

**INSTRUMENT A DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016**

**PREAMBLE**

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

Titles of sub delegates, where sub delegation is applicable:

- DDE Director Development & Community
- AM - Assessment Manager
- DCS – Director Corporate Services
- DWI – Director Works & Infrastructure
- PO – Planning Officer
- BO – Building Officer
- BS – Building Surveyor

CLARE & GILBERT  
VALLEYS COUNCIL

**POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS:**

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

1. Planning Regions and Greater Adelaide	Delegation From Council 20 July 2020	CEO Authorised Sub-delegate / Authorised Officer	Date of Sub Delegation	Conditions
1.1 The power pursuant to Section 5(5)(b) of the Planning, Development and Infrastructure Act 2016 ( <b>the PDI Act</b> ) to make submissions to the Minister on a proposed proclamation under Section 5 of the PDI Act.	CEO	Not sub-delegated	21 July 2020	Nil
2. Subregions				
2.1 The power pursuant to Section 6(3)(b) of the PDI Act to make submissions to the Minister on the Minister's proposed course of action.	Not delegated		21 July 2020	Nil
3. Environment and Food Production Areas – Greater Adelaide				
3.1 The power pursuant to Section 7(5)(b) of the PDI Act, in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional	N/A (not in an EFP Area)		21 July 2020	Nil

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	allotments to concur in the granting of the development authorisation to the development.				
<b>4.</b>	<b>Functions</b>				
4.1	The power pursuant to Section 22(4)(a)(i) of the PDI Act to, if an inquiry is conducted by the Commission under Section 22(1)(e) of the PDI Act make submissions or representations.	Not delegated		21 July 2020	Nil
<b>5.</b>	<b>Planning Agreements</b>				
5.1	The power pursuant to Section 35(1)(a) of the PDI Act and subject to Section 35 of the PDI Act to enter into an agreement ( <b>a planning agreement</b> ) with the Minister relating to a specified area of the State subject to Section 35 of the PDI Act.	Not delegated		21 July 2020	Nil
5.2	The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:	Not delegated		21 July 2020	Nil
5.2.1	the setting of objectives, priorities and targets for the area covered by the agreement; and				

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

5.2.2	the constitution of a joint planning board including, in relation to such a board:				
5.2.2.1	the membership of the board, being between 3 and 7 members (inclusive); and				
5.2.2.2	subject to Section 35(4) of the PDI Act, the criteria for membership; and				
5.2.2.3	the procedures to be followed with respect to the appointment of members; and				
5.2.2.4	the terms of office of members; and				
5.2.2.5	conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

5.2.2.6	the appointment of deputy members; and				
5.2.2.7	the procedures of the board; and				
5.2.3	the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and				
5.2.4	the staffing and other support issues associated with the operations of the joint planning board; and				
5.2.5	financial and resource issues associated with the operations of the joint planning board, including:				
5.2.5.1	the formulation and implementation of budgets; and				
5.2.5.2	the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and				

**INSTRUMENT A**

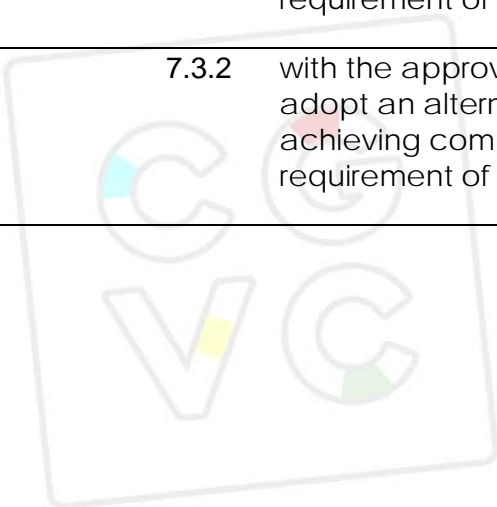
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

5.2.6	such other matters as the delegate thinks fit.				
5.3	The power pursuant to Section 35(5)(a) of the PDI Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).	CEO	DDC	21 July 2020	Nil
5.4	The power pursuant to Section 35(5)(b) of the PDI Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.	CEO	DDC	21 July 2020	Nil
<b>6.</b>	<b>Appointment of Administrator</b>				
6.1	The power pursuant to Section 41(2)(a) of the PDI Act to make submissions to the Minister on the Minister appointing an administrator under Section 41 of the PDI Act.	Not delegated			
<b>7.</b>	<b>Community Engagement Charter</b>				
7.1	The power pursuant to Section 44(6)(a) of the PDI Act, to make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 of the PDI Act that is relevant to the Council (unless the proposal has been initiated by the Council).	CEO	DDC	21 July 2020	Nil
7.2	The power pursuant to Section 44(9)(b) of the PDI Act to the extent that Section 44(9)(a) of	CEO	No sub-delegation	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	the PDI Act does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case.				
<b>7.3</b>	The power pursuant to Section 44(10) of the PDI Act to:				
<b>7.3.1</b>	seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the charter; and	CEO	No sub-delegation	21 July 2020	Nil
<b>7.3.2</b>	with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the charter.	CEO	No sub-delegation	21 July 2020	Nil



CLARE & GILBERT  
VALLEYS COUNCIL

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<b>8. Preparation and Amendment of Charter</b>				
8.1 The power pursuant to Section 45(2)(c) of the PDI Act to make representations (including in writing or via the SA planning portal) on a proposal to prepare or amend the charter.	CEO	DDC	21 July 2020	Nil
<b>9. Preparation and Amendment</b>				
9.1 The power pursuant to Section 73(2)(b)(iv) of the PDI Act to:	CEO	DDC	21 July 2020	Nil
9.1.1 seek the approval of the Minister to initiate a proposal to amend a designated instrument; and				
9.1.2 initiate a proposal to amend a designated instrument with the approval of the Minister acting on the advice of the Commission.				
9.2 The power pursuant to Section 73(6) of the PDI Act where the Council is authorised or approved under Section 73 of the PDI Act, after all of the requirements of Section 73 of the PDI Act have been satisfied:	CEO	DDC	21 July 2020	Nil
9.2.1 to prepare a draft of the relevant proposal; and				
9.2.2 to comply with the Community Engagement Charter for the				



**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	purposes of consultation in relation to the proposal; and				
9.2.3	to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board –consult with the joint planning board; and				
9.2.4	to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:				
9.2.4.1	an owner or occupier of the land; and				
9.2.4.2	an owner or occupier of each piece of adjacent land,				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	a notice in accordance with the regulations; and				
9.2.5	to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and				
9.2.6	to carry out such investigations and obtain such information specified by the Commission; and				
9.2.7	to comply with any requirement prescribed by the regulations.				
9.3	The power pursuant to Section 73(7) of the PDI Act, after complying with Section 73(6) of the PDI Act, to prepare a report in accordance with any practice direction that applies for the purposes of Section 73 of the PDI Act (including information about any change to the original proposal that the delegate considers should be made) and furnish a copy of the report to the Minister.	No delegation		21 July 2020	Nil
9.4	The power pursuant to Section 73(8) of the PDI Act, after the Council has furnished a report to the Minister under Section 73(7) of the PDI Act, to ensure that a copy of the report is published on the SA planning portal in accordance with a practice direction that	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>applies for the purposes of Section 73 of the PDI Act.</p>				
<p><b>9.5</b> The power pursuant to Section 73(9) of the PDI Act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the PDI Act (subject to the requirement to charge costs under Section 73(4)(b) of the PDI Act (if relevant)).</p>	<p>CEO</p>	<p>DDC</p>	<p>21 July 2020</p>	<p>Nil</p>
<p><b>10. Parliamentary Scrutiny</b></p>				
<p><b>10.1</b> The power pursuant to Section 74(8)(c) of the PDI Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the PDI Act and the amendment is specifically relevant to the Council, to provide a comment and response within the period of 2 weeks.</p>	<p>CEO</p>	<p>Not sub-delegated</p>	<p>21 July 2020</p>	<p>Nil</p>

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p><b>11. Complying Changes – Planning and Design Code</b></p>				
<p>11.1 The power pursuant to Section 75(1) of the PDI Act to submit to the Minister a proposal to agree to an amendment to the Planning and Design Code under Section 75 of the PDI Act if:</p>	CEO	DDC	21 July 2020	Nil
<p>11.1.1 the amendment comprises a change to:</p>				
<p>11.1.1.1 the boundary of a zone or subzone; or</p>				
<p>11.1.1.2 the application of an overlay; and</p>				
<p>11.1.2 the amendment is consistent with a recommendation in the relevant regional plan that, through the use of:</p>				
<p>11.1.2.1 specific maps or other spatial information; and</p>				
<p>11.1.2.2 specific information about the changes that are being proposed,</p>				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	clearly and specifically identifies (in the opinion of the Minister) the changes that are considered to be appropriate.				
11.2	The power pursuant to Section 75(3) of the PDI Act to effect an amendment under Section 75 of the PDI Act by an instrument deposited on the SA Planning database (in accordance with requirements established by the Chief Executive).	CEO	DDC	21 July 2020	Nil
<b>12. Entities Constituting Relevant Authorities</b>					
12.1	The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel.	Not delegated	Not sub-delegated	21 July 2020	Nil
<b>13. Panels Established by Joint Planning Boards or Councils</b>					
13.1	The power pursuant to Section 83(1) of the PDI Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the PDI Act, to:	Not delegated	Not sub-delegated	21 July 2020	Nil
13.1.1	appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess;				

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

13.1.2 determine:				
13.1.2.1 the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and				
13.1.2.2 the procedures to be followed with respect to the appointment of members; and				
13.1.2.3 the terms of office of members; and				
13.1.2.4 conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	procedures by which, a member may be removed from office; and				
	13.1.2.5 the appointment of deputy members; and				
	13.1.2.6 who will act as the presiding member of the panel and the process for appointing an acting presiding member.				
13.2	The power pursuant to Section 83(1)(h) of the PDI Act to arrange the staffing and support required for the purposes of the operations of the panel.	CEO	Not sub-delegated	21 July 2020	Nil
13.3	The power pursuant to Section 83(1)(i) of the PDI Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the PDI Act.	Not delegated	Not sub-delegated	21 July 2020	Nil
13.4	The power pursuant to Section 83(2) of the PDI Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a council is appropriately qualified to act as a member of the	Not delegated	Not sub-delegated	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

assessment panel on account of the person's experience in local government.				
<b>14. Panels Established by Minister</b>				
14.1 The power pursuant to Section 84(1)(c)(ii)(A) of the PDI Act to request the Minister to constitute a regional assessment panel in relation to the combined areas of the Council and one or more other councils.	Not delegated		21 July 2020	Nil
14.2 The power pursuant to Section 84(1)(c)(ii)(B) of the PDI Act to make submissions to the Minister about the constitution of a regional assessment panel in relation to the area of the Council and one or more other councils (or parts of such areas).	CEO	Not sub-delegated	21 July 2020	Nil
<b>15. Substitution of Local Panels</b>				
15.1 The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry.	CEO	Not sub-delegated	21 July 2020	Nil
<b>16. Notification of Acting</b>				
16.1 The power pursuant to Section 89(b) of the PDI Act to require an accredited professional to provide such information or documentation as the delegate may require.	CEO	DDC Assessment Manager BO BS PO	21 July 2020	Nil



