



INSTRUMENT OF DELEGATION UNDER THE

**DEVELOPMENT ACT 1993, DEVELOPMENT (DEVELOPMENT PLANS)
AMENDMENT ACT 2006 AND DEVELOPMENT REGULATIONS 2008**

FLINDERS REGIONAL DEVELOPMENT ASSESSMENT PANEL

NOTES

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

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. CHANGE OF LAND USE DECLARATION
1.1 [Deliberately left blank]
1.1.1 [Deliberately left blank]
1.1.2 [Deliberately left blank]
2. APPOINTMENT OF AUTHORISED OFFICERS
2.1 [Deliberately left blank]
2.2 [Deliberately left blank]
2.3 [Deliberately left blank]
2.4 [Deliberately left blank]
3. AMENDMENTS TO DEVELOPMENT PLANS
3.1 [Deliberately left blank]
3.1A [Deliberately left blank]
3.1B [Deliberately left blank]
3.1C [Deliberately left blank]
3.1CA [Deliberately left blank]
3.1CB [Deliberately left blank]
3.1CC [Deliberately left blank]
3.1D [Deliberately left blank]
3.1E [Deliberately left blank]
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3.1G.2.4	[Deliberately left blank]
3.1G.2.5	[Deliberately left blank]
3.1G.3	[Deliberately left blank]
3.1G.3.1	[Deliberately left blank]
3.1G.3.2	[Deliberately left blank]
3.1G.3.3	[Deliberately left blank]
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3.1G.5	[Deliberately left blank]
3.1H	[Deliberately left blank]
3.1HA	[Deliberately left blank]
3.1HB	[Deliberately left blank]
3.1I	[Deliberately left blank]
3.1IA	[Deliberately left blank]
3.1J	[Deliberately left blank]
3.1J.1	[Deliberately left blank]
3.1J.2	[Deliberately left blank]
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3.1L.3.2	[Deliberately left blank]
3.2	[Deliberately left blank]
3.2.1	[Deliberately left blank]
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3.3	[Deliberately left blank]
3.3.1	[Deliberately left blank]
3.3.2	[Deliberately left blank]
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3.3A	[Deliberately left blank]
3.3A.1	[Deliberately left blank]
3.3A.2	[Deliberately left blank]
3.3B	[Deliberately left blank]
3.3C	[Deliberately left blank]
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3.4.1	[Deliberately left blank]
3.4.2	[Deliberately left blank]
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3.8	[Deliberately left blank]
3.9	[Deliberately left blank]
3.10	[Deliberately left blank]
4.	REVIEW OF DEVELOPMENT PLANS
4.1	[Deliberately left blank]
4.1.1	[Deliberately left blank]
4.1.1.1	[Deliberately left blank]
4.1.1.2	[Deliberately left blank]
4.1.2	[Deliberately left blank]
4.1.3	[Deliberately left blank]
4.1.3.1	[Deliberately left blank]
4.1.3.2	[Deliberately left blank]
4.1.3.3	[Deliberately left blank]
4.1.3.4	[Deliberately left blank]
4.1.3.5	[Deliberately left blank]
4.1.3.6	[Deliberately left blank]
4.1.4	[Deliberately left blank]
4.1.4.1	[Deliberately left blank]
4.1.4.2	[Deliberately left blank]



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4.2	[Deliberately left blank]
4.2.1	[Deliberately left blank]
4.2.1.1	[Deliberately left blank]
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4.2.2	[Deliberately left blank]
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4.3.1	[Deliberately left blank]
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4.6	[Deliberately left blank]
4.6.1	[Deliberately left blank]
4.6.2	[Deliberately left blank]
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4.8	[Deliberately left blank]
4.9	[Deliberately left blank]
4.9.1	[Deliberately left blank]
4.9.2	[Deliberately left blank]
4.10	[Deliberately left blank]
4.11	[Deliberately left blank]
4.12	[Deliberately left blank]
4.13	[Deliberately left blank]
5.	COPIES OF PLANS TO BE MADE AVAILABLE TO THE PUBLIC
5.1	[Deliberately left blank]
6.	ASSESSMENT OF DEVELOPMENT PROPOSAL
6.1	The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):
6.1.1	the provisions of the appropriate Development Plan;
6.1.2	[Deliberately left blank]
6.1.3	in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;
6.1.4	in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act 1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;
6.1.5	the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory



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	manner; and
	6.1.6 such other matters as may be prescribed.
6.2	The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.
6.3	<i>[Deliberately left blank]</i>
	6.3.1 <i>[Deliberately left blank]</i>
	6.3.2 <i>[Deliberately left blank]</i>
	6.3.2.1 <i>[Deliberately left blank]</i>
	6.3.2.2 <i>[Deliberately left blank]</i>
	6.3.3 <i>[Deliberately left blank]</i>
	<i>[Deliberately left blank]</i>
7.	DETERMINATION OF RELEVANT AUTHORITY
7.1	The power pursuant to Section 34(1)(b)(ii) of the Act to request the Minister to declare the Development Assessment Commission to be the relevant authority for a proposed development.
7.1AA	<i>[Deliberately left blank]</i>
7.1A	<i>[Deliberately left blank]</i>
7.2	<i>[Deliberately left blank]</i>
7.2A	<i>[Deliberately left blank]</i>
7.3	<i>[Deliberately left blank]</i>
8.	SPECIAL PROVISIONS RELATING TO DEVELOPMENT PLAN ASSESSMENT
8.1	The duty pursuant to Section 35(1) of the Act to grant a development plan consent if the Regulations or the relevant Development Plan describes any proposed development as a complying development (subject to such conditions or exceptions as may be prescribed by the Regulations or the relevant Development Plan and subject to any other provision made by the Act or applying under the Regulations).
8.1A	The power pursuant to Section 35(1b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development.
8.1B	Subject to Sections 35(1d) and (1e) of the Act, if a proposed development meets all but 1 criteria necessary for the development to be complying development, the duty, pursuant to Section 35(1c) of the Act to regard the aspect or aspects of the development that are consistent with the development being complying development accordingly and to assess the balance of the development as merit development.
8.2	The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan.
8.3	The power pursuant to Section 35(3)(a) of the Act in appropriate cases, to concur in the granting of consent to a development described as a non-complying development.



