



AGENDA

FOR GOVERNANCE AND COMPLIANCE COMMITTEE MEETING TO BE HELD ON

**14 DECEMBER 2020 AT CONCLUSION OF FINANCE AND CORPORATE
SERVICES COMMITTEE**

**IN WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,
34 CHURCH STREET, SALISBURY**

MEMBERS

Cr J Woodman (Chairman)
Mayor Gillian Aldridge (ex officio) (Member (ex officio))
Cr B Brug
Cr A Duncan
Cr K Grenfell
Cr D Proleta
Cr S Reardon (Deputy Chairman)
Cr G Reynolds

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
Manager Governance, Mr M Petrovski
General Manager Community & Org. Development, Ms G Page
Governance Support Officer, Ms K Boyd

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Resources and Governance Committee Meeting held on
16 November 2020

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CLOSE



**MINUTES OF RESOURCES AND GOVERNANCE COMMITTEE MEETING HELD
IN THE WITTBER AND DR RUBY DAVY ROOMS, 34 CHURCH STREET,
SALISBURY ON**

16 NOVEMBER 2020

MEMBERS PRESENT

Cr D Proleta (Chairman)
Mayor G Aldridge (ex officio)
Cr B Brug
Cr A Duncan
Cr K Grenfell (*via Teams VC*) (*from 8.37 pm*)
Cr D Hood
Cr P Jensen (Deputy Chairman)
Cr J Woodman (*via Teams VC*)

OBSERVERS

Nil

STAFF

General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
Risk and Governance Program Manager, Ms J Crook
Manager Development Services, Mr C Zafirooulos

The meeting commenced at 8.35pm

The Chairman welcomed the members, staff and the gallery to the meeting.

APOLOGIES

There were no apologies.

LEAVE OF ABSENCE

Nil

VOTING PROCESS

Prior to proceeding to consider items listed on the agenda, the Chairman advised members of the Committee that in order to make the voting process as simple and efficient as possible for all present in person and via Teams video conferencing, that she proposed to request members to vote in favour of the motion and, if there were no voices indicating to the contrary, would assume that members attending via Teams voted in favour of the motion.

The proposal was deemed accepted as no opposing view was expressed by members of the Committee.

PRESENTATION OF MINUTES

Moved Cr P Jensen

Seconded Mayor G Aldridge

The Minutes of the Resources and Governance Committee Meeting held on 19 October 2020, be taken as read and confirmed.

CARRIED

Moved Cr P Jensen

Seconded Cr D Hood

The Minutes of the Confidential Resources and Governance Committee Meeting held on 19 October 2020, be taken as read and confirmed.

CARRIED

REPORTS

Administration

3.0.1 Future Reports for the Resources and Governance Committee

Moved Mayor G Aldridge

Seconded Cr P Jensen

1. The information be received.

CARRIED

Cr K Grenfell joined the meeting at 8.37pm.

Cr B Brug left the meeting at 8:37pm.

3.0.2 Review of Elected Member Allowances, Facilities and Support Policy and Deferred Items for Further Discussion

Moved Cr A Duncan

Seconded Cr P Jensen

1. The information is received.
2. The Elected Member Allowances, Facilities and Support Policy as contained in Attachment 1 to this report (Resources and Governance Committee 16/11/2020, Item No. 3.0.2) be endorsed.
3. That the recommendations from the Resources and Governance Committee meeting deferred from the Council meeting on 28 October 2019 are not endorsed.

CARRIED

Cr B Brug returned to the meeting at 8.49pm.

3.2.1 Implementing the next phase of the Planning, Development and Infrastructure Act 2016 - Council Assessment Panel, Building Fire Safety Committee, Accredited Professionals Notification Policy

Cr B Brug declared a material conflict of interest on the basis of being a member of the Council Assessment Panel and left the meeting at 8.49pm.

Moved Cr A Duncan

Seconded Cr D Hood

Moved Cr K Grenfell

1. That Council adopts the *Accredited Professionals Notification Policy* (Attachment 1, Resources and Governance Committee Agenda 16 November 2020 Item 3.2.1) effective from the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*.
2. That Council revokes the Council Assessment Panel Terms of Reference dated 21 January 2019 effective from 31 May 2021.
3. That Council adopts the *Council Assessment Panel Terms of Reference* in Attachment 2 effective from 31 May 2021.
4. That City of Salisbury recruit for persons to be appointed to the City of Salisbury Council Assessment panel for a period of two (2) years.
5. That any sitting members on the Council Assessment Panel be encouraged to re-apply and also encourage female candidates to apply from 31 May 2021.
6. That the remuneration for the Council Assessment Panel is changed from 31 May 2021 to:
 - Presiding Member \$500 per meeting
 - Independent and Elected Member \$400 per meeting
7. That Council establishes the City of Salisbury Building Fire Safety Committee pursuant to Section 157(17) of the *Planning, Development and Infrastructure Act 2016* effective from the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*.
8. That Council adopts the City of Salisbury *Building Fire Safety Committee Terms of Reference* in Attachment 3.
9. That the following persons be appointed to the City of Salisbury Building Fire Safety Committee for a period of three (3) years, from the designated date:
 - Mr Jeff Shillabeer (City of Salisbury staff), Presiding Member being a person appointed by the Council and who holds prescribed qualifications in building surveying.
 - Mr Jackson Ryan (City of Salisbury staff), Member being a person appointed by the Council and who holds prescribed

qualifications in building surveying.

- Mr James Sunjaya, Director J Squared Engineering Pty Ltd - independent member with expertise in the area of fire safety.
- Mr Peter Hilhorst or Deputy, Member nominated by being an authorised officer under Part 3 Division 5 or section 86 of the Fire and Emergency Services Act 2005, approved by the Chief Officer South Australian Metropolitan Fire Service.

The motion **LAPSED** for want of a seconder.

LAPSED

Moved Cr A Duncan
Seconded Cr D Hood

1. That the matter be referred to Council on 23 November 2020 for decision.

CARRIED

Cr B Brug returned to the meeting at 8.58pm.

Corporate Governance

3.6.1 Formal Meeting Schedule: December 2020 - December 2021

Moved Mayor G Aldridge
Seconded Cr P Jensen

1. The Formal Meeting Schedule as set out in Attachment 1 to this report (Item 3.6.1, Resources and Governance Committee, 16 November 2020) is endorsed.
2. The Chief Executive Officer is delegated authority to amend the attached Formal Meeting Schedule should the need arise.

CARRIED

3.6.2 Emergency Management Policy

Moved Mayor G Aldridge
Seconded Cr J Woodman

1. The Emergency Management Policy as set out in Attachment 2 to this report, including the comments made by the Audit Committee at its meeting on 10 November 2020, (Item 3.6.2, Resources and Governance Committee, 16/11/2020) is approved.

CARRIED

OTHER BUSINESS

Nil

The meeting closed at 9.06pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	14 December 2020
HEADING	Future Reports for the Governance and Compliance Committee
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This item details reports to be presented to the Governance and Compliance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

RECOMMENDATION

1. The information be received.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Report authors and General Managers.
- 2.2 External
 - 2.2.1 Nil.