**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<b>17. Relevant Authority - Commission</b>				
<p>17.1 The power pursuant to Section 94(1)(g) of the PDI Act to make a request to the Minister that the Minister declare, by notice served on the proponent, that the Minister desires the Commission to act as the relevant authority in relation to the proposed development.</p>	CEO	Not sub-delegated	21 July 2020	Nil
<b>18. Matters Against which Development Must be Assessed</b>				
<p>18.1 The power pursuant to Section 102(1)(c)(iv) of the PDI Act in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) where land is to be vested in the Council, to consent to the vesting.</p>	CEO	Not sub-delegated (	21 July 2020	Nil
<p>18.2 The power pursuant to Section 102(1)(d)(iv) of the PDI Act in relation to a proposed division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 where land is to be vested in the Council, to consent to the vesting.</p>	CEO	Not sub-delegated	21 July 2020	Nil
<p>18.3 The power pursuant to Section 102(11)(b) of the PDI Act to impose a reasonable charge on account of an encroachment over land under the care, control and management of</p>	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

the Council when the relevant development is undertaken.				
<b>19. Restricted Development</b>				
19.1 The power pursuant to Section 110(2)(b) of the PDI Act to, in accordance with the regulations and within a period prescribed by the regulations, make representations to the Commission in relation to the granting or refusal of planning consent.	CEO	Not sub-delegated	21 July 2020	Nil
19.2 The power pursuant to Section 110(c)(ii) of the PDI Act to appear personally or by representative before the Commission to be heard in support of the Council's representation.	CEO	Not sub-delegated	21 July 2020	Nil
19.3 The power pursuant to Section 110(7) of the PDI Act to appeal against a decision on a development classified as restricted development.	CEO	Not sub-delegated	21 July 2020	Nil
<b>20. Level of Detail</b>				
20.1 The power pursuant to Section 112(b) of the PDI Act to express views in relation to the level of detail required in relation to an EIS.	CEO	DDC	21 July 2020	Nil
<b>21. EIS Process</b>				

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

21.1	The power pursuant to Section 113(5)(a)(iii) of the PDI Act to comment and report within the time prescribed by the regulations on an EIS referred to the Council by the Minister.	CEO	DDC	21 July 2020	Nil
<b>22.</b>	<b>Amendment of EIS</b>				
22.1	The power pursuant to Section 114(2)(b) of the PDI Act to make written submissions on the amendment to the Minister.	CEO	DDC	21 July 2020	Nil
<b>23.</b>	<b>Essential Infrastructure – Alternative Assessment Process</b>				
23.1	The power pursuant to Section 130(6) of the PDI Act to report to the Commission on any matters contained in a notice under Section 130(5) of the PDI Act.	CEO	DDC	21 July 2020	Nil
23.2	The power pursuant to Section 130(14) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 130(5) of the PDI Act, expressed opposition to the proposed development in its report under Section 130(6) of the PDI Act, withdraw the Council's opposition.	CEO	DDC	21 July 2020	Nil
<b>24.</b>	<b>Development Assessment – Crown Development</b>				
24.1	The power pursuant to Section 131(7) of the PDI Act to report to the Commission on any	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	matters contained in a notice under Section 131(6) of the PDI Act.				
24.2	The power pursuant to Section 131(15) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 131(6) of the PDI Act expressed opposition to the proposed development in its report under Section 131(7) of the PDI Act, withdraw the Council's opposition.	CEO	DDC	21 July 2020	Nil
<b>25.</b>	<b>Land Division Certificate</b>				
25.1	The power pursuant to Section 138(1) of the PDI Act to enter into a binding agreement supported by adequate security and if the regulations so require in a form prescribed by the regulations.	CEO	Not Sub-delegated.	21 July 2020	Nil
25.2	The power pursuant to Section 138(2) of the PDI Act to furnish the Commission with appropriate information as to compliance with a particular condition and to comply with any requirement prescribed by the regulations.	CEO	DDC	21 July 2020	Nil
<b>26.</b>	<b>Action if Development Not Completed</b>				
26.1	The power pursuant to Section 141(1) of the PDI Act, if:	CEO	Not sub-delegated	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>26.1.1 an approval is granted under the PDI Act; but</p>				
<p>26.1.2 -</p>				
<p>26.1.2.1 the development to which the approval relates has been commenced but not substantially completed within the period prescribed by the regulations for the lapse of the approval; or</p>				
<p>26.1.2.2 in the case of a development that is envisaged to be undertaken in stages - the development is not undertaken or substantially completed in the manner or within the period contemplated by the approval,</p>				
<p>to apply to the Court for an order under Section 141 of the PDI Act.</p>				
<p>26.1.3 The power pursuant to Section 141(5) of the PDI Act, if the Court makes an order under Section 141(3)(a), (b) or (d) of the PDI Act and a person fails to comply with the order within the</p>	<p>CEO</p>	<p>Not sub-delegated</p>	<p>21 July 2020</p>	<p>Nil</p>

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	period specified by the Court, to cause any work contemplated by the order to be carried out, and to recover the costs of that work, as a debt from the person.				
26.1.4	The power pursuant to Section 141(6) of the PDI Act, if an amount is recoverable from a person by the Council under Section 141(5) of the PDI Act:	CEO	DDC	21 July 2020	Nil
26.1.4.1	to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.				
<b>27. Completion of Work</b>					
27.1	The power pursuant to Section 142(1) of the PDI Act, if:	CEO	DDC	21 July 2020	Nil
27.1.1	an approval is granted under the PDI Act; but				
27.1.2	the development to which the approval relates has been substantially but not fully completed within the period prescribed by the				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	regulations for the lapse of the approval,				
	to, by notice in writing, require the owner of the relevant land to complete the development within a period specified in the notice.				
27.2	The power pursuant to Section 142(2) of the PDI Act, if an owner fails to carry out work as required by a notice under Section 142(1) of the PDI Act, to cause the necessary work to be carried out.	CEO	DDC	21 July 2020	Nil
27.3	The power pursuant to Section 142(3) of the PDI Act to recover as a debt due from the owner, the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 142 of the PDI Act.	CEO	DDC	21 July 2020	Nil
27.4	The power pursuant to Section 142(4) of the PDI Act, if an amount is recoverable from a person by the Council under Section 142 of the PDI Act:	CEO	DDC	21 July 2020	Nil
27.4.1	to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<b>28. Notification During Building</b>				
28.1 The power pursuant to Section 146(3) of the PDI Act to, subject to Section 146(4) of the PDI Act, direct a person who is carrying out building work to stop building work when a mandatory notification stage has been reached pending an inspection by an authorised officer who holds prescribed qualifications.	CEO	DDC BO BS	21 July 2020	Nil
<b>29. Classification of Buildings</b>				
29.1 The power pursuant to Section 151(2) of the PDI Act to assign to a building erected in the Council's area a classification that conforms with the regulations.	CEO	DDC BO BS	21 July 2020	Nil
29.2 The power pursuant to Section 151(3) of the PDI Act, if the Council assigns a classification under Section 151 of the PDI Act, to give notice in writing to the owner of the building to which the classification has been assigned, of the classification assigned to the building.	CEO	DDC	21 July 2020	Nil
<b>30. Certificates of Occupancy</b>				
30.1 The power pursuant to Section 152(2) of the PDI Act to issue a certificate of occupancy.	CEO	DDC BO BS	21 July 2020	Nil



**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>30.2 The power pursuant to Section 152(3)(a) of the PDI Act to require an application for a certificate of occupancy to include any information required by the delegate.</p>	<p>CEO</p>	<p>DDC BO BS</p>	<p>21 July 2020</p>	<p>Nil</p>
<p>30.3 The power pursuant to Section 152(3)(c) of the PDI Act to determine the appropriate fee.</p>	<p>CEO</p>	<p>DDC BO BS</p>	<p>21 July 2020</p>	<p>Nil</p>
<p>30.4 The power pursuant to Section 152(5) of the PDI Act to consider any report supplied under Section 152(4) of the PDI Act before deciding the application.</p>	<p>CEO</p>	<p>DDC BO BS</p>	<p>21 July 2020</p>	<p>Nil</p>
<p>30.5 The power pursuant to Section 152(6) of the PDI Act to issue the certificate if the delegate is satisfied (in accordance with procedures set out in the regulations and on the basis of information provided or obtained under Section 152 of the PDI Act) that the relevant building is suitable for occupation and complies with such requirements as may be prescribed by the regulations for the purposes of Section 152(6) of the PDI Act.</p>	<p>CEO</p>	<p>DDC BO BS</p>	<p>21 July 2020</p>	<p>Nil</p>
<p>30.6 The power pursuant to Section 152(10) of the PDI Act, if the Council refuses an application to notify the applicant in writing of:</p>	<p>CEO</p>	<p>DDC BO BS</p>	<p>21 July 2020</p>	<p>Nil</p>

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

30.6.1	the refusal; and				
30.6.2	the reasons for the refusal; and				
30.6.3	the applicant's right of appeal under the PDI Act.				
30.7	The power pursuant to Section 152(12) of the PDI Act to issue a certificate of occupancy that applies to the whole or part of a building.	CEO	DDC BO BS	21 July 2020	Nil
30.8	The power pursuant to Section 152(13) of the PDI Act to, in accordance with the regulations, revoke a certificate of occupancy in prescribed circumstances.	CEO	DDC BO BS	21 July 2020	Nil
<b>31. Temporary Occupation</b>					
31.1	The power pursuant to Section 153(1) of the PDI Act to grant an approval to a person to occupy a building on a temporary basis without a certificate of occupancy.	CEO	DDC BO BS	21 July 2020	Nil
31.2	The power pursuant to Section 153(2) of the PDI Act to grant an approval under Section 153(1) of the PDI Act on such conditions (if any) as the delegate thinks fit to impose.	CEO	DDC BO BS	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