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9. SPECIAL PROVISIONS RELATING TO BUILDING RULES ASSESSMENT	
9.1	<i>[Deliberately left blank]</i>
9.2	<i>[Deliberately left blank]</i>
9.2.1	<i>[Deliberately left blank]</i>
9.2.2	<i>[Deliberately left blank]</i>
9.2.3	<i>[Deliberately left blank]</i>
9.2.3.1	<i>[Deliberately left blank]</i>
9.2.3.2	<i>[Deliberately left blank]</i>
9.3	<i>[Deliberately left blank]</i>
9.4	<i>[Deliberately left blank]</i>
9.4.1	<i>[Deliberately left blank]</i>
9.4.2	<i>[Deliberately left blank]</i>
9.5	<i>[Deliberately left blank]</i>
9A CONSULTATION WITH OTHER AUTHORITIES OR AGENCIES	
9A.1	<i>[Deliberately left blank]</i>
10. CONSULTATION WITH OTHER AUTHORITIES OR AGENCIES	
10.1	Subject to Section 37AA of the Act, the duty pursuant to Section 37(1)(a) and (b) of the Act where an assessment is required of an application for the consent or approval of a proposed development of a prescribed class to:
10.1.1	refer the application, together with a copy of any relevant information provided by the applicant to a body prescribed by the Regulations and including the Development Assessment Commission, and
10.1.2	not make a decision until a response has been received from the prescribed body in relation to the matter or matters for which the referral was made or the presumption is made that the body does not desire to make a response or concur (as the case requires).
10.2	The duty pursuant to Section 37(5)(a) of the Act where an application has been refused or conditions imposed in respect of a development authorisation by direction of a prescribed body, to notify the applicant that the application was refused, or the conditions imposed, by direction under Section 37 of the Act.
11. PROPOSED DEVELOPMENT INVOLVING CREATION OF FORTIFICATIONS	
11.1	The duty pursuant to Section 37A(1) of the Act where the Delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (“the Commissioner”).
11.2	The power pursuant to Section 37A(2)(b) of the Act to receive the Commissioner’s written determination under Section 37A(2)(a) of the Act.
11.3	The duty pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development involves the creation of



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	fortifications to –
	(a) if the proposed development consists only of the creation of fortifications – refuse the application; or
	(b) in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications.
11.4	The duty pursuant to Section 37A(6) of the Act, if the Delegate acting on the basis of a determination of the Commissioner under subsection 37A(2) refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 37A of the Act.
11A. PRELIMINARY ADVICE AND AGREEMENT	
11A.1	The power pursuant to and in accordance with Section 37AA(2)(e) of the Act to be satisfied that an application accords with an agreement indicated by a prescribed body in accordance with Section 37AA(2)(c) of the Act.
11A.2	The power pursuant to and in accordance with Section 37AA(4) of the Act to determine that an agreement under Section 37AA of the Act is no longer appropriate due to the operation of Section 53 of the Act.
12. PUBLIC NOTICE AND CONSULTATION	
12.0	The duty, pursuant to Section 38(3) of the Act, where a person applies for a consent in respect of the Development Plan for a Category 1 development, to not on the Delegate’s own initiative seek the views of the owners or occupiers of adjacent or other land in relation to the granting or refusal of development plan consent.
12.00	Where a person applies for a consent in respect of the Development Plan for a Category 2A development, -
12.00.1	the duty pursuant to Section 38(3a)(a) of the Act to -
12.00.1.1	subject to any exclusion or qualification prescribed by the Regulations – give an owner or occupier of each piece of adjoining land; and
12.00.1.2	give any other person of a prescribed class, notice of the application; and
12.00.2	the duty pursuant to Section 38(3a)(b) of the Act, to -
12.00.2.1	give consideration to any representations in writing made in accordance with the Regulations by a person who is entitled to be given notice under paragraph (a) of Section 38(3a) of the Act; and
12.00.2.2	forward to the applicant a copy of any representations that the relevant authority must consider under subparagraph (i) of Section 38(3a)(b) of the Act and allow the applicant an opportunity to respond in writing, to those representations within the period prescribed by the Regulations; and
12.00.3	if a representation is received under paragraph (b) of Section 38(3a) of the Act within the prescribed number of days, the power pursuant to Section 38(3a)(c) of the Act to, in the



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	Delegate's absolute discretion, allow the person who made the representation to appear personally or by representative before it to be heard in support of the representation.
12.1	The duty pursuant to Section 38(4) of the Act to give notice of a proposal for a Category 2 development.
12.2	The duty pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development.
12.3	The duty pursuant to Section 38(8) of the Act to forward to an applicant a copy of any representation made regarding the proposed development, and to allow the applicant to respond in writing to those representations.
12.4	The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate.
12.5	The duty pursuant to Section 38(10)(b) of the Act, in respect of a Category 3 development, to allow a person who made a representation and who as part of that representation indicated an interest in appearing before the Delegate, a reasonable opportunity to appear personally or by representative to be heard in support of the representation.
12.6	The duty pursuant to Section 38(11) of the Act to allow an applicant to appear personally or by representative before the Delegate or the Council in order to respond to any relevant matter.
12.7	The duty pursuant to Section 38(12) of the Act, where representations have been made under Section 38 of the Act, to give notice of the decision on the application to each person who made a representation and in respect of a Category 3 development of the person's appeal rights under the Act, and give notice to the Court.
12.8	The power, pursuant to subsection 38(17) of the Act, where a relevant authority is acting under Section 38 of the Act in relation to a Category 2A or Category 2 development, to not take into account under Section 38 of the Act a representation made by a person who is not entitled to be given notice of the relevant application under Section 38 of the Act.
12.9	The power, pursuant to subsection 38(18) of the Act, to not take into account under Section 38 of the Act, a representation that is not made in accordance with any requirement prescribed by the Regulations for the purposes of Section 38.
13. PROVISION OF ADDITIONAL INFORMATION	
13.1	The power pursuant to Section 39(2) of the Act to request an applicant to:
13.1.1	provide such additional documents or information to enable assessment of the application;
13.1.2	remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;
13.1.3	consult with an authority or body prescribed by the Regulations;
13.1.4	(where required by the Regulations) prepare a statement of effect in relation to non-complying development; and
13.1.5	comply with any other requirement prescribed by the Regulations.