3. REPORT

3.1 The following table outlines the reports to be presented to the Governance and Compliance Committee as a result of a Council resolution:

Meeting Item	Heading and Resolution	Officer
16/12/2019 3.6.3 Due:	Building Upgrade Finance - Policy Review 2. That the associated Application Fee for Building Finance Agreements, as endorsed by Council in the 2019/20 budget and provided as Attachment 2 to this report, be waived for a trial period of twelve months until the 31 December 2020. February 2021	Greg Ratsch
23/11/2020 3.3.2 Due:	Implementing the next phase of the Planning, Development and Infrastructure Act 2016 - Council Assessment Panel, Building Fire Safety Committee, Accredited Professionals Notification Policy 2. That Council defers consideration of the Council Assessment Panel Terms of Reference pending a further report by February 2021 further reviewing the Terms of Reference to: <ul style="list-style-type: none"> • Better emphasise the objective of equal representation of women and men on the Panel • Consider alternative Panel Member appointment options including the option of appointment of Panel members to allow for half the Independent Panel Members' terms to expire each term through an initial staggering of the term of appointment of members, to provide a balance of continuity and refreshment of Panel Members across the term. February 2021	Chris Zafiroopoulos

4. CONCLUSION / PROPOSAL

4.1 Future reports for the Governance and Compliance Committee have been reviewed and are presented to Council for noting.

CO-ORDINATION

Officer: Executive Group GMCiD
Date: 07/12/2020 03/12/2020

ITEM	3.1.1 GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	14 December 2020
HEADING	Audit Committee Membership - Appointment of Independent Member
AUTHOR	Janet Crook, Risk & Governance Program Manager, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This report provides an update on the process for appointment of an independent member to the Audit Committee.

RECOMMENDATION

1. Council notes the appointment of Paula Davies as an independent member of the Audit Committee for a term of office of four years.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 The Audit Committee of Council is established in accordance with the requirements of section 126 of the *Local Government Act 1999* (the Act).
- 1.2 Section 126(2) of the Act provides that the membership of an audit committee may include members who are not members of the council and must be determined in accordance with the requirements of the regulations. Regulation 17 of the *Local Government (Financial Management) Regulations 2011* provides that the audit committee of a council must have between 3 and 5 members (inclusive) and must include at least one person who is not a member of the council and who is determined by the council to have financial experience relevant to the functions of the audit committee.
- 1.3 Paragraph 5.2 of the City of Salisbury Audit Committee Terms of Reference provides that the Audit Committee will consist of five members, three of whom will be independent of the council and City of Salisbury and will have the necessary skills, knowledge and experience (including recent, relevant financial experience) to ensure the effective discharge of the responsibilities of the committee.
- 1.4 Current members and appointment terms of the Audit Committee are:
 - 1.4.1 Cr Graham Reynolds (Chair) – for the remainder of the term of council;
 - 1.4.2 Cr Kylie Grenfell (Deputy Chair) – for the remainder of the term of council;
 - 1.4.3 Mr Craig Johnson – term concludes 30 November 2022; and

- 1.4.4 Mr Neil Ediriweera – term concludes 30 November 2022.
- 1.5 Ms Kristyn Verrall’s term concluded in November 2020 and she did not seek reappointment to the Audit Committee at the conclusion of her term.
- 1.6 A process for appointment of a third independent member was determined by Council in September 2020. Council resolved as follows:

3.6.3 Audit Committee membership – Appointment of Independent Members

1. *Council re-appoints Mr Neil Ediriweera as an independent member of the Audit Committee until 30 November 2022.*
2. *Council re-appoints Mr Craig Johnson as an independent member of the Audit Committee until 30 November 2022.*
3. *Council approves the recruitment process for the third independent member of the Audit Committee by advertising the position through appropriate channels.*
4. *The Administration prepare a confidential report to the Resources and Governance Committee providing the list of applicants, their submitted applications, a prepared matrix indicating the extent to which applicants meet the criteria for the advertised role and providing a recommended short list of candidates for review.*
5. *An interview panel consisting of the Chair of the Audit Committee, the Chief Executive Officer and the General Manager Business Excellence, undertake interviews with candidates as determined and approved by Council.*
6. *The interview panel is given delegated authority to appoint the third independent member of the Audit Committee from the approved short list for a term of office of four years, and subject to a review after the first two years.*
7. *The Audit Committee Terms of Reference be reviewed and redrafted for submission for approval as part of Council’s review of its Council / Committee structure, to reflect that terms of office for appointed independent members will be four-year appointments, subject to bi-annual review and will serve no more than two consecutive terms.*

CARRIED

0682/2020

2. REPORT

- 2.1 A confidential report was presented to the Resources and Governance Committee in October 2020 providing the list of applicants, their submitted applications, a prepared matrix indicating the extent to which applicants met the criteria for the role and a recommended short list of candidates for review.
- 2.2 The interview panel conducted interviews with the candidates on the short list and performed relevant reference checks.
- 2.3 Pursuant to the delegated authority bestowed on the interview panel by Council, the third independent member of the Audit Committee was appointed on 26

November 2020 for a term of office of four years, and subject to a review after the first two years.

- 2.4 The successful candidate is Paula Davies. Ms Davies has expertise in the areas of governance, risk management and compliance. She is an Independent Audit Committee member for City of Adelaide, City of Mitcham, City of Holdfast Bay and Adelaide Hills Council. Ms Davies is a lawyer and currently holds the position of General Counsel & Company Secretary for Minda Group. The Audit Committee will benefit from Ms Davies' experience as a corporate lawyer and her demonstrated experience in local government Audit Committees along with her ability to understand and critically review strategic reporting documents.
- 2.5 Ms Davies has been notified of her appointment. Her first Audit Committee meeting will be on Tuesday 9 February 2021. Prior to her first meeting, Governance will provide Ms Davies with induction into City of Salisbury as relevant to the Audit Committee.

3. CONCLUSION / PROPOSAL

- 3.1 The process for appointment of an independent member to the Audit Committee has concluded.
- 3.2 Pursuant to the delegated authority bestowed on the interview panel by Council Ms Paula Davies has been appointed to the Audit Committee.

CO-ORDINATION

Officer: Executive Group
Date: 07/12/2020

ITEM	3.1.2
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	14 December 2020
PREV REFS	Resources and Governance 3.3.1 Committee 15/07/2019
HEADING	Abandoned Shopping Trolleys
AUTHOR	Brad Scholefield, Team Leader General inspectorate, City Development
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community 4.4 We plan effectively to address community needs and identify new opportunities
SUMMARY	<p>At the Council meeting on 15 July 2019 it was resolved that staff report back to Council examining the viability of introducing policy to regulate abandoned shopping trolleys, taking into account upcoming changes to the Local Nuisance and Litter Control Act and the City of Marion Shopping Trolley By-Law.</p> <p>This report presents for Council consideration the outcomes of the reviews and recommendations for future actions, including a recommendation that the option of introducing a By-Law relating to abandoned shopping trolleys be considered as part of the next comprehensive review of Council By-Laws due in 2021/22.</p>
RECOMMENDATION	<ol style="list-style-type: none"> 1. The information be received. 2. That the review of Council By-laws to address Abandoned Trolleys be conducted in line with the by-law review process in 2021/2022, providing further opportunity to review the implementation of the City of Marion By-Law and consider any possible future amendments to the Local Nuisance and Litter Control Act.
ATTACHMENTS	<p>This document should be read in conjunction with the following attachments:</p> <ol style="list-style-type: none"> 1. City of Marion Shopping Trolley By-Law
1. BACKGROUND	<ol style="list-style-type: none"> 1.1 At its meeting on 15 July 2019, Council resolved: <ol style="list-style-type: none"> 1 <i>Staff bring back a report examining the viability of introducing policy to regulate abandoned shopping trolleys.</i>