31.3	The power pursuant to Section 153(3) of the PDI Act if the Council refuses an application to notify the applicant in writing of:	CEO	DDC BO BS	21 July 2020	Nil
31.3.1	the refusal; and				
31.3.2	the reasons for the refusal; and				
31.3.3	the applicant's right of appeal under the PDI Act.				
<b>32.</b>	<b>Emergency Orders</b>				
32.1	The power pursuant to Section 155(5) of the PDI Act, if an owner fails to carry out work as required by an emergency order, to cause the necessary work to be carried out.	CEO	DDC BO BS	21 July 2020	Nil
32.2	The power pursuant to Section 155(6) of the PDI Act to recover as a debt due from the owner the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 155 of the PDI Act.	CEO	DDC	21 July 2020	Nil
32.3	The power pursuant to Section 155(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 155 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>which the amount must be paid by the person.</p>				
<p><b>33. Fire Safety</b></p>				
<p><b>33.1</b> The power pursuant to Section 157(16) of the PDI Act to establish a body and designate it as an appropriate authority under Section 157 of the PDI Act.</p>	<p>CEO</p>	<p>Not sub-delegated</p>	<p>21 July 2020</p>	<p>Nil</p>
<p><b>33.2</b> The power pursuant to Section 157(17) of the PDI Act to:</p>	<p>CEO</p>	<p>Not sub-delegated</p>	<p>21 July 2020</p>	<p>Nil</p>
<p><b>33.2.1</b> appoint to the appropriate authority:</p>				
<p><b>33.2.1.1</b> a person who holds prescribed qualifications in building surveying; and</p>				
<p><b>33.2.1.2</b> an authorised officer under Part 3 Division 5 or Section 86 of the Fire and Emergency Services Act 2005 who has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and</p>				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

33.2.1.3	a person with expertise in the area of fire safety; and				
33.2.1.4	if so determined by the delegate, a person selected by the delegate;				
33.2.2	specify a term of office of a member of the appropriate authority (other than a member under Section 157(17)(a)(ii) of the PDI Act;				
33.2.3	remove a member of the appropriate authority from office for any reasonable cause;				
33.2.4	appoint deputy members;				
33.2.5	determine the appropriate authority's procedures (including as to quorum).				
<b>34.</b>	<b>Initiation of Scheme</b>				
34.1	The power pursuant to Section 163(3)(b) of the PDI Act to request the Minister initiate a proposal to proceed under Section 163 of the PDI Act.	CEO	DDC	21 July 2020	Nil
34.2	The power pursuant to Section 163(10) of the PDI Act to make submissions to the Minister in relation to the draft outline.	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<b>35. Initiation of Scheme</b>				
35.1 The power pursuant to Section 164(3) of the PDI Act to request the Minister initiate a proposal to proceed under Section 164 of the PDI Act.	Not delegated		21 July 2020	Nil
35.2 The power pursuant to Section 164(12) of the PDI Act to make submissions to the Minister in relation to the draft outline.	CEO	DDC	21 July 2020	Nil
<b>36. Consideration of Proposed Scheme</b>				
36.1 The power pursuant to Section 166(1)(c) of the PDI Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.	CEO	DDC	21 July 2020	Nil
<b>37. Adoption of Scheme</b>				
37.1 The power pursuant to Section 167(7) of the PDI Act to make submissions to the Minister in relation to a variation to an outline of a scheme.	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<b>38. Funding Arrangements</b>				
38.1 The power pursuant to Section 169(2)(b) of the PDI Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the PDI Act to apply for any matter to be considered or determined by ESCOSA or some other prescribed person or body as part of a periodic review of the levels and amounts of those contributions.	CEO	DDC	21 July 2020	Nil
38.2 The power pursuant to Section 169(9) of the PDI Act to make submissions to the Commission in relation to a funding arrangement that is specifically relevant to the Council.	CEO	DDC	21 July 2020	Nil
<b>39. Contributions by Constituent Councils</b>				
39.1 The power pursuant to Section 177(4) of the PDI Act to make submissions to the Minister in relation to the Council's share.	CEO	DDC	21 July 2020	Nil
39.2 The power pursuant to Section 177(5) of the PDI Act to, at the request of the Minister, supply the Minister with information in the possession of the Council to enable the Minister to determine shares under Sections 177(2) and (3) of the PDI Act.	CEO	DDC	21 July 2020	Nil
<b>40. Imposition of Charge by Councils</b>				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

40.1	The power pursuant to Section 180(7) of the PDI Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9, Division 1, Part 13 of the PDI Act.	CEO	DDC	21 July 2020	Nil
<b>41.</b>	<b>Authorised Works</b>				
41.1	The power pursuant to Section 187(1) of the PDI Act, subject to Section 187(3) of the PDI Act, to carry out any infrastructure works if the Council is authorised to so do by or under the PDI Act or any other Act.	CEO	DDC DWI	21 July 2020	Nil
41.2	The power pursuant to Section 187(5) of the PDI Act, subject to Section 187(6) of the PDI Act, to in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:	CEO	DDC DWI	21 July 2020	Nil
41.2.1	inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and				
41.2.2	give the relevant road maintenance authority a reasonable opportunity to				



**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	consult with the Council in relation to the matter; and				
41.2.3	ensure that proper consideration is given to the views of the road maintenance authority.				
41.3	The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the designated entity in relation to the matter.	CEO	DDC DWI	21 July 2020	Nil
41.4	The power pursuant to Section 187(6) of the PDI Act, in a case of emergency, to only comply with Section 187(5) of the PDI Act to such extent as is practicable in the circumstances.	CEO	DDC DWI	21 July 2020	Nil
<b>42.</b>	<b>Entry onto Land</b>				
42.1	The power pursuant to Section 188(1) of the PDI Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the PDI Act to:	CEO	DDC DWI	21 July 2020	Nil
42.1.1	enter and pass over any land; and				
42.1.2	bring onto any land any vehicles, plant or equipment; and				
42.1.3	temporarily occupy land; and				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

42.1.4	do anything else reasonably required in connection with the exercise of the power.				
42.2	The power pursuant to Section 188(4) of the PDI Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the PDI Act.	CEO	DDC DWI	21 July 2020	Nil
<b>43. Acquisition of Land</b>					
43.1	The power pursuant to Section 189(1) of the PDI Act, to:				
43.1.1	seek the consent of the Minister to acquire land for a purpose associated with infrastructure works under and in accordance with the <i>Land Acquisition Act 1969</i> ; and	Not delegated		21 July 2020	Nil
43.1.2	with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with the <i>Land Acquisition Act 1969</i> .	CEO	DDC DWI	21 July 2020	Nil
<b>44. Land Management Agreements</b>					
44.1	The power pursuant to Section 192(1) of the PDI Act to enter into an agreement relating to the development, management,	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	preservation or conservation of land with the owner of the land or a designated entity.				
44.2	The power pursuant to Section 192(2) of the PDI Act to enter into an agreement relating to the management, preservation or conservation of the land with a greenway authority.	CEO	DDC	21 July 2020	Nil
44.3	The power pursuant to Section 192(4) of the PDI Act in considering whether to enter into an agreement under Section 192 of the PDI Act which relates to the development of land and, if such an agreement is to be entered into, in considering the terms of the agreement, to have regard to:	CEO	DDC	21 July 2020	Nil
44.3.1	the provisions of the Planning and Design Code and to any relevant development authorisation under the PDI Act; and				
44.3.2	the principle that the entering into of an agreement under Section 192 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.				
44.4	The power pursuant to Section 192(5) of the PDI Act to register agreements entered into	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	under Section 192 of the PDI Act in accordance with the regulations.				
44.5	The power pursuant to Section 192(8) of the PDI Act to carry out on private land any work for which provision is made by agreement under Section 192 of the PDI Act.	CEO	DDC	21 July 2020	Nil
44.6	The power pursuant to Section 192(9) of the PDI Act to include in an agreement under Section 192 of the PDI Act an indemnity from a specified form of liability or right of action, a waiver or exclusion of a specified form of liability or right of action, an acknowledgment of liability, or a disclaimer, on the part of a party to the agreement.	CEO	DDC	21 July 2020	Nil
44.7	The power pursuant to Section 192(10) of the PDI Act to express a provision under Section 192(9) of the PDI Act as extending to, or being for the benefit of, a person or body who or which is not a party to the agreement.	CEO	DDC	21 July 2020	Nil
44.8	The power pursuant to Section 192(11) of the PDI Act to consent to the owner of land entering into an agreement under Section 192 of the PDI Act where the Council has a legal interest in the land.	CEO	DDC	21 July 2020	Nil
44.9	The power pursuant to Section 192(12) of the PDI Act to apply to the Registrar-General, to	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.</p>				
<p><b>44.10</b> The power pursuant to Section 192(15) of the PDI Act to apply to the Registrar-General in relation to an agreement to which a note has been made under Section 192 of the PDI Act that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.</p>	CEO	DDC	21 July 2020	Nil
<p><b>44.11</b> The power pursuant to Section 192(16) of the PDI Act to provide in an agreement under Section 192 of the PDI Act for remission of rates or taxes on the land.</p>	CEO	DDC	21 July 2020	Nil
<p><b>44.12</b> The power pursuant to Section 192(17) of the PDI Act to seek the Minister's consent to providing in an agreement under Section 192 of the PDI Act entered into by the Council for the remission of rates or taxes payable to the Crown.</p>	CEO	DDC	21 July 2020	Nil
<p><b>44.13</b> The power pursuant to Section 192(17) of the PDI Act to consent to an agreement entered into by the Minister under Section 192 of the PDI Act, providing for the remission of rates or taxes payable to the Council.</p>	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p><b>45. Land Management Agreements – Development Applications</b></p>				
<p>45.1 The power pursuant to Section 193(1) of the PDI Act to, subject to Section 193 of the PDI Act, enter into an agreement under Section 193 of the PDI Act with a person who is applying for a development authorisation under the PDI Act that will, in the event that the relevant development is approved, bind:</p>	CEO	DDC	21 July 2020	Nil
<p>45.1.1 the person; and</p>				
<p>45.1.2 any other person who has the benefit of the development authorisation; and</p>				
<p>45.1.3 the owner of the relevant land (if he or she is not within the ambit of Sections 193(a) or (b) of the PDI Act and if the other requirements of Section 193 of the PDI Act are satisfied).</p>				
<p>45.2 The power pursuant to Section 193(2) of the PDI Act to enter into an agreement under Section 193 of the PDI Act in relation to any matter that the delegate agrees is relevant to the proposed development (including a matter that is not necessarily relevant to the</p>	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	assessment of the development under the PDI Act).				
45.3	The power pursuant to Section 193(3) of the PDI Act to have regard to:	CEO	DDC	21 July 2020	Nil
45.3.1	the provisions of the Planning and Design Code; and				
45.3.2	the principle that the entering into of an agreement under Section 193 of the PDI Act by the Council should not be used as a substitute to proceeding with an amendment to the Planning and Design Code under the PDI Act.				
45.4	The power pursuant to Section 193(5) of the PDI Act to register agreements entered into under Section 193 of the PDI Act in accordance with the regulations.	CEO	DDC	21 July 2020	Nil
45.5	The power pursuant to Section 193(10) of the PDI Act to consent to an application to note the agreement against the relevant instrument of title or the land.	CEO	DDC	21 July 2020	Nil
45.6	The power pursuant to Section 193(11) of the PDI Act to consent to an owner of land entering into an agreement or giving a consent under Section 192(10) of the PDI Act	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	where the Council has a legal interest in the land.				
45.7	The power pursuant to Section 193(13) of the PDI Act to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	CEO	DDC	21 July 2020	Nil
45.8	The power pursuant to Section 193(15) of the PDI Act to apply to the Registrar-General in relation to an agreement under Section 193 that has been rescinded or amended, to enter a note of the rescission or amendment against the instrument of title, or against the land.	CEO	DDC	21 July 2020	Nil
45.9	The power pursuant to Section 193(16) of the PDI Act, if an agreement under Section 193 of the PDI Act does not have effect under Section 193 of the PDI Act within the period prescribed by the regulations, to by notice given in accordance with the regulations, lapse the relevant development approval.	CEO	DDC	21 July 2020	Nil
<b>46.</b>	<b>Off-setting Contributions</b>				
46.1	The power pursuant to Section 197(1)(b) of the PDI Act to seek the approval of the	CEO	Not sub-delegated	21 July 2020	Nil