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13.1A	If -
13.1A.1	a development is of a kind that is complying development; and
13.1A.2	the development falls within a class of development prescribed by the Regulations for the purpose of Section 39(2a)(b) of the Act; and
13.1A.3	the applicant has complied with the requirements of Section 39(1)(a), (c) and (d),
	the duty, pursuant to Section 39(2a) of the Act, to, in making an assessment as to development plan consent, assess the application without requesting the applicant to provide additional documents or information.
13.1B	If -
13.1B.1	a development falls within a class of development prescribed by the Regulations for the purposes of Section 39(2b)(b) of the Act; and
13.1B.2	the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act,
	the power and duty pursuant to Section 39(2b)(c) of the Act, to:
13.1B.3	in making an assessment as to development plan consent, request the applicant to provide additional documents or information in relation to the application on 1 occasion only; and
	the duty pursuant to Section 39(2b)(d) of the Act, to:
13.1B.4	make that request within a period prescribed by the Regulations.
13.2	Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power pursuant to Section 39(3)(b) of the Act to -
13.2.1	subject to Section 39(3)(b)(ii) of the Act, refuse the application; and
13.2.2	refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).
14.	VARIATION OF AN APPLICATION
14.1	The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application.
14.2	The power pursuant to Section 39(4)(b) and Section 39(5) of the Act to permit an applicant to lodge an application without the provision of any information or document required by the Regulations.
14.3	The power pursuant to Section 39(4)(c) and Section 39(5) of the Act to waive payment of whole or part of the application fee or refund an application fee (to the extent that such fees are payable to the Council).
14.4	The power pursuant to Section 39(4) of the Act, if there is an inconsistency between any documents lodged with the Council for the purposes of Division 1 of Part 4 of the Act, or between any such document



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	and a development authorisation that has already been given that is relevant in the circumstances, to return or forward any document to the applicant or to any other person and to determine not to finalise the matter until any specified matter is resolved, rectified or addressed.
14.5	The power pursuant to Section 39(7) of the Act to approve an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative.
14.5A	The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development.
14.5B	The power, pursuant to section 39(7)(d) of the Act, to approve the seeking of a variation to extend the period for which the relevant authorisation remains operative.
14.5C	Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7a), to make specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation.
14.6	The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking of development in stages.
14.7	The power pursuant to Section 39(9) of the Act to determine that the applicant is entitled to a refund of the application fee in the event that an application is withdrawn.
15. REFUSE NON-COMPLYING DEVELOPMENT	
15.1	The power pursuant to Section 39(4)(d) of the Act and Regulation 17(3)(a) of the regulations to refuse an application that relates to a development of the kind that is described as a non-complying development under the Development Plan without proceeding to make an assessment of the application.
16. NOTICE OF THE DECISION	
16.1	The duty pursuant to Section 40(1) of the Act to give notice of a decision in accordance with the Regulations (and in the case of a refusal, the duty to include the reasons for the refusal and any appeal rights that exist under the Act.)
17. EXTENSION OF TIME OF DEVELOPMENT AUTHORISATION	
17.1	The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative.
17A. TIME WITHIN WHICH DECISION MUST BE MADE	
17A.1	The duty, pursuant to Section 41(1) of the Act to deal with an application as expeditiously as possible and within the time prescribed by the Regulations.
17A.2	<i>[Deliberately left blank]</i>
17A.2.1	<i>[Deliberately left blank]</i>
17A.2.2	<i>[Deliberately left blank]</i>



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18. ATTACHING OF CONDITIONS	
18.1	The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.
19. CANCELLATION OF DEVELOPMENT AUTHORISATION	
19.1	The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate.
20. INVESTIGATION OF DEVELOPMENT ASSESSMENT PERFORMANCE	
20.1	<i>[Deliberately left blank]</i>
20.2	<i>[Deliberately left blank]</i>
20.3	<i>[Deliberately left blank]</i>
21. CROWN DEVELOPMENT	
21.1	The power pursuant to Section 49(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.
21.2	The power pursuant to Section 49(5) of the Act to report to the Development Assessment Commission on any matters contained in a notice from the Development Assessment Commission under Section 49(4a) of the Act.
21.3	The power pursuant to Section 49(9) of the Act to withdraw opposition to a State agency proposed development.
22. ELECTRICITY INFRASTRUCTURE DEVELOPMENT	
22.1	The power pursuant to Section 49A(4a) of the Act to receive notice from the Development Assessment Commission containing the prescribed particulars of the development in accordance with the Regulations.
22.2	The power pursuant to Section 49A(5) of the Act, where notice of a proposal to undertake development for the purposes of the provision of electricity infrastructure has been given to the Council pursuant to Section 49A(4a) of the Act, to report to the Development Assessment Commission on any matters contained in the said notice.
22.3	The power pursuant to Section 49A(9) of the Act, in circumstances where the Council's report to the Development Assessment Commission under Section 49A(5) of the Act expressed opposition to the proposed development, to withdraw that opposition.
23. OPEN SPACE CONTRIBUTION SYSTEM	
23.1	The power pursuant to Section 50(1) of the Act, with respect to an application for the division of land into more than 20 allotments where one or more allotments is less than one hectare in area, to require:
23.1.1	that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or
23.1.2	that the applicant make the contribution prescribed by the regulations in accordance with the requirements of by Section 50 of the Act; or
23.1.3	that the land be vested in the Council and that the applicant make