- 2 *The report to include the success of other Councils who have already implemented similar policies and various options that may be considered for Salisbury.*

(Resolution 0001/2019)

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Manager Field Services, City Infrastructure

2.2 External

- 2.2.1 City of Marion
- 2.2.2 Environment Protection Authority (EPA)

3. REPORT

- 3.1 The management of abandoned shopping trolleys under existing legislative provisions does not provide the ability to effectively manage this community concern.
- 3.2 It was resolved that Council administration report back to Council to provide information on any legislative changes under the Local Nuisance and Litter Control Act and the success of the City of Marion's Shopping Trolley By-Law.
- 3.3 Consultation with the EPA indicates that the Local Nuisance and Litter Control Act (LNLC Act) review has been endorsed by the EPA and is currently awaiting consideration from the Minister. At this point there is no feedback on the contents and if the amendments will address abandoned shopping trolleys.
- 3.4 The City of Marion has finalised their by-law, however it won't come into effect until 01 February 2021 and there is no feedback regarding its application in the community and or success in addressing the issue of abandoned shopping trolleys. A copy of the by-law is included as Attachment 1.
- 3.5 The gap in current legislation will require Council take steps to amend its by-laws to further address the issue of abandoned trolleys.
- 3.6 A By-Law would enable Council to implement measures subject to the by-laws being approved and within their legislative ability, and create a regulatory regime which could:
 - 3.6.1 implement a system to prevent or discourage the removal of trolleys from shopping centre car parks (such as a coin deposit system, GPS tracking or a perimeter constraint system);
 - 3.6.2 allow for Council to seize and impound trolleys and charge a fee for their retrieval; and
 - 3.6.3 make it an offence for people to abandon shopping trolleys in a public place.
- 3.7 The development of By-Laws must follow the required legislative processes and it involves community consultation and takes at least 6 months to complete.
- 3.8 In considering the development of this by-law, it should be noted that all of the City of Salisbury By-Laws are due to expire on 1 January 2023 and consequently

will require the formal review process to occur in the 2021/22 financial year with gazettal of draft By-Laws in the first quarter of 2022/23.

- 3.9 The review would begin in the second quarter of 2021/22 Financial year and a legal firm will support the By-Law review consistent with previous By-Law review processes.
- 3.10 It is recommended that the development of an abandoned shopping trolley By-Law be undertaken at that time in order to make the development of the By-Law more cost effective, and to enable community engagement to be undertaken in conjunction with the broader engagement requirements for By-Law reviews. This will also allow for an opportunity to review the impact and success of the Marion By-law in practice.
- 3.11 A new initiative bid will be submitted to Council for the 2021/22 budget to cover the by-law review process. The costs for the review process of all By-Laws will be approximately \$10,000 and must be conducted in accordance with the legislative requirements.
- 3.12 If a decision is made to consider an Abandoned Shopping Trolley By-Law independently, preliminary cost estimates are approximately \$4000 for a single By-Law review as it follows the same legal processes. Funding for this review will be subject to a quarterly budget review for the provision of funds.

4. CONCLUSION / PROPOSAL

- 4.1 Given the cost and resource implications it is recommended that the opportunity for an abandoned shopping trolley By-Law is included in the By-Law review process in the 2021/2022 financial year.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 07/12/2020



CITY OF MARION

By-law made under the Local Government Act 1999

Shopping Trolley Amenity By-law 2020

By-law No. 8 of 2020

To protect and enhance the amenity of the area of the Council, suppress nuisance caused by the use of shopping trolleys on roads, local government land and private land and otherwise for the convenience, comfort and safety of the Council's community.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Shopping Trolley Amenity By-law 2020*.

2. Commencement

- 2.1 Subject to paragraph 2.1 of this by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.
- 2.2 Notwithstanding paragraph 2.1 of this by-law, paragraphs 4, 5, 6, 7 and 8 of this by-law come into operation on 1 February 2021 in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this By-law:

- 3.1 **authorised person** has the same meaning as in the *Local Government Act 1999*;
- 3.2 **authorised token** means any object designed to release a trolley from a coin deposit and release system that has been approved by the Council on application by a retailer;
- 3.3 **coin deposit and release system** means a coin-operated lock that operates with the insertion of an Australian currency one dollar or two dollar coin or equivalent authorised token;
- 3.4 **premises** includes:
 - 3.4.1 land;
 - 3.4.2 a part of any premises or land;

- 3.5 **removal notice location** means:
- 3.5.1 the place mentioned in a removal notice where the trolley was found; and
- 3.5.2 any place outside a retailer's shopping centre precinct that can be clearly seen from the place mentioned in the removal notice;
- 3.6 **retailer** means a person who provides shopping trolleys for use in the retailer's premises;
- 3.7 **retailer's shopping centre precinct**, for a retailer's shopping trolley, means the shopping centre precinct where the retailer's premises that are identified on the trolley are located;
- 3.8 **shopping centre**, for retail premises which provide shopping trolleys for use in the premises, means:
- 3.8.1 if the premises occupy a single building—the retail premises; or
- 3.8.2 if the premises are in a shopping centre, shopping mall, shopping court or shopping arcade—the centre, mall, court or arcade;
- 3.9 **shopping centre precinct** means:
- 3.9.1 an area consisting of:
- 3.9.1.1 a shopping centre; and
- 3.9.1.2 any car park provided for the use of customers of the shopping centre; and
- 3.9.1.3 any area, including a road or other public place, between the shopping centre and the car park; and
- 3.9.1.4 any other area provided for the use of customers of the shopping centre immediately adjacent to the shopping centre; or
- 3.9.2 an area determined by the Council to constitute a shopping centre precinct for the purposes of this by-law;
- 3.10 **shopping trolley** means:
- 3.10.1 a predominantly metal trolley incorporating a basket that cannot be removed; or
- 3.10.2 a trolley or handcart determined by the Council to constitute a shopping trolley for the purposes of this by-law;
- 3.11 **trolley containment system** means:
- 3.11.1 a wheel lock system;

- 3.11.2 a coin deposit and release system; or
- 3.11.3 such other system as the Council may determine to prevent shopping trolleys being removed from a shopping centre precinct, and to facilitate the return of the shopping trolleys to a designated location within the precinct;
- 3.12 **wheel lock system** means a disabling device which makes the trolley inoperable, including by locking the wheels of the shopping trolley, if it is removed from a retailer's shopping centre precinct.

Part 2 – Management of Shopping Trolleys

4. **Retailer to keep Shopping Trolleys within Shopping Centre Precinct**

- 4.1 *A retailer must keep a shopping trolley, which has been identified as belonging to the retailer under this by-law, within the retailer's shopping centre precinct.*
- 4.2 *This paragraph does not prevent a shopping trolley that is not within the retailer's shopping centre precinct being:*
 - 4.2.1 *on premises owned or leased by the retailer or a person authorised by the retailer to keep the trolley;*
 - 4.2.2 *in the possession of the retailer or a person authorised by the retailer to be in possession of the trolley; or*
 - 4.2.3 *in a shopping centre precinct other than the retailer's shopping centre precinct.*
- 4.3 *This paragraph does not apply if:*
 - 4.3.1 *a trolley containment system is in operation at the retailer's shopping centre precinct;*
 - 4.3.2 *the number of trolleys provided by the retailer at the retailer's shopping centre precinct is less than 25; or*
 - 4.3.3 *the retailer has obtained an exemption from the Council from the operation of this paragraph.*
- 4.4 *For the avoidance of doubt, nothing in this paragraph prevents an authorised person from giving a retailer a removal notice under paragraph 5 of this by-law.*