**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	Minister to act under Section 197 of the PDI Act.				
46.2	The power pursuant to Section 197(2) of the PDI Act to establish a scheme under Section 197 of the PDI Act that is designed to support or facilitate:	CEO	Not sub-delegated	21 July 2020	Nil
46.2.1	development that may be in the public interest or otherwise considered by the delegate as being appropriate in particular circumstances (including by the provision of facilities at a different site); or				
46.2.2	planning or development initiatives that will further the objects of the PDI Act or support the principles that relate to the planning system established by the PDI Act; or				
46.2.3	any other initiative or policy:				
46.2.3.1	designated by the Planning and Design Code for the purposes of Section 197(2)(c)(i) of the PDI Act;				
46.2.3.2	prescribed by the regulations for the purposes				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	of Section 197(2)(c)(ii) of the PDI Act.				
46.3	The power pursuant to Section 197(3) of the PDI Act to include in a scheme established under Section 197 of the PDI Act:	CEO	Not sub-delegated	21 July 2020	Nil
46.3.1	an ability or requirement for a person who is proposing to undertake development (or who has the benefit of an approval under the PDI Act):				
46.3.1.1	to make a contribution to a fund established as part of the scheme; or				
46.3.1.2	to undertake work or to achieve some other goal or outcome (on an 'in kind' basis); or				
46.3.1.3	to proceed under a combination of Sections 197(3)(a)(i) and (ii) of the PDI Act,				
	in order to provide for or address a particular matter identified by the scheme; and				
46.3.2	an ability for a provision of the Planning and Design Code to apply				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	with a specified variation under the terms of the scheme; and				
46.3.3	an ability for any relevant authority to act under or in connection with Sections 197(3)(a) or (b) of the PDI Act.				
46.4	The power pursuant to Section 197(4)(b) of the PDI Act to apply the fund towards the purposes of the scheme in accordance with any directions or approvals of the Treasurer made or given after consultation with the Minister.	CEO	Not sub-delegated	21 July 2020	Nil
46.5	The power pursuant to Section 197(4)(c) of the PDI Act to invest money that is not immediately required for the purposes of the fund in accordance with provisions included in the scheme.	CEO	DDC	21 July 2020	Nil
46.6	The power pursuant to Section 197(7) of the PDI Act to:	CEO	no sub-delegation	21 July 2020	Nil
46.6.1	seek the approval of the Minister to vary or wind up a scheme under Section 197 of the PDI Act; and				
46.6.2	to vary or wind up a scheme under Section 197 of the PDI Act with the approval of the Minister.				

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p><b>47. Open Space Contribution Scheme</b></p>				
<p>47.1 The power pursuant to Section 198(1) of the PDI Act, where an application for a development authorisation provides for the division of land in the Council's area into more than 20 allotments, and 1 or more allotments is less than 1 hectare in area to require:</p>	CEO	DDC	21 July 2020	Nil
<p>47.1.1 that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or</p>				
<p>47.1.2 that the applicant make the contribution prescribed by the regulations in accordance with the requirements of Section 198 of the PDI Act; or</p>				
<p>47.1.3 that land be vested in the Council under Section 198(1)(c) of the PDI Act and that the applicant make a contribution determined in accordance with Section 198(8) of the PDI Act,</p>				
<p>according to the determination and specification of the delegate, and to have regard to any relevant provision of the Planning and Design Code that designates land as open space</p>				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	and to seek the concurrence of the Commission to taking any action that is at variance with the Planning and Design Code.				
47.2	The power pursuant to Section 198(3) of the PDI Act to enter into an agreement referred to in Section 198(2)(d) of the PDI Act.	CEO	DDC	21 July 2020	Nil
47.3	The power pursuant to Section 198(4)(a) of the PDI Act to concur with an area being vested in the Council.	CEO	DDC	21 July 2020	Nil
47.4	The power pursuant to Section 198(11) of the PDI Act in relation to money received under Section 198 of the PDI Act to immediately pay it into a fund established for the purposes of Section 198 of the PDI Act and apply it for the purpose of acquiring or developing land as open space.	CEO	DDC	21 July 2020	Nil
47.5	The power pursuant to Section 198(12) of the PDI Act to form the opinion that the division of land is being undertaken in stages.	CEO	DDC	21 July 2020	Nil
<b>48.</b>	<b>Urban Trees Fund</b>				
48.1	The power pursuant to Section 200(1) of the PDI Act to,	CEO	Not sub-delegated	21 July 2020	Nil
48.1.1	seek the approval of the Minister to establish a fund (an urban trees fund)				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	for an area designated by the delegate; and				
48.1.2	to, with the approval of the Minister establish a fund (an urban trees fund) for an area designed by the delegate (a designated area).				
48.2	The power pursuant to Section 200(2) of the PDI Act to effect the establishing of the fund by notice published in the Gazette.	CEO	Not sub-delegated	21 July 2020	Nil
48.3	The power pursuant to Section 200(3) of the PDI Act to define a designated area by reference to an area established by the Planning and Design Code.	CEO	Not sub-delegated	21 July 2020	Nil
48.4	The power pursuant to Section 200(5) of the PDI Act to invest any money in an urban trees fund that is not immediately required for the purpose of the fund and to pay any resultant income into the fund.	CEO	Not sub-delegated	21 July 2020	Nil
48.5	The power pursuant to Section 200(6) of the PDI Act to apply money standing to the credit of an urban trees fund:	CEO	Not sub-delegated	21 July 2020	Nil
48.5.1	to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under the PDI Act; or				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>48.5.2 to purchase land within the designated area in order to maintain or plant trees which are or will (when fully grown) constitute significant trees under the PDI Act.</p>				
<p>48.6 The power pursuant to Section 200(7) of the PDI Act if, the Council subsequently sells land purchased under Section 200(6)(b) of the PDI Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 200 of the PDI Act, subject to the qualifications in Sections 200(7)(a) and (b).</p>	CEO	Not sub-delegated	21 July 2020	Nil
<p><b>49. Appointment of Authorised Officers</b></p>				
<p>49.1 The power pursuant to Section 210(1) of the PDI Act to:</p>	CEO	Not sub-delegated	21 July 2020	Nil
<p>49.1.1 appoint a person to be an authorised officer for the purposes of the PDI Act; and</p>				
<p>49.1.2 appoint a person who holds the qualifications prescribed by the regulations to be an authorised officer for the purposes of the PDI Act if the Council is required to do so by the regulations.</p>				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

49.2	The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions.	CEO	Not sub-delegated	21 July 2020	Nil
49.3	The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:	CEO	Not sub-delegated	21 July 2020	Nil
49.3.1	containing a photograph of the authorised officer; and				
49.3.2	stating any conditions of appointment limiting the authorised officer's appointment.				
49.4	The power pursuant to Section 210(5) of the PDI Act to, at any time, revoke an appointment which the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.	CEO	Not sub-delegated	21 July 2020	Nil
<b>50.</b>	<b>Enforcement Notices</b>				
50.1	The power pursuant to Section 213(1) of the PDI Act, if the delegate has reason to believe on reasonable grounds that a person has breached the PDI Act or the repealed Act, to do such of the following as the delegate considers necessary or appropriate in the circumstances:	CEO	DDC	21 July 2020	Nil