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	a contribution determined in accordance with Section 50(7) of the Act according to the determination and specification of the Council or Delegate.
23.1A	The power pursuant to Section 50(1) of the Act, when proposing to take any action that is at variance with the Council’s Development Plan to seek the concurrence of the Development Assessment Commission.
23.2	The power pursuant to Section 50(3) and 50(2)(d) of the Act to enter into an agreement on behalf of the Council with the Development Assessment Commission and the applicant under which certain land described by the relevant plan of division will be vested in the Council.
23.2A	The power pursuant to Section 50(3a) of the Act to concur on behalf of the Council to the vesting of land in the Council pursuant to a requirement of the Development Assessment Commission that an area of the site of the development be kept as open space or in some other form that allows for active or passive recreation under Section 50(3a)(a) of the Act.
23.3	The power pursuant to Section 50(10) of the Act to receive payment of monies from an applicant under Section 50(1) of the Act and the duty to immediately pay that money into a special fund established for the purposes of Section 50 and to apply that money for the purpose of acquiring or developing land as open space.
23.4	The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the extent that an earlier application in respect of the same development has addressed the requirements of Section 50 of the Act in respect of the area of land as a whole.
24. CAR PARKING FUND	
24.1	<i>[Deliberately left blank]</i>
24.2	<i>[Deliberately left blank]</i>
24.3	The power pursuant to Section 50A(5)(c) of the Act to determine that a proposal does not provide for sufficient spaces for the parking of cars at the site of a development.
24.4	The power pursuant to Section 50A(5)(d) of the Act to agree with an applicant that a contribution calculated in accordance with a determination of the Council or the Delegate can be made by the applicant to a car parking fund in lieu of providing a certain number of spaces for the parking of cars at the site of a development.
24.4A	The power pursuant to Section 50A(5) of the Act to make a determination for the purpose of calculating amounts to be paid into a carparking fund.
24.5	The duty pursuant to and in accordance with Section 50A(6) of the Act to publish a determination for the purpose of calculating amounts to be paid into a carparking fund and any variations from time to time in the Gazette.
24.6	<i>[Deliberately left blank]</i>
24.7	<i>[Deliberately left blank]</i>
25. CERTIFICATE IN RESPECT OF THE DIVISION OF LAND	
25.1	The duty pursuant to Section 51(2) of the Act to provide appropriate



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information to the Development Assessment Commission (upon request by the Development Assessment Commission) before it issues a certificate in respect of the division of land.

26. SAVING PROVISIONS

26.1 The power pursuant to Section 52(4) of the Act to extend the limitation period referred to in Section 52(2) of the Act in order to avoid or reduce hardship.

27. AVOIDANCE OF DUPLICATION OF PROCEDURES IN RELATION TO COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT, 1999

27.1 The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (and defined in Section 52A(9) of the Act, as a “Commonwealth Act document”) as an application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act.

27.2 The power pursuant to Section 52A(2)(b) of the Act where a document has been accepted for the purposes of the Act, to direct that a procedure taken under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 in relation to the said document will be taken to have fulfilled the requirements for a procedure in relation to the relevant document under the Act, if the requirements of the Act in relation to the procedure have been complied with under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

27.3 The power pursuant to Section 52A(2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement, assessment or other document of the same kind or not) used or to be used for the purposes of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of the Act.

27.4 The power pursuant to Section 52A(5) of the Act where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity or includes an activity for which a development authorisation is required under the Act to, when considering an application for a development authorisation or for the variation of a development authorisation, for the activity, use information and other material provided to the Commonwealth Minister under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

27.5 Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act:

(a) in circumstances where:

(i) the Commonwealth Minister has given his or her approval to the controlled action; and



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	(ii) the applicant for the development authorisation or the Commonwealth Minister has informed the relevant authority of that fact;
	the duty pursuant to Section 52A(6)(a) of the Act to consider whether the conditions (if any) to be attached to the development authorisation should be consistent with the conditions (if any) attached to the Commonwealth Minister’s approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999; and
	(b) the power pursuant to Section 52A(6)(b) of the Act to attach a condition to the development authorisation that requires compliance with all or some of the conditions attached to the Commonwealth Minister’s approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.
28.	REQUIREMENT TO UPGRADE BUILDING IN CERTAIN CASES
28.1	<i>[Deliberately left blank]</i>
28.2	<i>[Deliberately left blank]</i>
29.	URGENT BUILDING WORK
29.1	<i>[Deliberately left blank]</i>
30.	REMOVAL OF WORK IF DEVELOPMENT NOT SUBSTANTIALLY COMPLETED
30.1	<i>[Deliberately left blank]</i>
30.2	<i>[Deliberately left blank]</i>
30.3	<i>[Deliberately left blank]</i>
31.	COMPLETION OF WORK
31.1	<i>[Deliberately left blank]</i>
31.2	<i>[Deliberately left blank]</i>
31.3	<i>[Deliberately left blank]</i>
31.4	<i>[Deliberately left blank]</i>
32.	COUNCIL DEVELOPMENT ASSESSMENT PANELS
32.0	<i>[Deliberately left blank]</i>
32.0A	<i>[Deliberately left blank]</i>
32.0AA	<i>[Deliberately left blank]</i>
32.0B	<i>[Deliberately left blank]</i>
32.0C	<i>[Deliberately left blank]</i>
32.0D	<i>[Deliberately left blank]</i>
32.1	<i>[Deliberately left blank]</i>
32.1A	<i>[Deliberately left blank]</i>
32.2	The duty pursuant to and in accordance with Section 56A(20) of the Act to provide information to the Minister where requested by the Minister.
32.3	<i>[Deliberately left blank]</i>



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32.4	[Deliberately left blank]
32.5	[Deliberately left blank]
32.6	[Deliberately left blank]
32A. BUILDING RULES ASSESSMENT AUDITS	
32A.1	[Deliberately left blank]
32A.2	[Deliberately left blank]
32A.3	[Deliberately left blank]
32A.4	[Deliberately left blank]
32A.5	[Deliberately left blank]
33. LAND MANAGEMENT AGREEMENTS	
33.1	[Deliberately left blank]
33.2	[Deliberately left blank]
33.3	[Deliberately left blank]
33.4	[Deliberately left blank]
33.4A	[Deliberately left blank]
33.5	[Deliberately left blank]
33.6	[Deliberately left blank]
34. LAND MANAGEMENT AGREEMENTS - DEVELOPMENT APPLICATIONS	
34.1	[Deliberately left blank]
34.2	[Deliberately left blank]
(a)	[Deliberately left blank]
(b)	[Deliberately left blank]
34.3	[Deliberately left blank]
34.4	[Deliberately left blank]
34.5	[Deliberately left blank]
34.6	[Deliberately left blank]
33.6A	[Deliberately left blank]
33.6B	[Deliberately left blank]
34.7	[Deliberately left blank]
35. MANDATORY NOTIFICATION	
35.1	[Deliberately left blank]
36. CLASSIFICATION OF BUILDINGS	
36.1	[Deliberately left blank]
37. CERTIFICATES OF OCCUPANCY	
37.1	[Deliberately left blank]
37.2	[Deliberately left blank]