5. **Notice to Remove Individual Shopping Trolley**

- 5.1 *If a shopping trolley is found in a place outside the retailer's shopping centre precinct an authorised person may give a retailer a notice (a **removal notice**) requiring the retailer to remove the shopping trolley from the removal notice location specified in the removal notice within the period specified in the removal notice.*
- 5.2 *A removal notice issued under paragraph 5.1 of this by-law:*

- 5.2.1 *is to be complied with within 72 hours after the time the removal notice is given (or such other time as has been specified in the notice);*
- 5.2.2 *must specify:*
- 5.2.2.1 *the time and date the removal notice is given;*
- 5.2.2.2 *the place where the shopping trolley was found;*
- 5.2.2.3 *it is an offence against this by-law to fail to comply with the removal notice or remove the notice without authorisation;*
- 5.2.2.4 *the expiation fee and maximum penalty applicable under this by-law for failing to comply with the notice or removing the notice without authorisation;*
- 5.2.2.5 *the Council's contact details in relation to the removal notice.*
- 5.3 *A retailer must comply with a removal notice issued under paragraph 5.1 of this by-law.*
- 5.4 *A removal notice may be given by the authorised person:*
- 5.4.1 *either:*
- 5.4.1.1 *securely attaching the removal notice, addressed to the retailer, to the shopping trolley in a conspicuous position; and*
- 5.4.1.2 *calling the contact telephone number stated on the trolley as required under this by-law and giving the information in the removal notice to the retailer; or*
- 5.4.2 *-serving the removal notice in accordance with the Local Government Act 1999.*
- 5.5 *For the purposes of this by-law, a removal notice is taken to have been given to a retailer under paragraph 5.4.1 of this by-law:*
- 5.5.1 *at the time and date the telephone call is made and the information is given to:*
- 5.5.1.1 *a person who answers the telephone call; or*
- 5.5.1.2 *a telephone answering or recording device; or*
- 5.5.2 *if a reasonable attempt was made to give the information to the retailer by telephone.*
- 5.6 *A person, other than a retailer or a person authorised by a retailer, must not remove or interfere with a removal notice attached to a shopping trolley under this by-law.*

6. Direction to Return Shopping Trolley

6.1 *If an authorised person believes on reasonable grounds that a person:*

6.1.1 *has taken a retailer's shopping trolley from the retailer's shopping centre precinct;*

6.1.2 *is using a retailer's shopping trolley in a place outside the retailer's shopping centre precinct; or*

6.1.3 *has left a retailer's shopping trolley at a place outside the retailer's shopping centre precinct,*

*the authorised person may give the person a direction (an **on-the-spot direction**) to return the shopping trolley to the retailer's premises identified on the trolley.*

6.2 *An on-the-spot direction issued under paragraph 6.1 of this by-law:*

6.2.1 *is to be complied with within such reasonable time as specified by the authorised person;*

6.2.2 *must include:*

6.2.2.1 *a warning it is an offence against this by-law not to comply with the direction;*

6.2.2.2 *the expiation fee and maximum penalty applicable under this by-law for failing to comply with the direction; and*

6.2.2.3 *the Council's contact details;*

6.3 *A person must comply with an on-the-spot direction issued under paragraph 6.1 of this by-law.*

6.4 *Nothing in this paragraph empowers an authorised person to issue an on-the-spot direction under this paragraph to:*

6.4.1 *the retailer identified on the trolley; or*

6.4.2 *a person authorised by the retailer to deal with the trolley in the manner specified in paragraphs 6.1.1 or 6.1.2.*

Part 3 – Notification Requirements**7. Shopping Trolley Removal Notification**

A retailer must place prominently at or near each customer exit in the retailer's premises a notice that:

7.1 *contains the following statement:*

'Under the City of Marion's Shopping Trolley Amenity By-law 2020 fines can apply for taking, using or leaving a shopping trolley outside this shopping centre precinct.'

- 7.2 describes the retailer's shopping centre precinct;
- 7.3 contains anything else required by a determination of the Council under this paragraph; and
- 7.4 can be seen and read easily by a person leaving the retailer's premises.

8. Identification of Shopping Trolleys

A retailer must display on each of the retailer's shopping trolleys the following information:

- 8.1 the retailer's legal name;
- 8.2 the address of the retailer's premises at which the retailer keeps the trolley; and
- 8.3 the contact telephone number of:
 - 8.3.1 the retailer; or
 - 8.3.2 a person authorised by the retailer to collect the trolley.

Part 3 – Miscellaneous

9. Exemptions

- 9.1 A retailer may apply in writing to Council for an exemption from the application of paragraph 4 of this by-law.
- 9.2 The Council may, in its absolute discretion, determine to exempt a retailer from the application of paragraph 4 of this by-law in respect of all shopping trolleys or particular types of shopping trolleys, either temporarily or permanently.
- 9.3 A retailer must not include information in an application made under this paragraph that is false or misleading in a material particular.

10. Requirement to Publish Determinations Online

If the Council makes a determination under paragraph 3.9.2, 3.10.2, 3.11.3 or 7.3 of this by-law, the Council must give notice of the making of that determination on a website determined by the Council's Chief Executive Officer.

The foregoing by-law was duly made and passed at a meeting of the Council of the Corporation of the City of Marion held on the 23rd day of June 2020 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present

Mr Adrian Skull
Chief Executive Officer

Legislative History

In this version, provisions that are uncommenced appear in italics.

Principal by-law and variations

Year	No	Reference	Commencement
2020	8	<i>Gazette 02.07.2020 p 3742</i>	02.11.2020: s 249(5), except cl. 4, 5, 6, 7 and 8 - uncommenced
2020	9	<i>Council Minutes 27.10.2020 p 14, GC201027R14</i>	02.11.2020: s 249(6), except cl. 6 - uncommenced

Provisions varied

Provision	How varied	Commencement
cl. 1	varied by 8/2020 cl. 4	02.11.2020
cl. 2	varied by 8/2020 cl. 5.1	02.11.2020
cl. 2.1	varied by 8/2020 cl. 5.2	02.11.2020
cl. 2.2	inserted by 8/2020 cl. 5.3	02.11.2020
cl. 7.1	varied by 8/2020 cl. 6	uncommenced

ITEM	3.1.3
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	14 December 2020
HEADING	Delegations under the Planning, Development and Infrastructure Act 2016
AUTHOR	Chris Zafiroopoulos, Manager Development Services, City Development
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community 4.4 We plan effectively to address community needs and identify new opportunities
SUMMARY	This report provides information with respect to and seeks Council endorsement of new delegations under the <i>Planning, Development and Infrastructure Act 2016</i> .

RECOMMENDATION

1. In accordance with Section 44(4)(c) of the *Local Government Act 1999*, the Council hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the *Planning Development and Infrastructure Act 2016*, effective from midnight on the day before Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*.
2. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation A as attachment 1 to this report (Governance and Compliance Committee, 14/12/2020, Item No. 3.1.3) are hereby delegated, effective from the date on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*, to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
3. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
4. In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and regulations statutory instruments made thereunder contained in the proposed Instrument of Delegation B as Attachment 2 to this report (Governance and Compliance Committee, 14/12/2020, Item No. 3.1.3) are hereby delegated, effective from the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*, to the person occupying or acting

in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

5. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Instrument of Delegation A
2. Instrument of Delegation B
3. Relevant Authorities Overview
4. CAP Standard Referral for Building Rules Assessment

1. BACKGROUND

- 1.1 The state government has been implementing the new planning and development system across the state under the *Planning, Development and Infrastructure Act 2016* (PDI Act). The program has been staged with elements of the system being turned on since 2016. The final stage of the program, referred to as phase 3, will be the introduction of the new Planning and Design Code with the associated assessment pathways. This phase has been delayed from the original date of July 2020, to a date to be announced in 2021. It is understood that the designated date ('go live') for metropolitan Adelaide may be in the first quarter of 2021.
- 1.2 There are a number of decisions that Council needs to make as this final phase is implemented. In addition, internal processes and procedures need to be changed and/or developed to facilitate a smooth transition. This report seeks Council's decision on delegations under the new legislative scheme.