**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>50.1.1 direct a person to refrain, either for a specified period or until further notice, from the PDI Act, or course of action, that constitutes the breach;</p>				
<p>50.1.2 direct a person to make good any breach in a manner, and within a period, specified by the delegate;</p>				
<p>50.1.3 take such urgent action as is required because of any situation resulting from the breach.</p>				
<p>50.2 The power pursuant to Section 213(2) of the PDI Act to give a direction under Section 213(1) of the PDI Act by notice in writing unless the delegate considers that the direction is urgently required.</p>	CEO	DDC	21 July 2020	Nil
<p>50.3 The power pursuant to Section 213(5) of the PDI Act, if a person fails to comply with a direction under Section 213(1)(b) of the PDI Act within the time specified in the notice, to cause the necessary action to be taken.</p>	CEO	DDC	21 July 2020	Nil
<p>50.4 The power pursuant to Section 213(6) of the PDI Act to recover the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 213 of the PDI Act, as a debt</p>	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	due from the person whose failure gave rise to the PDI Action				
50.5	The power pursuant to Section 213(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 213 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	CEO	DDC	21 July 2020	Nil
<b>51. Applications to Court</b>					
51.1	The power pursuant to Section 214(1) of the PDI Act to apply to the Court for an order to remedy or restrain a breach of the PDI Act or the repealed Act.	CEO	DDC	21 July 2020	Nil
51.2	The power pursuant to Section 214(2) of the PDI Act to consent to proceedings under Section 214 of the PDI Act being brought in a representative capacity on behalf of the Council.	CEO	DDC	21 July 2020	Nil
51.3	The power pursuant to Section 214(4) of the PDI Act to make an application without notice to any person and to make an application to the Court to serve a summons requiring the respondent to appear before the Court to show cause why an order should	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	not be made under Section 214 of the PDI Act.				
51.4	The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings.	CEO	DDC	21 July 2020	Nil
51.5	The power pursuant to Section 214(9) of the PDI Act to appear before a final order is made and be heard in proceedings based on the application.	CEO	DDC	21 July 2020	Nil
51.6	The power pursuant to Section 214(10) of the PDI Act to make an application to the Court to make an interim order under Section 214 of the PDI Act.	CEO	DDC	21 July 2020	Nil
51.7	The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person.	CEO	DDC	21 July 2020	Nil
51.8	The power pursuant to Section 214(12) of the PDI Act, if the Court makes an order under Section 214(6)(d) of the PDI Act and the respondent fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and recover the costs of that work, as a debt, from the respondent	CEO	DDC	21 July 2020	Nil
51.9	The power pursuant to Section 214(13) of the PDI Act, if an amount is recoverable from a	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

person by the Council under Section 214(12) of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.				
51.10 The power pursuant to Section 214(17) of the PDI Act to apply to the Court to vary or revoke an order previously made under Section 214 of the PDI Act.	CEO	DDC	21 July 2020	Nil
<b>52. Proceedings for Offences</b>				
52.1 The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.	CEO	DDC	21 July 2020	Nil
<b>53. Adverse Publicity Orders</b>				
53.1 The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.	CEO	DDC	21 July 2020	Nil
53.2 The power pursuant to Section 223(4) of the PDI Act, if the offender fails to give evidence to the Council in accordance with Section 224(1)(b) of the PDI Act to:	CEO	DDC	21 July 2020	Nil
53.2.1 take the PDI Action or actions specified in the order; and				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>53.2.2 authorise a person in writing to take the PDI Action or actions specified in the order.</p>				
<p>53.3 The power pursuant to Section 223(5) of the PDI Act, if:</p>	CEO	DDC	21 July 2020	Nil
<p>53.3.1 the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and</p>				
<p>53.3.2 despite the evidence, the delegate is not satisfied that the offender has taken the PDI Action or actions specified in the order in accordance with the order,</p>				
<p>to apply to the court for an order authorising the Council, or a person authorised in writing by the Council, to take the PDI Action or actions and to authorise a person in writing to take the PDI Action or actions.</p>				
<p>53.4 The power pursuant to Section 223(6) of the PDI Act, if the Council, or a person authorised in writing by the Council, takes an action or actions in accordance with Section 223(4) of the PDI Act or an order under Section 223(5) of the PDI Act, to recover from the offender an amount in relation to the reasonable</p>	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>expenses of taking the PDI Action or actions, as a debt, due to the Council.</p>				
<p><b>54. Civil Penalties</b></p>				
<p><b>54.1</b> The power pursuant to Section 225(1) of the PDI Act, subject to Section 225 of the PDI Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the PDI Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Court, an amount as a civil penalty in respect of the contravention.</p>	<p>CEO</p>	<p>Not sub delegated</p>	<p>21 July 2020</p>	<p>Nil</p>
<p><b>54.2</b> The power pursuant to Section 225(2) of the PDI Act, in respect of a contravention where the relevant offence does not require proof of intention or some other state of mind, to determine whether to initiate proceedings for an offence or take action under Section 225 of the PDI Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.</p>	<p>CEO</p>	<p>Not sub delegated</p>	<p>21 July 2020</p>	<p>Nil</p>
<p><b>54.3</b> The power pursuant to Section 225(3) of the PDI Act to serve on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention.</p>	<p>CEO</p>	<p>Not sub delegated</p>	<p>21 July 2020</p>	<p>Nil</p>

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

54.4	The power pursuant to Section 225(13) of the PDI Act to seek the authorisation of the Attorney-General to the commencement of proceedings for an order under Section 225 of the PDI Act.	CEO	Not sub delegated	21 July 2020	Nil
54.5	The power pursuant to Section 225(17) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 225 of the PDI Act.	CEO	Not sub delegated	21 July 2020	Nil
<b>55.</b>	<b>Make Good Order</b>				
55.1	The power pursuant to Section 228(7) of the PDI Act to apply to the Court to vary or revoke an order under Section 228 of the PDI Act.	CEO	Not sub-delegated	21 July 2020	Nil
<b>56.</b>	<b>Recovery of Economic Benefit</b>				
56.1	The power pursuant to Section 229(5) of the PDI Act to apply an amount paid to the Council in accordance with an order under Section 229(1) of the PDI Act for the purpose of acquiring or developing land as open space and to hold it in a fund established for the purposes of Section 198 of the PDI Act.	CEO	DDC DCS	21 July 2020	Nil
<b>57.</b>	<b>Enforceable Voluntary Undertakings</b>				
57.1	The power pursuant to Section 230(1) of the PDI Act to accept (by written notice) a	CEO	Not sub-delegated	21 July 2020	Nil

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the PDI Act.				
57.2	The power pursuant to Section 230(4) of the PDI Act if the delegate considers that a person has contravened an undertaking accepted by the Council, to apply to the Court for enforcement of the undertaking.	CEO	Not sub-delegated	21 July 2020	Nil
57.3	The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to:	CEO	Not sub-delegated	21 July 2020	Nil
57.3.1	vary the undertaking; or				
57.3.2	withdraw the undertaking.				
57.4	The power pursuant to Section 230(11) of the PDI Act to accept an undertaking in respect of a contravention or alleged contravention before proceedings in respect of that contravention have been finalised.	CEO	Not sub-delegated	21 July 2020	Nil
57.5	The power pursuant to Section 230(12) of the PDI Act if the delegate accepts an undertaking before the proceedings are finalised, to take all reasonable steps to have the proceedings discontinued as soon as possible.	CEO	Not sub-delegated	21 July 2020	Nil



**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>57.6 The power pursuant to Section 230(14) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 230 of the PDI Act.</p>	<p>CEO</p>	<p>Not sub-delegated</p>	<p>21 July 2020</p>	<p>Nil</p>
<p><b>58. Advertisements</b></p>				
<p>58.1 The power pursuant to Section 231(1) of the PDI Act, if, in the opinion of the delegate, an advertisement or advertising hoarding:</p>	<p>CEO</p>	<p>DDC</p>	<p>21 July 2020</p>	<p>Nil</p>
<p>58.1.1 disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality; or</p>				
<p>58.1.2 is contrary to the character desired for a locality under the Planning and Design Code,</p>				
<p>to, by notice served in accordance with the regulations on the advertiser or the owner or occupier of the land on which the advertisement or advertising hoarding is situated, whether or not a development authorisation has been granted in respect of the advertisement or advertising hoarding, order that person to remove or obliterate the advertisement or to remove the advertising hoarding (or both) within a period specified in the notice (of at least 28 days from the date of service of the notice).</p>				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>58.2 The power pursuant to Section 231(3) of the PDI Act if a person on whom a notice is served under Section 231(1) of the PDI Act fails to comply with a notice within the time allowed in the notice to enter on the land and take the necessary steps for carrying out the requirements of the notice and to recover the costs of so doing, as a debt, from the person on whom the notice was served.</p>	CEO	DDC	21 July 2020	Nil
<p><b>59. Professional Advice to be Obtained in Relation to Certain Matters</b></p>				
<p>59.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.</p>	CEO	DDC	21 July 2020	Nil
<p>59.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.</p>	CEO	DDC	21 July 2020	Nil
<p><b>60. Charges on Land</b></p>				
<p>60.1 The power pursuant to Section 239(1) of the PDI Act if a charge on land is created under a provision of the PDI Act in favour of the</p>	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	Council, to deliver to the Registrar-General a notice in a form determined by the Registrar-General, setting out the amount of the charge and the land over which the charge is claimed.				
60.2	The power pursuant to Section 239(6) of the PDI Act if a charge in the Council's favour exists and the amount to which the charge relates is paid, to by notice to the appropriate authority in a form determined by the Registrar-General, apply for the discharge of the charge.	CEO	DDC	21 July 2020	Nil
<b>61. Registering Authorities to Note Transfer</b>					
61.1	The power pursuant to Section 240(1) of the PDI Act to apply to the Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, to register or record in an appropriate manner the transfer to the Council of an asset, right or liability by regulation, proclamation or notice under the PDI Act.	CEO	DDC	21 July 2020	Nil
<b>62. Reporting</b>					
62.1	The power pursuant to Clause 13(3)(b) of Schedule 2 of the PDI Act to require a report	CEO.	DDC	21 July 2020	Nil

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>under Clause 13(2) of Schedule 2 of the PDI Act to contain any other information or report required by the delegate.</p>				
<p><b>63. Review of Performance</b></p>				
<p><b>63.1</b> The power pursuant to Clause 3(3) of Schedule 4 of the PDI Act to explain the Council's actions, and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action), to the Minister.</p>	<p>CEO</p>	<p>DDC</p>	<p>21 July 2020</p>	<p>Nil</p>
<p><b>63.2</b> The power pursuant to Clause 3(14) of Schedule 4 of the PDI Act to make submissions to the Minister on the report on which the PDI Action to be taken by the Minister under Clause 3(13) of Schedule 4 of the PDI Act is based.</p>	<p>CEO</p>	<p>DDC</p>	<p>21 July 2020</p>	<p>Nil</p>
<p><b>63.3</b> The power pursuant to Clause 3(15) of Schedule 4 of the PDI Act, if the Minister makes a recommendation to the Council under Clause 3(13)(a) of Schedule 4 of the PDI Act and the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, to make submissions to the Minister in relation to the directions of the Minister.</p>	<p>CEO</p>	<p>DDC</p>	<p>21 July 2020</p>	<p>Nil</p>