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37.3	[Deliberately left blank]
37.4	[Deliberately left blank]
38. APPROVAL OF TEMPORARY OCCUPATION	
38.1	[Deliberately left blank]
38.2	[Deliberately left blank]
39. WORK REQUIRED BY EMERGENCY ORDERS	
39.1	[Deliberately left blank]
(a)	[Deliberately left blank]
(b)	[Deliberately left blank]
40. BUILDING INSPECTION POLICIES	
40.1	[Deliberately left blank]
41. ADVERTISEMENTS	
41.1	[Deliberately left blank]
41.1.1	[Deliberately left blank]
41.1.2	[Deliberately left blank]
41.2	[Deliberately left blank]
42. ENFORCEMENT OF THE ACT	
42.1	[Deliberately left blank]
42.2	[Deliberately left blank]
42.3	[Deliberately left blank]
(a)	[Deliberately left blank]
(b)	[Deliberately left blank]
42.4	[Deliberately left blank]
42.5	[Deliberately left blank]
43. DISPUTES AND APPEALS	
43.1	[Deliberately left blank]
44. PRIVATE CERTIFICATION	
44.1	[Deliberately left blank]
44.2	[Deliberately left blank]
45. SEEKING OF PROFESSIONAL ADVICE	
45.1	The power pursuant to Section 101(1) of the Act, in the exercise of a prescribed function, to rely on a certificate of a person with prescribed qualifications.
45.2	The duty pursuant to Section 101(2) of the Act to seek and consider the advice of a person with prescribed qualifications or person approved by the Minister in relation to a matter prescribed by the Regulations.



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**DELEGATIONS UNDER THE DEVELOPMENT (DEVELOPMENT PLANS)
AMENDMENT ACT 2006**

45A. TRANSITIONAL PROVISIONS

45A.1 [Deliberately left blank]

45A.2 [Deliberately left blank]

DELEGATIONS UNDER THE DEVELOPMENT REGULATIONS 2008

46. DEVELOPMENT PLAN AMENDMENT

46.0 [Deliberately left blank]

46.1 [Deliberately left blank]

47. PUBLIC CONSULTATION

47.1 [Deliberately left blank]

47.1.1 [Deliberately left blank]

47.1.2 [Deliberately left blank]

47.1.3 [Deliberately left blank]

47.1.4 [Deliberately left blank]

47.1A [Deliberately left blank]

47.1B [Deliberately left blank]

47.1C [Deliberately left blank]

47.2 [Deliberately left blank]

47.3 [Deliberately left blank]

48. APPLICATION TO RELEVANT AUTHORITY

48.1 [Deliberately left blank]

48.2 [Deliberately left blank]

48.3 [Deliberately left blank]

48.4 [Deliberately left blank]

48.5 [Deliberately left blank]

49. NATURE OF DEVELOPMENT

49.1 The duty pursuant to Regulation 16(1) of the Regulations, where an application requires the assessment of a proposed development against the provisions of the Development Plan, to determine the nature of the development applied for.

49.2 The power pursuant to Regulation 16(2) of the Regulations to form the opinion that a development is non-complying, and the duty if the Delegate is of the opinion that an application relates to a kind of development that is non-complying and the applicant has not identified the development as such, by notice in writing to inform the applicant of that fact.

50. NON-COMPLYING DEVELOPMENT

50.1 The power pursuant to Regulation 17(3) of the Regulations, after receipt of an application which relates to a kind of development that is described



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	as non-complying development to:
50.1.1	refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or
50.1.2	resolve to proceed with an assessment of the application.
50.2	The duty pursuant to Regulation 17(4) of the Regulations, in situations where the Delegate has resolved to proceed with the assessment of an application for non-complying development, to require the applicant to provide a statement of effect.
50.3	The power pursuant to Regulation 17(6) of the Regulations to determine that a proposed development is of a minor nature for the purposes of exemption from the requirements to provide a statement of effect.
51. NOTIFICATION OF TREE-DAMAGING ACTIVITY TO OWNER	
51.1	Where the owner of land to which an application for a tree-damaging activity in relation to a significant tree relates is not a party to the application, the duty pursuant to and in accordance with Regulation 18 of the Regulations:
51.1.1	to give the owner of land notice of the application; and
51.1.2	to give due consideration, in the assessment of the application, to any submission made by the owner within a reasonable time after the giving of notice of the application.
52. AMENDED APPLICATIONS	
52.1	The power pursuant to Regulation 20(4) of the Regulations to form the opinion that variations to an application are not substantial and that repeating of the referral process under Part 5 of the Regulations, or the giving of notice under Part 6 of the Regulations is not required.
52.2	The power pursuant to Regulation 20(5) of the Regulations, where a variation to an application changes the essential nature of a proposed development to (by agreement with the applicant) proceed with the variation on the basis that the application will be treated as a new application.
53. WITHDRAWING/LAPSING APPLICATION	
53.1	The duty pursuant to Regulation 22(1) of the Regulations, where an applicant withdraws an application, to notify any agency to which an application was referred under Part 5 of the Regulations and any person who made a representation in relation to the application under Part 6 of the Regulations of the withdrawal.
53.2	<i>[Deliberately left blank]</i>
53.3	<i>[Deliberately left blank]</i>
(a)	<i>[Deliberately left blank]</i>
(b)	<i>[Deliberately left blank]</i>
54. DELIBERATELY LEFT BLANK	
55. CONTRAVENING DEVELOPMENT	
55.1	The power pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline to proceed with an application until proceedings under the Act have been concluded.



