>The power to determine the form required for a notice on the land for the purposes of section 131(13)(a) of the Act.</p> <p><u>And</u></p> <p>The power to cause the sign to be removed at a later time.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Regulation 107(7)	<p>The power to require the relevant State agency to place the notice on the land under reg 107(6) on behalf of the Commission.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Regulation 107(8)(b)	<p>The power to determine whether it is impracticable or unnecessary to place a notice on the land under that subregulation.</p>	<ul style="list-style-type: none"> • Executive Director • Director, State Assessment • PO4 and higher within the State Assessment directorate. 	
Subdivision 4	Impact assessed development		
Part 14	Land Management Agreements		
<p>Regulation 111(7)</p> <p><i>Commission as a relevant authority</i></p>	<p>The function of providing a copy of a notice under reg 111(6) to –</p> <p>(a) any owner of the land who is not a party to the agreement; and</p> <p>(b) if the council for the area where the relevant land is situated is not a party to the agreement – the council.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Part 18	Miscellaneous		

Regulation 120	Record of applications		
<p>Regulation 120(1)</p> <p><i>Commission as a relevant authority</i></p>	<p>The function of ensuring that the following matters are recorded on the SA planning portal in respect of each application for a development authorisation under section 102 of the Act:</p> <p>(a) the name and contact details of the relevant authority;</p> <p>(b) the name and address of the applicant (or of each applicant);</p> <p>(c) the date on which the application was lodged under section 119 of the Act;</p> <p>(d) the date on which the application was verified under regulation 31;</p> <p>(e) the date (or dates) on which the fees relating to the application were paid in accordance with these regulations and the <i>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</i>;</p> <p>(f) a description of the land which is the subject of the application;</p> <p>(g) a brief summary of the matters, acts or things in respect of</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. • ASO3 and higher within the Business Services directorate in PLUS. 	

	<p>which any consent or approval is sought;</p> <p>(h) details of any referral or concurrence on the application;</p> <p>(i) details of any other decision made on the application by another entity exercising a power under this Act that has been notified to the relevant authority in accordance with these regulations;</p> <p>(j) any decision on the application (including the date of the decision and any conditions that are imposed);</p> <p>(k) the date of the commencement of any building work, and the date of the completion of any building work, as notified under regulation 93;</p> <p>(l) if any decision on the application is the subject of an appeal, the result of the appeal.</p>		
<p>Regulation 120(4)(a) <i>Commission as a relevant authority</i></p>	<p>The power to form the opinion whether including a document on the SA Planning portal would unreasonably jeopardise the present or future security of a building.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
<p>Schedule 6</p>	<p>Relevant authority - Commission</p>		

Clause 3	City of Adelaide – developments over \$10m		
Clause 3(2)(b)	The power to determine whether development is ancillary to or in association with a development the subject of an authorisation given by the Commission (or its delegate) under this clause.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Clause 4	Inner Metropolitan Area – buildings exceeding 4 storeys		
Clause 4(2)(b)	The power to determine whether development is ancillary to or in association with a development the subject of an authorisation given by the Commission under this clause.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Clause 4A	Morphettville and Camden Park – buildings exceeding 4 storeys		
Clause 4A(2)(b)	The power to determine whether development is ancillary to or in association with a development the subject of an authorisation given by the Commission under this clause.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Clause 5	City of Port Adelaide Enfield – developments over \$3m in identified area		
Clause 5(2)(b)	The power to determine whether development is ancillary to or in association with a development the	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment 	

	subject of an authorisation given by the Commission under this clause.	<ul style="list-style-type: none"> • PO1 and higher within the State Assessment directorate. 	
Clause 8	City of Charles Sturt – developments over \$3m in identified area		
Clause 8(2)(b)	The power to determine whether development is ancillary to or in association with a development the subject of an authorisation given by the Commission under this clause.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Clause 17	Variations of authorisations		
Clause 17(b)	The power to determine whether development is ancillary to or in association with a development the subject of an authorisation given by the Commission under this Schedule.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
Schedule 8	Plans		
Clause 2	Plans for residential alterations, additions and new dwellings		
Clause 2(d)(ii)	The power to determine whether the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO1 and higher within the State Assessment directorate. 	
<i>Planning Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</i>			

Part 3	General		
Regulation 5	Calculation or assessment of fees		
<p>Regulation 5(1)</p> <p><i>Where the Commission is an ‘authority’ with which an application is duly lodged under a related set of regulations (including via the SA planning portal)</i></p>	<p>The power to:</p> <p>(a) Require the applicant to provide such information as is reasonably required to calculate any fee payable under these regulations or a related set of regulations; and</p> <p>(b) Make any other determination for the purposes of these regulations or a related set of regulations (even if it is not a relevant authority).</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 5(2)</p> <p><i>Where the Commission is an ‘authority’ acting under (1) or a relevant authority in any event</i></p>	<p>If any information provided by an applicant is incomplete or inaccurate:</p> <p>The power to calculate any fee on the basis of estimates made.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 5(3)</p> <p><i>Where the Commission is an ‘authority’</i></p>	<p>The power to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under these</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	

	regulations or a related set of regulations.	<ul style="list-style-type: none"> • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p>Regulation 7</p> <p><i>Where the Commission is an 'authority' to which a fee is payable under these regulations or a related set of regulations</i></p>	<p>Waiver or refund of fee</p> <p>Where a fee is payable under these regulations or a related set of delegations to the delegate:</p> <p>The power to waive or refund the payment of the whole or a part of the fee.</p> <p><i>Note: Prior to exercising this power, delegates should take note of the Chief Executive's Internal Fee Waiver and Refund Delegation Policy 2021 (as varied from time to time).</i></p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO4 and higher within the State Assessment directorate. • MAS3 and higher within the Land and Built Environment directorate. 	
Planning Development and Infrastructure (Transitional Provisions) Regulations 2017			
Part 4	Staged commencement of development assessment under Act		
Regulation 11	Related provisions		
Regulation 11(3)(b)	The power to adopt any findings or determinations of the Minister under those subsections made before the relevant day to give effect to this subregulation.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment 	