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

63.4	The power pursuant to Clause 3(16) of Schedule 4 of the PDI Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the PDI Act.	CEO	DDC	21 July 2020	Nil
<b>64.</b>	<b>Planning and Design Code</b>				
64.1	The power pursuant to Clause 9(6)(a) of Schedule 8 of the PDI Act to apply to the Minister for approval to commence the process under Section 25 of the repealed Act.	Not delegated		21 July 2020	Nil
<b>65.</b>	<b>General Schemes</b>				
65.1	The power pursuant to Clause 30(3) of Schedule 8 of the PDI Act to request the Minister make a declaration under Clause 30(2) of Schedule 8 of the PDI Act in relation to a scheme.	CEO	DDC	21 July 2020	Nil

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (TRANSITIONAL PROVISIONS) REGULATIONS 2017**

<b>66.</b>	<b>Adoption of DPAs</b>	<b>Delegation From Council 20 July 2020</b>	<b>CEO Authorised Sub-delegate / Authorised Officer</b>	<b>Date of Sub Delegation</b>	<b>Conditions</b>
66.1	The power pursuant to Regulation 8(1)(c) of the Planning, Development and Infrastructure	CEO	Not sub delegated	21 July 2020	Nil

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>(Transitional Provisions) Regulations 2017 (<b>the Transitional Provisions Regulations</b>) to apply to the Minister under Regulation 8 of the Transitional Provisions Regulations in accordance with any requirement determined by the Minister.</p>				
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**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019**

67. Calculation or Assessment of Fees	Delegation From Council 20 July 2020	CEO Authorised Sub-delegate / Authorised Officer	Date of Sub Delegation	Conditions
<p><b>67.1</b> The power pursuant to Regulation 5(1) of the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 (<b>the Fees Regulations</b>) in relation to an application which is duly lodged under a related set of regulations (including via the SA planning portal):</p>	CEO	DDC	21 July 2020	Nil
<p><b>67.1.1</b> to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees</p>				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	Regulations or a related set of regulations; and				
67.1.2	to make any other determination for the purposes of the Fees Regulations or a related set of regulations (even if the Council is not a relevant authority).				
67.2	The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate acting under Regulation 5(1) of the Fees Regulations, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.	CEO	DDC	21 July 2020	Nil
67.3	The power pursuant to Regulation 5(3) of the Fees Regulations to at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of Regulations.	CEO	DDC	21 July 2020	Nil
<b>68.</b>	<b>Waiver or Refund of Fee</b>				
68.1	The power pursuant to Regulation 7 of the Fees Regulations to, as the	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

delegate considers appropriate to do so:				
68.1.1 waive the payment of the fee, or the payment of part of the fee; or				
68.1.2 refund the whole or a part of the fee.				



CLARE & GILBERT  
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**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

69. Mutual Liability Scheme – Rights of Indemnity	Delegation From Council 20 July 2020	CEO Authorised Sub-delegate / Authorised Officer	Date of Sub Delegation	Conditions
69.1 The power pursuant to Regulation 11B(1) of the Planning, Development and Infrastructure (General) Regulations 2019 ( <b>the General Regulations</b> ) to:	CEO	Not sub delegated	21 July 2020	Nil
69.1.1 in being responsible under Section 83(1)(h)(ii) of the PDI Act for the costs and other liabilities associated with the activities of an assessment panel appointed by the Council; and				
69.1.2 in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 84(1)(a) and (i) of the PDI Act,				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>have arrangements in place to indemnify the members of any such panel in respect of a claim against a member of the panel arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as a member of the panel.</p>				
<p><b>69.2</b> The power pursuant to Regulation 11B(5) of the General Regulations to:</p>	<p>CEO</p>	<p>Not sub delegated</p>	<p>21 July 2020</p>	<p>Nil</p>
<p><b>69.2.1</b> in being responsible under Section 87(f) of the PDI Act for the costs and other liabilities associated with the activities of an assessment manager for an assessment panel appointed by the Council; and</p>				
<p><b>69.2.2</b> in being responsible for the costs associated with the activities of a regional assessment panel in accordance with a scheme set out in a notice under Section 87(1)(a) and (i) of the PDI Act,</p>				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>have arrangements in place to indemnify an assessment manager for any such panel in respect of a claim against the assessment manager arising out of the performance, exercise or discharge (or purported performance, exercise or discharge) in good faith of their functions, powers or duties under the PDI Act in their role as an assessment manager.</p>				
<p><b>70. Performance Assessed Development and Restricted Development</b></p>				
<p>70.1 The power pursuant to Regulation 47(4)(d) of the General Regulations to determine the fee payable by the applicant as being appropriate to cover the reasonable costs of placing the notice on the land.</p>	<p>CEO</p>	<p>DDC</p>	<p>21 July 2020</p>	<p>Nil</p>
<p><b>71. Underground Main Areas</b></p>				
<p>71.1 The power pursuant to Regulation 78(1) of the General Regulations if the delegate considers an area should be declared an underground mains area to seek a report from the relevant electricity authority in relation to the matter.</p>	<p>CEO</p>	<p>DDC</p>	<p>21 July 2020</p>	<p>Nil</p>

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

71.2	The power pursuant to Regulation 78(2) of the General Regulations after having received and considered a report from the electricity authority to declare the area to be an underground mains area.	CEO	DDC	21 July 2020	Nil
<b>72.</b>	<b>Width of Roads and Thoroughfares</b>				
72.1	The power pursuant to Regulation 81(4) of the General Regulations to dispense with a width prescribed by Regulations 81(1) or (3) of the General Regulations (and specify a different width) if the delegate is of the opinion that the width so prescribed is not necessary for the safe and convenient movement of vehicles or pedestrians, or for underground services.	CEO	DDC	21 July 2020	Nil
72.2	The power pursuant to Regulation 81(5) of the General Regulations to subject to Regulation 81(6) of the General Regulations specify the width of the road at the head of every cul-de-sac in such dimensions as may be acceptable to the delegate.	CEO	DDC	21 July 2020	Nil
72.3	The power pursuant to Regulation 81(6) of the General Regulations to dispense with a requirement under Regulation 81(5) of the General Regulations if it appears to the delegate that the cul-	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

de-sac is likely to become a through road.				
<b>73. Road Widening</b>				
73.1 The power pursuant to Regulation 82(1) of the PDI Act, subject to Regulation 82(2) of the General Regulations, if an existing road abuts land which is proposed to be divided, to form the view that the road should be widened in order to provide a road of adequate width having regard to existing and future requirements of the area.	CEO	DDC	21 July 2020	Nil
<b>74. Requirement as to Forming of Roads</b>				
74.1 The power pursuant to Regulation 83(1) of the General Regulations, subject to Regulation 83(2) of the General Regulations, to specify the width and manner of the formation of the roadway of every proposed road on a plan of division.	CEO	DDC	21 July 2020	Nil
74.2 The power pursuant to Regulation 83(2) of the General Regulations to form the opinion that it is necessary to specify a width for a roadway to be formed under Regulation 83(1) in excess of	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	7.4m, in view of the volume or type of traffic that is likely to traverse that road.				
74.3	The power pursuant to Regulation 83(4) of the General Regulations, to dispense with the requirements under Regulation 83(3) of the General Regulations, if the delegate is of the opinion that the cul-de-sac is likely to become a through road.	CEO	DDC	21 July 2020	Nil
74.4	The power pursuant to Regulation 83(5) of the General Regulations, subject to Regulation 83(6) of the General Regulations to require every footpath, water-table, kerbing, culvert and drain of every proposed road to be formed in a manner satisfactory to the delegate.	CEO	DDC	21 July 2020	Nil
74.5	The power pursuant to Regulation 83(6) of the General Regulations, to dispense with a requirement under Regulation 83(5) of the General Regulations.	CEO	DDC	21 July 2020	Nil
<b>75.</b>	<b>Construction of Roads, Bridges, Drains and Services</b>				
75.1	The power pursuant to Regulation 84(1) of the General Regulations to require the roadway of every proposed road within the relevant division to be constructed and paved and sealed	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

with bitumen, tar or asphalt or other material approved by the delegate.				
<b>76. Supplementary Provisions</b>				
<p><b>76.1</b> The power pursuant to Regulation 85(1) of the General Regulations to approve the road location and grading plan for the manner of forming any proposed road, footpath, water-table, kerbing, culvert or drain required under Division 6 of the General Regulations.</p>	CEO	DDC	21 July 2020	Nil
<p><b>76.2</b> The power pursuant to Regulation 85(2) of the General Regulations, subject to Regulation 85(4) of the General Regulations, to require all work referred to in Regulations 83 and 84 of the General Regulations to be carried out in a manner satisfactory to the delegate and in conformity with detailed construction plans and specifications signed by a professional engineer or, at the discretion of the delegate, a licensed surveyor, and approved by the delegate before the commencement of the work.</p>	CEO	DDC	21 July 2020	Nil
<p><b>76.3</b> The power pursuant to Regulation 85(4) of the General Regulations to form the opinion that all connections for water supply and sewerage services to any</p>	CEO	DDC	21 July 2020	Nil

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>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>				
<p><b>77. General Provisions</b></p>				
<p><b>77.1</b> The power pursuant to Regulation 89(1) of the General Regulations to form the opinion that another form of arrangement is satisfactory for the purposes of Section 138(1) of the PDI Act.</p>	<p>CEO</p>	<p>DDC</p>	<p>21 July 2020</p>	<p>Nil</p>
<p><b>77.2</b> The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which:</p>	<p>CEO</p>	<p>DDC</p>	<p>21 July 2020</p>	<p>Nil</p>
<p><b>77.2.1</b> evidences the consent of the Council to an encroachment by a building over other land; and</p>				
<p><b>77.2.2</b> sets out:</p> <p style="padding-left: 40px;"><b>77.2.2.1</b> the date on which any relevant building was erected (if known); and</p>				



**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

77.2.2.2	the postal address of the site.				
77.3	The power pursuant to Regulation 89(6)(b) of the General Regulations to request a written copy of the certificate and plan (or certificates and plans) referred to in Regulation 89(3) of the General Regulations.	CEO	DDC	21 July 2020	Nil
<b>78.</b>	<b>Notifications During Building Work</b>				
78.1	The power pursuant to Regulation 93(1)(b) of the General Regulations to specify by notice to the building owner and to the licensed building work contractor responsible for carrying out the relevant building work (if any), when development approval is granted in respect of the work, any stage of the building work to which the periods and stages prescribed for the purposes of Section 146(1) of the PDI Act relate.	CEO	DDC BO BS	21 July 2020	Nil
78.2	The power pursuant to Regulation 93(1)(c) of the General Regulations to specify by notice in writing to the building owner on the granting of development approval in respect of the work any stage of the building work to which the periods and stages	CEO	DDC BO BS	21 July 2020	Nil

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

prescribed for the purposes of Section 146(1) of the PDI Act relate.				
<b>79. Essential Safety Provisions</b>				
79.1 The power pursuant to Regulation 94(13) of the General Regulations to require compliance with Regulation 94(10) of the General Regulations if:	CEO	DDC BO BS	21 July 2020	Nil
79.1.1 the essential safety provisions were installed				
79.1.1.1 under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the Building Code; or				
79.1.1.2 as part of a performance solution under the Building Code; or				
79.1.2 the building has been the subject of a notice under Section 157 of the PDI Act.				