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56. REFERRALS AND CONCURRENCE	
56.1	The duty pursuant to Regulation 24(1) of the Regulations to refer an application of a prescribed kind together with a copy of any relevant information provided by the applicant to the relevant body prescribed by Schedule 8 of the Regulations and to not make a decision on the application until a response has been received from the referral body or the time period for receipt of a response has lapsed.
56.2	The duty pursuant to Regulation 25 of the Regulations, if concurrence must be sought from another body prior to issuing a consent or approval to forward to the other body whose concurrence must be sought that information required by Regulation 25(b) of the Regulations.
56.3	The duty pursuant to Regulation 27(1) of the Regulations, where an application has been referred to a prescribed body under Part 5 of the Regulations and additional information is received which is materially relevant to the referral, to repeat the referral process where the Delegate is of the opinion that the additional information or amendment is significant and the power to repeat the referral process in all other instances.
57. SPECIAL PROVISIONS – REFERRALS	
57.1	<i>[Deliberately left blank]</i>
57.1.1	<i>[Deliberately left blank]</i>
57.1.2	<i>[Deliberately left blank]</i>
57.1.3	<i>[Deliberately left blank]</i>
57.2	<i>[Deliberately left blank]</i>
57.3	<i>[Deliberately left blank]</i>
58. LAND DIVISION APPLICATIONS	
58.1	The duty pursuant to Regulation 29(1) of the Regulations, subject to the provisions in Regulation 29(2) of the Regulations, to withhold making a decision on an application which relates to a proposed development that involves the division of land until a report has been received from the Development Assessment Commission.
58.2	The power pursuant to Regulation 29(2) of the Regulations, when a report from the Development Assessment Commission pursuant to Regulation 29(1) of the Regulations is not received by the Council within eight weeks or within such longer period as the Development Assessment Commission may require by notice in writing to the Council, to presume that the Development Assessment Commission does not desire to make a report.
59. UNDERGROUND MAINS AREA	
59.1	The power pursuant to Regulation 30(1) of the Regulations to seek a report from the relevant electricity authority where the Delegate considers that an area should be declared an underground mains area.
59.2	The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.
59.3	The power pursuant to Regulation 30(4) of the Regulations, where a development includes the division of land within or partly within an underground mains area, to require, as a condition of the decision, that any electricity mains be placed underground.



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59A. PRELIMINARY ADVICE AND AGREEMENT	
59A.1	The power pursuant to Regulation 31A(6)(b) of the Regulations to determine that an application no longer accords with an agreement indicated by the prescribed body.
59A.2	The power pursuant to Regulation 31A(6) of the Regulations if:
59A.2.1	a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and
59A.2.2	the relevant authority determines that the application no longer accords with the agreement indicated by the prescribed body, to refer the application (unless withdrawn) to the prescribed body -
59A.2.3	to obtain a variation to the agreement under Section 37AA of the Act; or
59A.2.4	to obtain a response from the prescribed body for the purposes of Section 37 of the Act.
59A.3	The power pursuant to Regulation 31A(7) of the Regulations if:
59A.3.1	an application is withdrawn by the Applicant; and
59A.3.2	the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application, to notify the relevant prescribed body of the withdrawal of an application.
59A.4	The power pursuant to Regulation 31A(8) of the Regulations if:
59A.4.1	an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and
59A.4.2	the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application, to notify the relevant prescribed body of the lapsing of an application.
59A.5	The power pursuant to Regulation 31A(9) of the Regulations if:
59A.5.1	an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and
59A.5.2	a notice of decision is issued by the relevant authority under Regulation 42 of the Regulations, to send a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 42 of the Regulations.
60. PUBLIC INSPECTION	
60.1	<i>[Deliberately left blank]</i>
60.2	<i>[Deliberately left blank]</i>
60.2A	<i>[Deliberately left blank]</i>
60.3	<i>[Deliberately left blank]</i>
61. COMMISSION AS RELEVANT AUTHORITY	
61.1	Where the Development Assessment Commission is the relevant authority under Section 34(1)(b) of the Act:
61.1.1	in a case where the Minister has made a declaration under Section 34(1)(b)(iii) or 34(1)(b)(vi) of the Act, the duty pursuant



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	to and in accordance with Regulation 38(2)(a)(i) of the Regulations to forward to the Development Assessment Commission any application received by the Council under the Act and the Regulations in relation to the matter together with accompanying documentation or information and, as appropriate, fees; and
61.1.2	in any case, the power pursuant to and in accordance with Regulation 38(2)(b) to provide a report on matters under Section 33(1) (as relevant).
61.2	Where the Development Assessment Commission is the relevant authority under Section 34(1)(b)(iv) of the Act and the proposed development is to be undertaken within one kilometre of a boundary with the Council, the power, pursuant to Regulation 38(4) of the Regulations, to provide the Development Assessment Commission with comments on the proposed development.
61.3	The duty pursuant to and in accordance with Regulation 39 of the Regulations, where the Council is the relevant authority pursuant to Section 34(2) of the Act, not to give any decision in respect of the assessment against the Building Rules until the Development Assessment Commission or the regional development assessment panel (as the case may be) has made its decision.
62. RESPONSE BY APPLICANT	
62.1	The power pursuant to Regulation 36 of the Regulations to extend the time within which an applicant may respond to any representation
63. NOTIFICATION OF DECISION	
63.1	The duty pursuant to and in accordance with Regulation 42 of the Regulations to give notice of a decision on an application under Division 1 of Part 4 of the Act including, but not limited to, the power to endorse approved plans and documentation under Regulation 42(4).
63.2	The duty pursuant to and in accordance with Regulation 43 of the Development Regulations, to send a copy of the notice of decision issued under Regulation 42 of the Regulations to any prescribed body to which the application had been referred.
63.3	The duty pursuant to and in accordance with Regulation 43(3) of the Regulations to send a copy of a notice of a decision on an application, if or when a development authorisation is issued in relation to a proposed division of land, to the Development Assessment Commission.
63.4	The duty pursuant to and in accordance with Regulation 44 of the Regulations to send a copy of any notice issued under Regulation 42 of the Regulations to the owner of land to which a decision on the application relates where the owner is not a party to the application.
63.5	The duty pursuant to and in accordance with Regulation 46(1) of the Regulations, and in a case where the development is within the ambit of Schedule 1A, subject to, in accordance with Regulations 46(4) and (5) of the Regulations, any step that the Delegate, as the relevant authority considers it needs to take under Section 42 of the Act, to issue a Notice of Approval in the circumstances prescribed by Regulation 46 of the Regulations.
63.6	<i>[Deliberately left blank]</i>