2. REPORT

- 2.1 Delegations are the way in which Council enables other people/bodies (usually Council Officers) to undertake duties or exercise powers on its behalf. Delegations enhance decision-making processes and allow nominated matters to be resolved efficiently and effectively without the need for submission to Council. However, in order to do this, Council must take formal steps to delegate to relevant people and bodies the authority to make decisions, or undertake activities on its behalf. It is usual for Council to make delegations to the Chief Executive Officer who is then empowered to make sub-delegations to the appropriate Council Officers.
- 2.2 Council is assigned specific roles in the PDI Act and as a consequence must provide delegations via two separate instruments.
 - *Council as a Council, Designated Authority and Designated Entity* Instrument of Delegation A – (Attachment 1).

- *Council as Relevant Authority (Final Approval & Building Rules) Instrument of Delegation B – (Attachment 2).*
- 2.3 The Local Government Association has prepared model delegations for Councils. The instruments reflect that parts of the delegations are made under the *Local Government Act 1999* and other parts are made under the *Planning, Development and Infrastructure Act 2016*.
- 2.4 The development applications that have been lodged under the *Development Act 1993* will continue to be assessed under this legislation. It is therefore necessary to continue the current delegations under that Act, for at least the next 12 months until all assessment processes for current development applications have been completed. A review of any outstanding development applications will be undertaken at the end of this period and the need or otherwise to continue these delegations determined at the time.

Process to be followed

- 2.5 Council endorsed amended and new delegations under the PDI Act in September 2020 – Instruments of Delegation A1 and B1. These are interim delegations, necessary for the staged implementation of the PDI Act. The new delegations presented in this report will come into effect from the *designated date*, which will be when the Council’s Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*. This will be the ‘go live’ date for development assessment under the PDI Act to commence in the Council area.
- 2.6 In order for the delegations contained in Instruments of Delegation A and B under the PDI Act to come into effect, Council must first resolve to revoke any existing relevant delegations under the PDI Act, with Council then resolving to adopt the new delegations contained in the relevant Instruments of Delegation attached. As the changes are numerous, it has been decided to revoke all existing delegations under the PDI Act and then resolve to adopt delegations contained within the complete Instruments of Delegation A and B.
- 2.7 Any sub-delegations that have been made in relation to any existing delegations become void as soon as the head delegation is revoked. In order to ensure that Council Officers have necessary powers to continue their day to day activities, the resolution is worded so that the revocation of any existing delegations under the PDI Act occurs on the day before Council’s Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016* with the new delegations under the Act coming into force from the actual date Council’s Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*.
- 2.8 Even though Council may delegate its powers, functions and duties, this does not prevent Council from acting in the same matters, where provided for under the PDI Act, at any time should the need arise.

Council powers and functions under the PDI Act

- 2.9 The powers and functions for Council under the PDI Act differ to those under the *Development Act 1993*. Council is assigned specific roles as either a:
- Designated Authority.

- Designated Entity.
 - Council.
 - Relevant Authority.
- 2.10 Council is identified as **Designated Authority** for the purposes of establishing a Council Assessment Panel for its area, entering into a land management agreements and undertaking enforcement action or applying to court for an Order in relation to development that is not completed in accordance with an approval.
- 2.11 Council is identified as **Designated Entity** for the purposes of amending a designated instrument (Planning and Design Code), undertaking infrastructure works, entering land or acquiring land, establishing an Off-set scheme (car parking contribution) and seeking civil penalties from a party.
- 2.12 The Act prescribes **Council** a range of functions and roles, including:
- On the formation of instruments, including providing comments to the Minister on the establishment on Planning Regions and Sub-Regions.
 - On prescribed land division matters, including consenting to the vesting of land, including open space, with Council, and issuing a land division certificate to the Commission.
 - On prescribed building matters, including undertaking inspections as prescribed by the Commission's Building & Swimming Pool Inspection Practice Directions, assigning building classifications and issuing certificates of occupancy; making an Emergency Order.
 - On infrastructure matters, including providing comments to the Minister and making the financial contribution to an infrastructure scheme.
- 2.13 The Instrument of Delegation A, (Attachment 1) provides the delegated authority for Council as a Designated Authority, Designated Entity and a Council, under the PDI Act.
- 2.14 The PDI Act explicitly identifies relevant authorities for planning assessment, which include the Minister, State Planning Commission, Assessment Panels, Assessment Managers and Accredited Professionals. Refer to Attachment 3.
- 2.15 Council is not a **Relevant Authority** for the purpose of development assessment, except for the following instances:
- The administrative process of issuing final development approval and ensuring all relevant consents has been obtained.
 - Undertaking the building rules assessment, where the Assessment Panel has referred the Building Rules assessment to Council. The Salisbury Council Assessment Panel resolved to refer all building rules assessments to the council at its meeting held on 24 November 2020. Refer to Attachment 4.
- 2.16 The Instrument of Delegation B (Attachment 2) provides the delegated authority for these functions, and are intended to, as close as practicable, continue the current practices under the *Development Act 1993*.

3. CONCLUSION / PROPOSAL

- 3.1 Council endorsement of new delegations is sought under the *Planning, Development and Infrastructure Act 2016*, that will come into operation from the *designated date* ('go live') for metropolitan Adelaide, which is expected to be in the first quarter of 2021.

CO-ORDINATION

Officer: EXECUTIVE GROUP

Date: 07/12/2020

INSTRUMENT A

**INSTRUMENT OF DELEGATION UNDER THE
PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS,
PLANNING & DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF A
COUNCIL AS:**

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

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.	Environment and Food Production Areas – Greater Adelaide
1.1	The power pursuant to Section 7(5)(b) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to concur in the granting of the development authorisation to the development.
2.	Functions
2.1	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.
3.	Planning Agreements
3.1	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 (a planning agreement) with the Minister relating to a specified area of the State subject to Section 35 of the PDI Act.
3.2	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:
3.2.1	the setting of objectives, priorities and targets for the area covered