		<ul style="list-style-type: none"> • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
Regulation 11(3)	The power to adopt any findings or determinations of the Minister under those sections 46B(9) to (12), 46C(9) to (12), 46D(8) to (10) and 47(3) of the repealed Act, made before the relevant day to give effect to this subregulation.	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • Director, Land and Built Environment • PO1 and higher within the State Assessment directorate. • ASO4 and higher within the Land Tenure business unit in the Land and Built Environment directorate. 	
<p><i>Development Act 1993</i></p> <p><i>As per Planning Development and Infrastructure (Transitional Provisions) Regulations 2017:</i></p> <p><i>Part 4, Regulation 11(3)(b)</i></p> <p><i>On or after the relevant day:</i></p>			
Section 46B	EIS process – Specific Provisions		
Section 46B(10) <i>Where the Minister is to be read as a reference to the Commission as per the (Transitional</i>	The power and function to: (a) notify a person who made a written submission under section 46B(5) of the availability of the Assessment Report in the manner prescribed by the regulations; and	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO4 and higher within the State Assessment directorate. 	

<p><i>Provisions) Regulations reg 11(3)(b):</i></p>	<p>(b) by public advertisement, give notice of the place or places at which copies of the Assessment Report are available for inspection and purchase.</p>		
<p>Section 46B(11) <i>Where the Minister is to be read as a reference to the Commission as per the (Transitional Provisions) Regulations reg 11(3)(b):</i></p>	<p>The power and function to keep available for inspection and purchase copies of the EIS, the proponent's response under section 46B(8) and the Assessment Report, at a place determined by the delegate and for a period determined by the delegate.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO4 and higher within the State Assessment directorate. 	
<p>Section 46B(12) <i>Where the Minister is to be read as a reference to the Commission as per the (Transitional Provisions) Regulations reg 11(3)(b):</i></p>	<p>The power and function, if a proposed development or project to which an EIS relates will, if the development or project proceeds, be situated wholly or partly within the area of a council, to give a copy of the EIS, the proponent's response under section 46B(8) and the Assessment Report to the council.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO4 and higher within the State Assessment directorate. 	
<p>Section 46C</p>	<p>PER Process – Specific provisions</p>		
<p>Section 46C(10) <i>Where the Minister is to be read as a reference to the Commission as per the (Transitional Provisions) Regulations reg 11(3)(b):</i></p>	<p>The function of, by public advertisement, giving notice of the place or places at which copies of the Assessment Report are available for inspection and purchase.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO4 and higher within the State Assessment directorate. 	
<p>Section 46C(11)</p>	<p>The power and function to keep available for inspection and purchase</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment 	

<p><i>Where the Minister is to be read as a reference to the Commission as per the (Transitional Provisions) Regulations reg 11(3)(b):</i></p>	<p>copies of the PER, the proponent's response under section 46C(8) and the Assessment Report, at a place determined by the delegate and for a period determined by the delegate.</p>	<ul style="list-style-type: none"> • PO4 and higher within the State Assessment directorate. 	
<p>Section 46C(12) <i>Where the Minister is to be read as a reference to the Commission as per the (Transitional Provisions) Regulations reg 11(3)(b):</i></p>	<p>The power and function, if a proposed development or project to which an PER relates will, if the development or project proceeds, be situated wholly or partly within the area of a council, to give a copy of the PER, the proponent's response under section 46C(8) and the Assessment Report to the council.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO4 and higher within the State Assessment directorate. 	
<p>Section 46D</p>	<p>DR process – specific provisions</p>		
<p>Section 46D(9) <i>Where the Minister is to be read as a reference to the Commission as per the (Transitional Provisions) Regulations reg 11(3)(b):</i></p>	<p>The power and function to keep available for inspection and purchase copies of any response under section 46D(7) and the Assessment Report, at a place determined by the delegate and for a period determined by the delegate.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO4 and higher within the State Assessment directorate. 	
<p>Section 46D(10) <i>Where the Minister is to be read as a reference to the Commission as per the (Transitional</i></p>	<p>The power and function, if a proposed development or project to which an DR relates will, if the development or project proceeds, be situated wholly or partly within the area of a council, to give a copy of the DR, the any</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO4 and higher within the State Assessment directorate. 	

<p><i>Provisions) Regulations reg 11(3)(b):</i></p>	<p>response under section 46D(7) and the Assessment Report to the council.</p>		
<p>Section 47</p>	<p>Amendment of EIS, PER or DR</p>		
<p>Section 47(3) <i>Where the Minister is to be read as a reference to the Commission as per the (Transitional Provisions) Regulations reg 11(3)(b):</i></p>	<p>The function of, if an EIS, PER, DR, or Assessment Report is amended under section 47, by public advertisement, giving notice of the place or places at which copies of the relevant document or documents (with the amendments) are available for inspection and purchase.</p>	<ul style="list-style-type: none"> • Executive Director, PLUS • Director, State Assessment • PO4 and higher within the State Assessment directorate. 	