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64. LAPSE OF CONSENT OR APPROVAL
64.1 The power pursuant to Regulation 48(2) of the Regulations to extend the time when any consent or approval under Part 4 of the Act will lapse.
65. WIDTH OF ROADS AND THOROUGHFARES
65.1 The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulation 51(1) and (3) dealing with the width of any proposed road or thoroughfare where the Delegate is of the opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services.
65.2 The power pursuant to Regulation 51(6) of the Regulations to dispense with the requirements of Regulation 51(5) dealing with the width of a road at the head of every cul-de-sac where it appears that the cul-de-sac is likely to become a through road.
66. ROAD WIDENING
66.1 The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road.
67. REQUIREMENT AS TO FORMING OF ROADS
67.1 The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.
67.2 The power pursuant to Regulation 53(4) of the Regulations to dispense with the requirements of Regulation 53(3) of the Regulations that adequate provision be made for the turning of vehicles at the head of a cul-de-sac where the Delegate is of the opinion that the cul-de-sac is likely to become a through road.
67.3 The power pursuant to Regulation 53(6) of the Regulations to dispense with the requirements of Regulation 53(5) dealing with the forming of footpaths, water-tables, kerbing, culverts and drains on proposed roads.
68. CONSTRUCTION OF ROADS, BRIDGES, DRAINS AND SERVICES
68.1 The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.
69. SUPPLEMENTARY LAND DIVISION PROVISIONS
69.1 The duty pursuant to Regulation 55(1) of the Regulations to consider and if appropriate approve a road location and grading plan for the forming of any proposed road, including every footpath, water-table, kerbing, culvert and drain.
69.2 The duty pursuant to Regulation 55(2) of the Regulations to consider, and if appropriate approve, detailed construction plans and specifications signed by a professional engineer or licensed surveyor for all work referred to in Regulations 53 and 54 of the Regulations.
69.3 The duty pursuant to Regulation 55(4) of the Regulations to consider, and if appropriate accept, that all connections for water supply and sewerage services to any allotment delineated on a plan of division have been laid under the surface of a proposed road before the roadway is sealed.
70. GENERAL LAND DIVISION
70.1 <i>[Deliberately left blank]</i>
70.2 <i>[Deliberately left blank]</i>



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71. DIVISION OF LAND BY STRATA TITLE
71.1 The power pursuant to Regulation 59(1) of the Regulations to advise the Development Assessment Commission that an applicant has entered into a binding arrangement with the Council for the satisfaction of the requirements of Section 33(1)(d) of the Act and that the arrangement is supported by adequate security.
72. GENERAL PROVISIONS
72.1 <i>[Deliberately left blank]</i>
72.2 <i>[Deliberately left blank]</i>
72.3 <i>[Deliberately left blank]</i>
73. MAJOR PROJECT DECISIONS
73.1 <i>[Deliberately left blank]</i>
73.2 <i>[Deliberately left blank]</i>
73.3 <i>[Deliberately left blank]</i>
73.4 <i>[Deliberately left blank]</i>
73.5 <i>[Deliberately left blank]</i>
(a) <i>[Deliberately left blank]</i>
(b) <i>[Deliberately left blank]</i>
(i) <i>[Deliberately left blank]</i>
(ii) <i>[Deliberately left blank]</i>
(iii) <i>[Deliberately left blank]</i>
73.6 <i>[Deliberately left blank]</i>
74. BUILDING WORK NOTICES
74.1 <i>[Deliberately left blank]</i>
74.2 <i>[Deliberately left blank]</i>
74.3 <i>[Deliberately left blank]</i>
75. ESSENTIAL SAFETY PROVISIONS FOR BUILDINGS
75.1 <i>[Deliberately left blank]</i>
75.2 <i>[Deliberately left blank]</i>
76. INSTALLATION OF WASTE CONTROL SYSTEMS
76.1 <i>[Deliberately left blank]</i>
77. BUSHFIRE PRONE AREAS
77.1 <i>[DELIBERATELY LEFT BLANK]</i>
(A) <i>[DELIBERATELY LEFT BLANK]</i>
(B) <i>[DELIBERATELY LEFT BLANK]</i>
(C) <i>[DELIBERATELY LEFT BLANK]</i>
77.2 <i>[DELIBERATELY LEFT BLANK]</i>
77.2.1 <i>[Deliberately left blank]</i>



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77.2.2	[Deliberately left blank]
77.2.3	[Deliberately left blank]
78. CONSTRUCTION INDUSTRY TRAINING FUND	
78.1	[Deliberately left blank]
78.2	[Deliberately left blank]
78.3	[Deliberately left blank]
79. CLASSIFICATION OF BUILDINGS	
79.1	[Deliberately left blank]
79.2	[Deliberately left blank]
80. CERTIFICATES OF OCCUPANCY	
80.1	[Deliberately left blank]
80.2	[Deliberately left blank]
80.3	[Deliberately left blank]
80.4	[Deliberately left blank]
80.4.1	[Deliberately left blank]
80.4.2	[Deliberately left blank]
80.5	[Deliberately left blank]
80.6	[Deliberately left blank]
80.7	[Deliberately left blank]
81. INDEPENDENT TECHNICAL EXPERT ADVICE	
81.1	[Deliberately left blank]
82. FEES	
82.1	[Deliberately left blank]
82.2	[Deliberately left blank]
82.3	[Deliberately left blank]
83. REGISTER OF APPLICATIONS	
83.1	[Deliberately left blank]
83.2	[Deliberately left blank]
84. REGISTRATION OF LAND MANAGEMENT AGREEMENTS	
84.1	[Deliberately left blank]
84.2	[Deliberately left blank]
85. LAND MANAGEMENT AGREEMENTS - DEVELOPMENT APPLICATIONS	
85.1	[Deliberately left blank]
85.2	[Deliberately left blank]
85.3	[Deliberately left blank]
85.4	[Deliberately left blank]



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85.5	<i>[Deliberately left blank]</i>
86.	DOCUMENTS TO BE PRESERVED BY COUNCIL
86.1	<i>[Deliberately left blank]</i>
86.2	<i>[Deliberately left blank]</i>
86.3	<i>[Deliberately left blank]</i>
86.4	<i>[Deliberately left blank]</i>
86.5	<i>[Deliberately left blank]</i>
87.	TRANSFER OF DEVELOPMENT POTENTIAL
87.1	<i>[Deliberately left blank]</i>
87A.	BUSHFIRE PROTECTION <i>[DELIBERATELY LEFT BLANK]</i>
87B.	SCHEDULE 1A – DEMOLITION
87B.1	<i>[Deliberately left blank]</i>
87B.2	<i>[Deliberately left blank]</i>
87C.	SCHEDULE 4 – NEW DWELLINGS
87C.1	The power pursuant to Clause 2B(4)(b) of Schedule 4 of the Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land.
87d.	FEES
87D.1	<i>[Deliberately left blank]</i>
88.	DEVELOPMENT NEAR THE COAST
88.1	THE POWER PURSUANT TO ITEM 1(B) OF CLAUSE 2 OF SCHEDULE 8 OF THE REGULATIONS, WHERE DEVELOPMENT IS ON COASTAL LAND, TO FORM THE OPINION THAT THE DEVELOPMENT IS OF A MINOR NATURE ONLY, AND COMPRISES THE ALTERATION OF AN EXISTING BUILDING OR THE CONSTRUCTION OF A BUILDING TO FACILITATE THE USE OF AN EXISTING BUILDING.
89.	SCHEDULE 8 – DEVELOPMENT ADJACENT TO MAIN ROADS
89.1	The power pursuant to Item 3 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is likely to:
	(a) alter an existing access; or
	(b) change the nature of movement through an existing access; or
	(c) create a new access; or
	(d) encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972,
	in relation to an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, or within 25 metres of a junction with an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan).