	by the agreement; and
3.2.2	the constitution of a joint planning board including, in relation to such a board:
3.2.2.1	the membership of the board, being between 3 and 7 members (inclusive); and
3.2.2.2	subject to Section 35(4) of the PDI Act, the criteria for membership; and
3.2.2.3	the procedures to be followed with respect to the appointment of members; and
3.2.2.4	the terms of office of members; and
3.2.2.5	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
3.2.2.6	the appointment of deputy members; and
3.2.2.7	the procedures of the board; and
3.2.3	the delegation of functions and powers to the joint planning board (including, if appropriate, functions or powers under another Act); and
3.2.4	the staffing and other support issues associated with the operations of the joint planning board; and
3.2.5	financial and resource issues associated with the operations of the joint planning board, including:
3.2.5.1	the formulation and implementation of budgets; and
3.2.5.2	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
3.2.6	such other matters as the delegate thinks fit.
3.3	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).
3.4	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.
4.	Community Engagement Charter
4.1	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).
4.2	The power pursuant to Section 44(9)(b) of the PDI Act to the extent that Section 44(9)(a) of the PDI Act does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case.
4.3	The power pursuant to Section 44(10) of the PDI Act to:
4.3.1	seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the charter; and
4.3.2	with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the charter.
5.	Preparation and Amendment of Charter
5.1	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.
6.	Preparation and Amendment
6.1	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:
6.1.1	to prepare a draft of the relevant proposal; and
6.1.2	to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and
6.1.3	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
6.1.4	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:
6.1.4.1	an owner or occupier of the land; and
6.1.4.2	an owner or occupier of each piece of adjacent land,
	a notice in accordance with the regulations; and
6.1.5	to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and
6.1.6	to carry out such investigations and obtain such information specified by the Commission; and
6.1.7	to comply with any requirement prescribed by the regulations.
6.2	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 applies for the purposes of Section 73 of the PDI Act.
6.3	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)).
7.	Parliamentary Scrutiny
7.1	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.
8.	Complying Changes – Planning and Design Code
8.1	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).
9.	Entities Constituting Relevant Authorities
9.1	The power pursuant to Section 82(d) of the PDI Act, subject to the PDI Act, to appoint an assessment panel.
10.	Panels Established by Joint Planning Boards or Councils

10.1	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:
10.1.1	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;
10.1.2	determine:
10.1.2.1	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
10.1.2.2	the procedures to be followed with respect to the appointment of members; and
10.1.2.3	the terms of office of members; and
10.1.2.4	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 procedures by which, a member may be removed from office; and
10.1.2.5	the appointment of deputy members; and
10.1.2.6	who will act as the presiding member of the panel and the process for appointing an acting presiding member.
10.2	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.
10.3	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.
10.4	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 assessment panel on account of the person's experience in local government.
11.	Substitution of Local Panels

11.1	The power pursuant to Section 86(2)(a) of the PDI Act to make submissions to the Commission in relation to an inquiry.
12.	Notification of Acting
12.1	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.
13.	Matters Against which Development Must be Assessed
13.1	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.
13.2	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.
13.3	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 the Council when the relevant development is undertaken.
14.	Restricted Development
14.1	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.
14.2	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.
14.3	The power pursuant to Section 110(7) of the PDI Act to appeal against a decision on a development classified as restricted development.
15.	Level of Detail
15.1	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.
16.	Essential Infrastructure – Alternative Assessment Process
16.1	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.	
16.2	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.
17. Development Assessment – Crown Development	
17.1	The power pursuant to Section 131(7) of the PDI Act to report to the Commission on any matters contained in a notice under Section 131(6) of the PDI Act.
17.2	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.
18. Land Division Certificate	
18.1	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.
18.2	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.
19. Action if Development Not Completed	
19.1	The power pursuant to Section 141(1) of the PDI Act, if:
19.1.1	an approval is granted under the PDI Act; but
19.1.2	-
19.1.2.1	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
19.1.2.2	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,
to apply to the Court for an order under Section 141 of the PDI Act.	

19.1.3	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 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.
19.1.4	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:
19.1.4.1	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.
20. Completion of Work	
20.1	The power pursuant to Section 142(1) of the PDI Act, if:
20.1.1	an approval is granted under the PDI Act; but
20.1.2	the development to which the approval relates has been substantially but not fully completed within the period prescribed by the 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.
20.2	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.
20.3	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.
20.4	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:
20.4.1	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.
21. Notification During Building	
21.1	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.
22.	Classification of Buildings
22.1	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.
22.2	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.
23.	Certificates of Occupancy
23.1	The power pursuant to Section 152(2) of the PDI Act to issue a certificate of occupancy.
23.2	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.
23.3	The power pursuant to Section 152(3)(c) of the PDI Act to determine the appropriate fee.
23.4	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.
23.5	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.
23.6	The power pursuant to Section 152(10) of the PDI Act, if the Council refuses an application to notify the applicant in writing of:
23.6.1	the refusal; and
23.6.2	the reasons for the refusal; and
23.6.3	the applicant's right of appeal under the PDI Act.
23.7	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.
23.8	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.
24.	Temporary Occupation
24.1	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.
24.2	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.
24.3	The power pursuant to Section 153(3) of the PDI Act if the Council refuses an application to notify the applicant in writing of:
24.3.1	the refusal; and
24.3.2	the reasons for the refusal; and
24.3.3	the applicant's right of appeal under the PDI Act.
25.	Emergency Orders
25.1	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.
25.2	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.
25.3	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 which the amount must be paid by the person.
26.	Fire Safety
26.1	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.
26.2	The power pursuant to Section 157(17) of the PDI Act to:
26.2.1	appoint to the appropriate authority:
26.2.1.1	a person who holds prescribed qualifications in building

	surveying; and
26.2.1.2	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
26.2.1.3	a person with expertise in the area of fire safety; and
26.2.1.4	if so determined by the delegate, a person selected by the delegate;
26.2.2	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;
26.2.3	remove a member of the appropriate authority from office for any reasonable cause;
26.2.4	appoint deputy members;
26.2.5	determine the appropriate authority's procedures (including as to quorum).
27. Consideration of Proposed Scheme	
27.1	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.
28. Funding Arrangements	
28.1	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.
28.2	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.
29. Imposition of Charge by Councils	
29.1	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.

30. Authorised Works	
30.1	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.
30.2	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:
30.2.1	inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and
30.2.2	give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and
30.2.3	ensure that proper consideration is given to the views of the road maintenance authority.
30.3	The power pursuant to Section 187(5)(b) of the PDI Act to make submissions to the designated entity in relation to the matter.
30.4	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.
31. Entry onto Land	
31.1	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:
31.1.1	enter and pass over any land; and
31.1.2	bring onto any land any vehicles, plant or equipment; and
31.1.3	temporarily occupy land; and
31.1.4	do anything else reasonably required in connection with the exercise of the power.
31.2	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.
32. Land Management Agreements	
32.1	The power pursuant to Section 192(1) of the PDI Act to enter into an agreement relating to the development, management, preservation or

	conservation of land with the owner of the land or a designated entity.
32.2	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.
32.3	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:
32.3.1	the provisions of the Planning and Design Code and to any relevant development authorisation under the PDI Act; and
32.3.2	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.
32.4	The power pursuant to Section 192(5) of the PDI Act to register agreements entered into under Section 192 of the PDI Act in accordance with the regulations.
32.5	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.
32.6	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.
32.7	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.
32.8	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.
32.9	The power pursuant to Section 192(12) 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.
32.10	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.
32.11	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.
32.12	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.
32.13	The power pursuant to Section 192(18) of the PDI Act to take into account the existence of an agreement under Section 192 of the PDI Act when assessing an application for a development authorisation under the PDI Act.
33.	Land Management Agreements – Development Applications
33.1	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:
33.1.1	the person; and
33.1.2	any other person who has the benefit of the development authorisation; and
33.1.3	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).
33.2	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 assessment of the development under the PDI Act).
33.3	The power pursuant to Section 193(3) of the PDI Act to have regard to:
33.3.1	the provisions of the Planning and Design Code; and
33.3.2	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.
33.4	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.