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<b>80. Classification of Buildings</b>				
80.1 The power pursuant to Regulation 102(3) of the General Regulations to require an application under Regulation 102(1) or (2) of the General Regulations to be accompanied by:	CEO	DDC BO BS	21 July 2020	Nil
80.1.1 such details, particulars, plans, drawings, specifications, certificates and other documents as the delegate may reasonably require to determine the building's classification.				
80.2 The power pursuant to Regulation 102(4) of the General Regulations, to subject to Regulation 102(5) of the General Regulations, assign the appropriate classification under the Building Code to a building if the delegate is satisfied, on the basis of the owner's application, and accompanying documentation, that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.	CEO	DDC BO BS	21 July 2020	Nil
80.3 The power pursuant to Regulation 102(5) of the General Regulations, if an application under Regulation 102 of the	CEO	DDC BO BS	21 July 2020	Nil

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>General Regulations is made in respect of an existing Class 2 to Class 9 building, to require the applicant to satisfy the delegate that the provisions of any relevant Ministerial building standard relating to upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).</p>				
<p><b>80.4</b> The power pursuant to Regulation 102(6) of the General Regulations, on assigning a classification to a building (or part of a building) to, if relevant, determine and specify in the notice to the owner under Section 151(3) of the PDI Act:</p>	<p>CEO</p>	<p>DDC BO BS</p>	<p>21 July 2020</p>	<p>Nil</p>
<p><b>80.4.1</b> the maximum number of persons who may occupy the building (or part of the building); and</p>				
<p><b>80.4.2</b> if the building has more than 1 classification—the part or parts of the building to which each classification relates and the classifications currently assigned to the other parts of the building.</p>				

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<b>81. Certificates of Occupancy</b>				
81.1 The power pursuant to Regulation 103(2) of the General Regulations to, require the following documentation:	CEO	DDC BO BS	21 July 2020	Nil
81.1.1 if the development has been approved subject to conditions, such evidence as the delegate may reasonably require to show that the conditions have been satisfied;				
81.1.2 if the application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, such evidence as the delegate may reasonably require to show:				
81.1.2.1 in the case of a building more than 1 storey - that the requirements of any relevant Ministerial building standard have been complied with; or				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>81.1.2.2 in any other case - that the building is suitable for occupation.</p>				
<p>81.2 The power pursuant to Regulation 103(3) of the General Regulations, to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after 12 March 2018, dispense with the requirement to provide a Statement of Compliance under Regulation 103(2)(a) of the General Regulations if:</p>	<p>CEO</p>	<p>DDC BO BS</p>	<p>21 July 2020</p>	<p>Nil</p>
<p>81.2.1 the delegate is satisfied that a person required to complete 1 or both parts of the statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification or certifications; and</p>				
<p>81.2.2 it appears to the delegate, after undertaking an inspection, that the relevant building is suitable for occupation.</p>				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p><b>81.3</b> The power pursuant to Regulation 103(4) of the General Regulations if:</p>	<p>CEO</p>	<p>DDC BO BS</p>	<p>21 July 2020</p>	<p>Nil</p>
<p><b>81.3.1</b> a building is:</p>				
<p><b>81.3.1.1</b> to be equipped with a booster assembly for use by a fire authority; or</p>				
<p><b>81.3.1.2</b> to have installed a fire alarm that transmits a signal to a fire station or to a monitoring service approved by the relevant authority; and</p>				
<p><b>81.3.2</b> facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the PDI Act,</p>				
<p>to not grant a certificate of occupancy unless or until the delegate has sought a report from the fire authority as to whether those facilities have been installed and operate</p>				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	satisfactorily and to seek such a report from the fire authority.				
81.4	The power pursuant to Regulation 103(5) of the General Regulations if a report is not received from the fire authority within 15 business days, to presume that the fire authority does not desire to make a report.	CEO	DDC BO BS	21 July 2020	Nil
81.5	The power pursuant to Regulation 103(6) of the General Regulations to have regard to any report received from a fire authority under Regulation 103(4) of the General Regulations before the delegate issues a certificate of occupancy.	CEO	DDC BO BS	21 July 2020	Nil
81.6	The power pursuant to Regulation 103(6a) of the General Regulations, on receipt of a notification of intended completion of building work under Regulation 93(1)(f) of the General Regulations, to determine that building work will be inspected by an authorised officer.	CEO	DDC BO BS	21 July 2020	Nil
81.7	The power pursuant to Regulation 103(9) of the General Regulations to revoke a certificate of occupancy:	CEO	DDC BO BS	21 July 2020	Nil



**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

81.7.1 if:				
81.7.1.1 there is a change in the use of the building; or				
81.7.1.2 the classification of the building changes; or				
81.7.1.3 building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300m <sup>2</sup> is about to commence, or is being or has been carried out; or				
81.7.1.4 the building is about to undergo, or is undergoing or has undergone, major refurbishment,				
and the delegate considers that in the circumstances the certificate should be revoked and a new certificate sought; or				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>81.7.2 if the delegate considers that the building is no longer suitable for occupation because of building work undertaken, or being undertaken, on the building, or because of some other circumstance; or</p>				
<p>81.7.3 if a schedule of essential safety provisions has been issued in relation to the building and the owner of the building has failed to comply with the requirements of Regulation 94(10) of the General Regulations; or</p>				
<p>81.7.4 if the delegate considers:</p>				
<p>81.7.4.1 that a condition attached to a relevant development authorisation has not been met, or has been contravened, and that, in the circumstances, the certificate should be revoked; or</p>				
<p>81.7.4.2 that a condition attached to the certificate of</p>				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

occupancy has not been met, or has been contravened, or is no longer appropriate.				
<b>82. Mining Production Tenements</b>				
82.1 The power pursuant to Regulation 109(1)(b) of the General Regulations to make submissions to the appropriate Authority and object to the granting of the tenement.	CEO	DDC	21 July 2020	Nil
<b>83. Register of Land Management Agreements (Section 193)</b>				
83.1 The power pursuant to Regulation 111(2) of the General Regulations to establish a register of agreements entered into by the Council under Section 193 of the PDI Act.	CEO	DDC	21 July 2020	Nil
83.2 The power pursuant to Regulation 111(3) of the General Regulations to include in a register, or provide access to a copy of each agreement entered into by the Council under Section 193 of the PDI Act and such other information the delegate considers appropriate.	CEO	DDC	21 July 2020	Nil
<b>84. Authorised Officers and Inspections</b>				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<b>84.1</b>	The power pursuant to Regulation 112(1) of the General Regulations to appoint at least 1 authorised officer under Section 210(1)(b) of the PDI Act:	CEO	Not sub-delegated	21 July 2020	Nil
<b>84.1.1</b>	who is an accredited professional who is:				
<b>84.1.1.1</b>	an Accredited professional - building level 1; or				
<b>84.1.1.2</b>	an Accredited professional - building level 2; or				
<b>84.1.1.3</b>	an Accredited professional - building level 3; or				
<b>84.1.1.4</b>	an Accredited professional - building level 4; or				
<b>84.1.2</b>	who holds a current accreditation recognised by the Chief Executive for the purposes of this Regulation; or				
<b>84.1.3</b>	who holds an approval from the Chief Executive.				

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

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

85. Requirements in Relation to Preparing an Engagement Plan	Delegation From Council 20 July 2020	CEO Authorised Sub-delegate / Authorised Officer	Date of Sub Delegation	Conditions
85.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction – 2 Preparation and Amendment of Designated Instruments (PD2), to prepare a community engagement plan that:	CEO	DDC	21 July 2020	Nil
85.1.1 meets the principles and performance outcomes of the Charter;				
85.1.2 describes the persons or bodies to be consulted;				
85.1.3 outlines any relevant previous engagement undertaken to inform the proposal;				
85.1.4 describes the evaluation framework for the engagement.				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

85.2	The power pursuant to clause 5(2) of PD2 to submit the community engagement plan to the Commission for approval with the exception of an amendment to the Code and a Design Standard.	CEO	DDC	21 July 2020	Nil
<b>86.</b>	<b>Requirements in Relation to Preparing an Engagement Report Following Consultation</b>				
86.1	The power pursuant to clause 6(1) of PD2, at the completion of engagement on a draft of a proposal to prepare or amend a designated instrument to provide an engagement report to the Minister.	Not delegated		21 July 2020	Nil
86.2	The power pursuant to clause 6(2) of PD2 to set out in the report:	Not delegated		21 July 2020	Nil
86.2.1	details of the engagement undertaken and how that engagement met the agreed community engagement plan, and reasons for variations, if any to that plan;				
86.2.2	the outcome of the engagement including a summary of the feedback made;				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>86.2.3 the response to the details of, and reasons for, changes to the proposal to prepare or amend a designated instrument when compared to the proposal that was engaged on, and to specifically indicate:</p>				
<p>86.2.3.1 where changes are proposed to the designated instrument based on the engagement; and</p>				
<p>86.2.3.2 any other changes proposed based on additional investigations or information not available when the proposal was released for engagement.</p>				
<p>86.3 The power pursuant to clause 6(3) of PD2 to, in the engagement report also include an evaluation of the effectiveness of the engagement that considers whether:</p>	<p>Not delegated</p>		<p>21 July 2020</p>	<p>Nil</p>

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

86.3.1	the principles of the Charter have been achieved; and			
86.3.2	all mandatory requirements identified in the Charter have been met where the consultation category is applicable.			
<b>87.</b>	<b>Requirements in Relation to Initiating a Code Amendment Pursuant to Section 73 of the Act</b>			
87.1	The power pursuant to clause 7(1) of PD 2 to provide a proposal to the Commission to initiate a code amendment that sets out:	CEO	DDC	21 July 2020 Nil
87.1.1	Scope - an explanation of the reasons for the preparation of the amendment and a description of the changes in circumstance leading the need for the amendment and the range of issues to be addressed in the amendment;			
87.1.2	Code Modules - an outline of any overlay, general policy, zone or subzones being			