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90. SCHEDULE 8 - STATE HERITAGE PLACES
90.1 The power pursuant to Item 5(1) of Clause 2 of Schedule 8 of the Regulations to form the opinion that a development materially affects the context within which a State Heritage place is situated
91. SCHEDULE 8 – MINING – GENERAL
91.1 The power pursuant to and in accordance with Item 7 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is of a minor nature only.
92. SCHEDULE 8 - ACTIVITY OF ENVIRONMENTAL SIGNIFICANCE
92.1 The power pursuant to Item 10(b) of Clause 2 of Schedule 8 of the Regulations, where development involves, or is for the purposes of an activity specified in Schedule 21 of the Regulations (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level), other than development which comprises the alteration of, or addition to, an existing building, to form the opinion that the development does not change the use of the building, and is of a minor nature only, and does not have any adverse effect on the environment.
93. SCHEDULE 8 – AQUACULTURE DEVELOPMENT
93.1 THE POWER PURSUANT TO AND IN ACCORDANCE WITH ITEM 15 OF CLAUSE 2 OF SCHEDULE 8 OF THE REGULATIONS TO FORM THE OPINION THAT DEVELOPMENT INVOLVES A MINOR ALTERATION TO AN EXISTING OR APPROVED DEVELOPMENT.
94. SCHEDULE 8 – DEVELOPMENT WITHIN THE RIVER MURRAY FLOOD PLAIN AREA
94.1 THE POWER PURSUANT TO AND IN ACCORDANCE WITH ITEM 19(B) OF CLAUSE 2 OF SCHEDULE 8 OF THE REGULATIONS TO FORM THE OPINION THAT DEVELOPMENT MATERIALLY AFFECTS THE CONTEXT WITHIN WHICH A STATE HERITAGE PLACE IS SITUATED.
95. SCHEDULE 8 – DEVELOPMENT WITHIN THE RIVER MURRAY TRIBUTARIES AREA
95.1 THE POWER PURSUANT TO AND IN ACCORDANCE WITH ITEM 20(A) OF CLAUSE 2 OF SCHEDULE 8 OF THE REGULATIONS TO FORM THE OPINION THAT DEVELOPMENT MATERIALLY AFFECTS THE CONTEXT WITHIN WHICH A STATE HERITAGE PLACE IS SITUATED.
96. SCHEDULE 9 - PART ONE, CATEGORY ONE DEVELOPMENT AND PART TWO CATEGORY TWO DEVELOPMENT
96.1 The power pursuant to Clause 1 of Part 1 to Schedule 9 of the Regulations in circumstances where a development would be a complying development under the Regulations or the relevant Development Plan but for the fact that it fails to meet the conditions associated with the classification, to form the opinion that the failure to meet those conditions is of a minor nature only.



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96.2	The power pursuant to Clause 2(1)(g) of Part 1 to Schedule 9 of the Regulations to form the opinion that a development is of a kind which is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.
96.3	The power pursuant to the following designated sub-paragraphs of Clause 3 of Part 1 to Schedule 9 of the Regulations, where a development is classified as non complying under the relevant Development Plan, to form the opinion that:-
96.3.1	the alteration of, or addition to, a building is of a minor nature only, pursuant to sub-paragraph (a);
96.3.2	the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used constitutes development of a minor nature only pursuant to sub-paragraph (b).
96.4	The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:-
96.4.1	that the division of land (including for the construction of a road or thoroughfare) is for a proposed use which is consistent with the objective of the zone or area under the Development Plan; and
96.4.2	whether the division will change the nature or function of an existing road.
96.5	The power pursuant to Clause 11 of Part 1 to Schedule 9 of the Regulations, in circumstances where development comprises a special event and the special event will not be held over more than 3 consecutive days, to form the opinion that an event of a similar or greater size or of a similar or greater impact on surrounding areas, has not been held on the same site (or substantially the same site) within 6 months immediately preceding the day or days on which the special event is proposed to occur.
96.6	Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:
(a)	the duty to not take into account what is included within Schedule 3 of the Regulations; and
(b)	the power to take into account the size of the site of the development, the location of the development within that site, and the manner in which the development relates to the locality of the site; and
(c)	the power to conclude, if relevant, that the development is of a minor nature only despite the fact that it satisfies some, but not all, of the criteria set out in item 2(d) of Part 1 of Schedule 9 to the Regulations.
96.7	The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non complying development under the relevant Development Plan, to form the opinion:
96.7.1	that in respect of a proposed division of land that the applicant's proposed use of the land, is for a purpose which is consistent with the zone or area under the Development Plan; and



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96.7.2	whether the proposed division will change the nature or function of an existing road.
97. SCHEDULE 10 - DECISIONS BY DEVELOPMENT ASSESSMENT COMMISSION	
97.1	In circumstances where the Council is undertaking development within the meaning of that term under Section 4 of the Act and:-
97.1.1	the development involves the construction (but not alteration of or change in use to a hotel or tavern, or tourist accommodation, or an entertainment complex, or a cinema, or a hospital) but where the Council's interest is limited to the ownership of rights associated with an easement, road or reserve, the power pursuant to Clause 2(a) of Schedule 10 of the Regulations to form the opinion that the purpose of the easement, road or reserve will not be materially affected;
97.1.2	in circumstances where the development involves the construction of, or a change in use to, a shop or office or the construction of a building for the purposes of, or a change in use to, a form of industry and the interest of the Council is limited to the ownership of rights associated with an easement, road or reserve, the power pursuant to Clause 2(b) of Schedule 10 of the Regulations to form the opinion that the purpose of the easement, road or reserve will not be materially affected.

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

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