33.5	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.
33.6	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 where the Council has a legal interest in the land.
33.7	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.
33.8	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.
33.9	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.
34.	Off-setting Contributions
34.1	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:
34.1.1	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
34.1.2	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
34.1.3	any other initiative or policy:
34.1.3.1	designated by the Planning and Design Code for the purposes of Section 197(2)(c)(i) of the PDI Act;
34.1.3.2	prescribed by the regulations for the purposes of Section 197(2)(c)(ii) of the PDI Act.
34.2	The power pursuant to Section 197(3) of the PDI Act to include in a scheme established under Section 197 of the PDI Act:
34.2.1	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):
34.2.1.1	to make a contribution to a fund established as part of the scheme; or
34.2.1.2	to undertake work or to achieve some other goal or outcome (on an 'in kind' basis); or
34.2.1.3	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
34.2.2	an ability for a provision of the Planning and Design Code to apply with a specified variation under the terms of the scheme; and
34.2.3	an ability for any relevant authority to act under or in connection with Sections 197(3)(a) or (b) of the PDI Act.
34.3	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.
34.4	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.
35.	Open Space Contribution Scheme
35.1	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:
35.1.1	that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or
35.1.2	that the applicant make the contribution prescribed by the regulations in accordance with the requirements of Section 198 of the PDI Act; or
35.1.3	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,
	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 and to seek the

	concurrence of the Commission to taking any action that is at variance with the Planning and Design Code.
35.2	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.
35.3	The power pursuant to Section 198(4)(a) of the PDI Act to concur with an area being vested in the Council.
35.4	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.
35.5	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.
36.	Urban Trees Fund
36.1	The power pursuant to Section 200(2) of the PDI Act to effect the establishing of the fund by notice published in the Gazette.
36.2	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.
36.3	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.
36.4	The power pursuant to Section 200(6) of the PDI Act to apply money standing to the credit of an urban trees fund:
36.4.1	to maintain or plant trees in the designated area which are or will (when fully grown) constitute significant trees under the PDI Act; or
36.4.2	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.
36.5	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).
37.	Appointment of Authorised Officers
37.1	The power pursuant to Section 210(1) of the PDI Act to:
37.1.1	appoint a person to be an authorised officer for the purposes of the

	PDI Act; and
37.1.2	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.
37.2	The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions.
37.3	The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:
37.3.1	containing a photograph of the authorised officer; and
37.3.2	stating any conditions of appointment limiting the authorised officer's appointment.
37.4	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.
38.	Enforcement Notices
38.1	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:
38.1.1	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;
38.1.2	direct a person to make good any breach in a manner, and within a period, specified by the delegate;
38.1.3	take such urgent action as is required because of any situation resulting from the breach.
38.2	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.
38.3	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.
38.4	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 due

	from the person whose failure gave rise to the PDI Action
38.5	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.
39.	Applications to Court
39.1	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.
39.2	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.
39.3	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 not be made under Section 214 of the PDI Act.
39.4	The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings.
39.5	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.
39.6	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.
39.7	The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person.
39.8	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
39.9	The power pursuant to Section 214(13) of the PDI Act, if an amount is recoverable from a 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.
39.10	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.

40. Proceedings for Offences	
40.1	The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.
41. Adverse Publicity Orders	
41.1	The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.
41.2	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:
41.2.1	take the PDI Action or actions specified in the order; and
41.2.2	authorise a person in writing to take the PDI Action or actions specified in the order.
41.3	The power pursuant to Section 223(5) of the PDI Act, if:
41.3.1	the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and
41.3.2	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,
	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.
41.4	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 expenses of taking the PDI Action or actions, as a debt, due to the Council.
42. Civil Penalties	
42.1	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.
42.2	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.
42.3	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.
42.4	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.
42.5	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.
43.	Make Good Order
43.1	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.
44.	Recovery of Economic Benefit
44.1	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.
45.	Enforceable Voluntary Undertakings
45.1	The power pursuant to Section 230(1) of the PDI Act to accept (by written notice) a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the PDI Act.
45.2	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.
45.3	The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to:
45.3.1	vary the undertaking; or
45.3.2	withdraw the undertaking.
45.4	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.
45.5	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.
45.6	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.
46.	Advertisements
46.1	The power pursuant to Section 231(1) of the PDI Act, if, in the opinion of the delegate, an advertisement or advertising hoarding:
46.1.1	disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality; or
46.1.2	is contrary to the character desired for a locality under the Planning and Design Code,
	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).
46.2	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.
47.	Professional Advice to be Obtained in Relation to Certain Matters
47.1	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.
47.2	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.

48. Charges on Land
48.1 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 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.
48.2 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.
49. Registering Authorities to Note Transfer
49.1 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.
50. Reporting
50.1 The power pursuant to Clause 13(3)(b) of Schedule 2 of the PDI Act to require a report under Clause 13(2) of Schedule 2 of the PDI Act to contain any other information or report required by the delegate.
51. Review of Performance
51.1 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.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL)
REGULATIONS 2017**

52. Mutual Liability Scheme – Rights of Indemnity
52.1 The power pursuant to Regulation 11B(1) of the Planning, Development and Infrastructure (General) Regulations 2019 (the General Regulations) to:
52.1.1 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
52.1.2 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,
	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.
52.2	The power pursuant to Regulation 11B(5) of the General Regulations to:
52.2.1	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
52.2.2	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 87(1)(a) and (i) of the PDI Act,
	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.
53.	Performance Assessed Development and Restricted Development
53.1	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.
54.	Underground Main Areas
54.1	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.
54.2	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.
55.	Width of Roads and Thoroughfares
55.1	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.
55.2	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.
55.3	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-de-sac is likely to become a through road.
56.	Road Widening
56.1	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.
57.	Requirement as to Forming of Roads
57.1	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.
57.2	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 7.4m, in view of the volume or type of traffic that is likely to traverse that road.
57.3	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.
57.4	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.
57.5	The power pursuant to Regulation 83(6) of the General Regulations, to dispense with a requirement under Regulation 83(5) of the General Regulations.
58.	Construction of Roads, Bridges, Drains and Services
58.1	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 with bitumen, tar or asphalt or other material approved by the delegate.

59. Supplementary Provisions	
59.1	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.
59.2	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.
59.3	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 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.
60. General Provisions	
60.1	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.
60.2	The power pursuant to Regulation 89(3) of the General Regulations to provide a certificate which:
60.2.1	evidences the consent of the Council to an encroachment by a building over other land; and
60.2.2	sets out:
60.2.2.1	the date on which any relevant building was erected (if known); and
60.2.2.2	the postal address of the site.
60.3	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.
61. Notifications During Building Work	
61.1	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.
61.2	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 prescribed for the purposes of Section 146(1) of the PDI Act relate.
62.	Essential Safety Provisions
62.1	The power pursuant to Regulation 94(13) of the General Regulations to require compliance with Regulation 94(10) of the General Regulations if:
62.1.1	the essential safety provisions were installed
62.1.1.1	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
62.1.1.2	as part of a performance solution under the Building Code; or
62.1.2	the building has been the subject of a notice under Section 157 of the PDI Act.
63.	Classification of Buildings
63.1	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:
63.1.1	such details, particulars, plans, drawings, specifications, certificates and other documents as the delegate may reasonably require to determine the building's classification.
63.2	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.
63.3	The power pursuant to Regulation 102(5) of the General Regulations, if an application under Regulation 102 of the 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).
63.4	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:
63.4.1	the maximum number of persons who may occupy the building (or part of the building); and
63.4.2	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.
64.	Certificates of Occupancy
64.1	The power pursuant to Regulation 103(2) of the General Regulations to, require the following documentation:
64.1.1	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;
64.1.2	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:
64.1.2.1	in the case of a building more than 1 storey - that the requirements of any relevant Ministerial building standard have been complied with; or
64.1.2.2	in any other case - that the building is suitable for occupation.
64.2	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:
64.2.1	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
64.2.2	it appears to the delegate, after undertaking an inspection, that the

	relevant building is suitable for occupation.
64.3	The power pursuant to Regulation 103(4) of the General Regulations if:
64.3.1	a building is:
64.3.1.1	to be equipped with a booster assembly for use by a fire authority; or
64.3.1.2	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
64.3.2	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,
	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 satisfactorily and to seek such a report from the fire authority.
64.4	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.
64.5	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.
64.6	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.
64.7	The power pursuant to Regulation 103(9) of the General Regulations to revoke a certificate of occupancy:
64.7.1	if:
64.7.1.1	there is a change in the use of the building; or
64.7.1.2	the classification of the building changes; or
64.7.1.3	building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300m ² is about to commence, or is being or has been carried out; or