**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>considered for amendment and/or the intended spatial application of an overlay, general policy, zone or subzone over an identified area, or draft instructions for the proposed amendments;</p>				
<p><b>87.1.3</b> Area Affected - A map or description of the area affected by the proposed amendment;</p>				
<p><b>87.1.4</b> State Planning Policies - an identification of the relevant key state planning policies and a statement of assessment of the amendment's consistency with those policies;</p>				
<p><b>87.1.5</b> Regional Plans - An indication of how the matters or issues proposed to be addressed by the amendment will relate to the relevant regional plan and any relevant infrastructure planning;</p>				
<p><b>87.1.6</b> Infrastructure Provision -</p>				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>87.1.6.1 an explanation of any infrastructure provision that is required and how the infrastructure provision will be provided; and</p>				
<p>87.1.6.2 an indication whether it is likely that an infrastructure agreement or agreements will need to be entered into in connection with the code amendment process, identifying the tools that will be used for this process;</p>				
<p>87.1.7 Joint Planning Board Comments - that the Council has discussed the proposal with the relevant Regional Planning Board;</p>				
<p>87.1.8 Consultation – information regarding any other</p>				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

consultation that has occurred;				
87.1.9 in relation to designating a place as a place of local heritage value or a heritage area - a heritage review prepared by a heritage architect or historian or similar occupation in accordance with the Commission's guidelines prepared under Section 67(2)(c) of the PDI Act;				
87.1.10 in relation to designating a tree a significant tree - an assessment of the tree against the criteria under Section 68(1)(a) of the PDI Act;				
87.1.11 in relation to designating a stand of trees to be significant trees – an assessment of the trees against the criteria under Section 68(1)(b) of the PDI Act.				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>87.2 The power pursuant to clause 7(2) of PD2 to, in addition, provide:</p>	<p>CEO</p>	<p>DDC</p>	<p>21 July 2020</p>	<p>Nil</p>
<p>87.2.1 Timetable - an outline of the proposed timetable for each step of the process (ensuring that the process is completed within reasonable time limits), and a commitment on the part of the Council that it will take steps to update this timetable if it appears at any stage that the Council will require an extension;</p>				
<p>87.2.2 Investigations - an outline of the investigations and justifications that will be undertaken (and those that may have already been undertaken) and the form that those investigations will take in order to address the strategic and social, economic and environmental issues of the proposed amendment, or an explanation and summary of the investigations undertaken and how these support the amendment.</p>				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p><b>88. Requirements in Relation to Preparation of the Draft Proposal Prior to Consultation and Decision</b></p>				
<p><b>88.1</b> The power pursuant to clause 8(1) of PD 2 to, prior to consultation, provide to the Department:</p>	<p>CEO</p>	<p>DDC</p>	<p>21 July 2020</p>	<p>Nil</p>
<p><b>88.1.1</b> instructions that set out the intent of the proposed policy amendment for the purposes of the Department writing the draft Code Policy for the Council;</p>				
<p><b>88.1.2</b> any maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the Council;</p>				
<p><b>88.1.3</b> in relation to heritage lists a local heritage data sheet and a significant trees data sheet.</p>				
<p><b>88.2</b> The power pursuant to clause 8(2) of PD2, if amendments are proposed to the consultation versions, to provide to the Department:</p>	<p>CEO</p>	<p>DDC</p>	<p>21 July 2020</p>	<p>Nil</p>

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

88.2.1	instruction to write the amendments to the Code Policy;				
88.2.2	amendments to the maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the Council.				
<b>89.</b>	<b>Requirements in Relation to Preparation of the Draft Proposal for Consultation</b>				
89.1	The power pursuant to clause 9(1) of PD2 to, for engagement purposes, support a code amendment by the following information:	CEO	DDC	21 July 2020	Nil
89.1.1	an explanation about why and how the Code is proposed to be amended;				
89.1.2	an assessment of the amendment against the relevant provisions of State Planning Policies and the relevant regional plan;				
89.1.3	if any amendment is not fully consistent with the State Planning Policies or the region				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

	plan, to so specifically identify that and include an explanation setting out the reason or reasons for the inconsistency;				
89.1.4	an explanation and summary of the investigations undertaken and how these support the amendment;				
89.1.5	an explanation of any infrastructure provision that is required and how the infrastructure will be provided.				
<b>90.</b>	<b>Requirements in Relation to Complying Changes Under Section 75</b>				
90.1	The power pursuant to clause 11(1) of PD2, in relation to a proposal to agree to a complying change, to provide the following information to the department:	CEO	DDC	21 July 2020	Nil
90.1.1	a reference to the documentation and recommendation in relation to the proposed amendment in the relevant regional plan;				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<p>90.1.2 a summary of the consultation in accordance with the Charter that has occurred in relation to the proposal including reference to the Engagement Report prepared for the regional plan and any additional consultation that has occurred;</p>				
<p>90.1.3 instructions that set out the intent of the proposed policy amendment for the purposes of the department writing the draft Code Policy for the Council;</p>				
<p>90.1.4 any maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the Council.</p>				
<p><b>91. Requirements in Relation to Early Commencement Under Section 78</b></p>				
<p>91.1 The power pursuant to clause 12(1) of PD2, in relation to a request for a code amendment to come into</p>	<p>CEO</p>	<p>DDC</p>	<p>21 July 2020</p>	<p>Nil</p>



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**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

operation without delay, to provide to the department:				
91.1.1 an explanation about how early commencement is required to counter applications for undesirable development (development that would detract from, negate the object of the amendment) during consultation and consideration of the code amendment;				
91.1.2 instructions that set out the intent of the proposed policy amendment for the purposes of the Department writing the draft Code Policy for the Council;				
91.1.3 any maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the Council.				

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**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<b>STATE PLANNING COMMISSION PRACTICE DIRECTION – 3 (NOTIFICATION OF PERFORMANCE ASSESSED DEVELOPMENT APPLICATIONS) 2019</b>				
<b>92. Responsibility to Undertake Notification</b>	<b>Delegation From Council 20 July 2020</b>	<b>CEO Authorised Sub-delegate / Authorised Officer</b>	<b>Date of Sub Delegation</b>	<b>Conditions</b>
92.1 The power pursuant to clause 6(3)(b) of the State Planning Commission Practice Direction – 3 (Notification of Performance Assessed Development Applications) 2019 ( <b>PD3</b> ) to determine the relevant fee as being appropriate to cover the relevant authority's reasonable costs in giving public notice of the application under Section 107(3)(a)(i) of the PDI Act.	CEO	DDC	21 July 2020	Nil
<b>STATE PLANNING COMMISSION PRACTICE DIRECTION (COUNCIL INSPECTIONS) 2020</b>				
<b>93. Mandatory Inspections</b>	<b>Delegation From Council 20 July 2020</b>	<b>CEO Authorised Sub-delegate / Authorised Officer</b>	<b>Date of Sub Delegation</b>	<b>Conditions</b>
93.1 The power pursuant to clause 2(2) of Part 2 of the State Planning Commission Practice Direction	CEO	DDC BO BS	21 July 2020	Nil

**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

(Council Inspections) 2020 (PD9) to, in carrying out an inspection under PD9, take all reasonable steps to ensure each inspection includes an inspection and assessment of the following elements (elements), as may be present at the time of inspection:				
93.1.1 primary structural elements;				
93.1.2 structural framing and roof trusses;				
93.1.3 wet areas and waterproofing;				
93.1.4 barriers to prevent falls;				
93.1.5 cladding;				
93.1.6 egress provisions;				
93.1.7 bushfire protection systems;				
93.1.8 passive and active fire safety elements;				
93.1.9 private bushfire shelters; and				
93.1.10 performance solutions.				

**INSTRUMENT A**

**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

<b>94. Additional Inspections</b>				
94.1 The power pursuant to clause 3(2) of Part 2 of PD9 to consider carrying out an inspection in addition to any specified in clause 2 of Part 2 of PD9 (additional inspections) if the delegate has information to indicate that the circumstances warrant it, having regard to the objects of PD9.	CEO	DDC BO BS	21 July 2020	Nil
<b>95. Inspections Generally</b>				
95.1 The power pursuant to clause 4(3) of Part 2 of PD9, in relation to building work listed in Schedule 7 of the General Regulations to consider if an additional inspection may be appropriate.	CEO	DDC BO BS	21 July 2020	Nil
<b>96. General Requirements</b>				
96.1 The power pursuant to clause 1(2) of Part 3 of PD9 to ensure that an inspection under PD9 and subsequent assessment of each of the applicable elements in clause 2(2) of Part 2 of PD9 is carried out by a person who has the appropriate qualifications, skills, knowledge and	CEO	DDC BO BS	21 July 2020	Nil

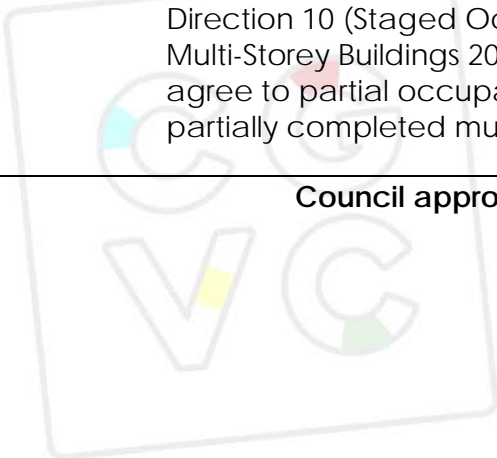
**INSTRUMENT A**  
**INSTRUMENT OF SUB DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS: A COUNCIL, A DESIGNATED AUTHORITY, A DESIGNATED ENTITY**

experience to carry out an inspection assigned to that officer under PD9.				
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**STATE PLANNING COMMISSION PRACTICE DIRECTION 10 (STAGED OCCUPATION OF MULTI-STOREY BUILDINGS) 2020**

97. Conditions that Must be Met for the Staged Occupation of a Partially Completed Building	Delegation From Council 20 July 2020	CEO Authorised Sub-delegate / Authorised Officer	Date of Sub Delegation	Conditions
97.1 The power pursuant to clause 5(2) of the State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings 2020 <b>(PD10)</b> to, agree to partial occupancy of a partially completed multistorey building.	CEO	DDC	21 July 2020	Nil

**Council approved Instrument A – Head delegation to the CEO on 20 July 2020**



CLARE & GILBERT  
VALLEYS COUNCIL