64.7.1.4	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
64.7.2	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
64.7.3	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
64.7.4	if the delegate considers:
64.7.4.1	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
64.7.4.2	that a condition attached to the certificate of occupancy has not been met, or has been contravened, or is no longer appropriate.
65.	Mining Production Tenements
65.1	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.
66.	Register of Land Management Agreements (Section 193)
66.1	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.
66.2	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.
67.	Authorised Officers and Inspections
67.1	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:

67.1.1	who is an accredited professional who is:
67.1.1.1	an Accredited professional - building level 1; or
67.1.1.2	an Accredited professional - building level 2; or
67.1.1.3	an Accredited professional - building level 3; or
67.1.1.4	an Accredited professional - building level 4; or
67.1.2	who holds a current accreditation recognised by the Chief Executive for the purposes of this Regulation; or
67.1.3	who holds an approval from the Chief Executive.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019

68.	Calculation of Assessment of Fees
68.1	The power pursuant to Regulation 5(1) of the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged under a related set of regulations (including via the SA planning portal):
68.1.1	to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and
68.1.2	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).
68.2	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.
68.3	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.
69.	Waiver or Refund of Fee
69.1	The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:

69.1.1	waive the payment of the fee, or the payment of part of the fee; or
69.1.2	refund the whole or a part of the fee.

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

70.	Requirements in Relation to Preparing an Engagement Plan
70.1	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:
70.1.1	meets the principles and performance outcomes of the Charter;
70.1.2	describes the persons or bodies to be consulted;
70.1.3	outlines any relevant previous engagement undertaken to inform the proposal;
70.1.4	describes the evaluation framework for the engagement.
70.2	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.
71.	Requirements in Relation to Preparing an Engagement Report Following Consultation
71.1	The power pursuant to clause 6(2) of PD2 to set out in the report:
71.1.1	details of the engagement undertaken and how that engagement met the agreed community engagement plan, and reasons for variations, if any to that plan;
71.1.2	the outcome of the engagement including a summary of the feedback made;
71.1.3	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:
71.1.3.1	where changes are proposed to the designated instrument based on the engagement; and
71.1.3.2	any other changes proposed based on additional

	investigations or information not available when the proposal was released for engagement.
71.2	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:
71.2.1	the principles of the Charter have been achieved; and
71.2.2	all mandatory requirements identified in the Charter have been met where the consultation category is applicable.
72.	Requirements in Relation to Initiating a Code Amendment Pursuant to Section 73 of the Act
72.1	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:
72.1.1	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;
72.1.2	Code Modules - an outline of any overlay, general policy, zone or subzones being 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;
72.1.3	Area Affected - A map or description of the area affected by the proposed amendment;
72.1.4	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;
72.1.5	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;
72.1.6	Infrastructure Provision -
72.1.6.1	an explanation of any infrastructure provision that is required and how the infrastructure provision will be provided; and
72.1.6.2	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;
72.1.7	Joint Planning Board Comments - that the Council has discussed the proposal with the relevant Regional Planning Board;
72.1.8	Consultation – information regarding any other consultation that has occurred;
72.1.9	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;
72.1.10	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;
72.1.11	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.
72.2	The power pursuant to clause 7(2) of PD2 to, in addition, provide:
72.2.1	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;
72.2.2	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.
73.	Requirements in Relation to Preparation of the Draft Proposal Prior to Consultation and Decision
73.1	The power pursuant to clause 8(1) of PD 2 to, prior to consultation, provide to the Department:
73.1.1	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;
73.1.2	any maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the

	Council;
73.1.3	in relation to heritage lists a local heritage data sheet and a significant trees data sheet.
73.2	The power pursuant to clause 8(2) of PD2, if amendments are proposed to the consultation versions, to provide to the Department:
73.2.1	instruction to write the amendments to the Code Policy;
73.2.2	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.
74.	Requirements in Relation to Preparation of the Draft Proposal for Consultation
74.1	The power pursuant to clause 9(1) of PD2 to, for engagement purposes, support a code amendment by the following information:
74.1.1	an explanation about why and how the Code is proposed to be amended;
74.1.2	an assessment of the amendment against the relevant provisions of State Planning Policies and the relevant regional plan;
74.1.3	if any amendment is not fully consistent with the State Planning Policies or the region plan, to so specifically identify that and include an explanation setting out the reason or reasons for the inconsistency;
74.1.4	an explanation and summary of the investigations undertaken and how these support the amendment;
74.1.5	an explanation of any infrastructure provision that is required and how the infrastructure will be provided.
75.	Requirements in Relation to Complying Changes Under Section 75
75.1	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:
75.1.1	a reference to the documentation and recommendation in relation to the proposed amendment in the relevant regional plan;
75.1.2	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;
75.1.3	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;
75.1.4	any maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the Council.
76.	Requirements in Relation to Early Commencement Under Section 78
76.1	The power pursuant to clause 12(1) of PD2, in relation to a request for a code amendment to come into operation without delay, to provide to the department:
76.1.1	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;
76.1.2	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;
76.1.3	any maps in an industry standard GIS format to enable the production version of mapping to be prepared and returned to the Council.

STATE PLANNING COMMISSION PRACTICE DIRECTION – 3 (NOTIFICATION OF PERFORMANCE ASSESSED DEVELOPMENT APPLICATIONS) 2019

77.	Responsibility to Undertake Notification
77.1	The power pursuant to clause 6(3)(b) of the State Planning Commission Practice Direction – 3 (Notification of Performance Assessed Development Applications) 2019 (PD3) 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.

STATE PLANNING COMMISSION PRACTICE DIRECTION (COUNCIL INSPECTIONS) 2020

78.	Mandatory Inspections
78.1	The power pursuant to clause 2(2) of Part 2 of the State Planning Commission Practice Direction (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:

78.1.1	primary structural elements;
78.1.2	structural framing and roof trusses;
78.1.3	wet areas and waterproofing;
78.1.4	barriers to prevent falls;
78.1.5	cladding;
78.1.6	egress provisions;
78.1.7	bushfire protection systems;
78.1.8	passive and active fire safety elements;
78.1.9	private bushfire shelters; and
78.1.10	performance solutions.
79.	Additional Inspections
79.1	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.
80.	Inspections Generally
80.1	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.
81.	General Requirements
81.1	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 experience to carry out an inspection assigned to that officer under PD9.

**STATE PLANNING COMMISSION PRACTICE DIRECTION 10 (STAGED
OCCUPATION OF MULTI-STOREY BUILDINGS) 2020**

82.	Conditions that Must be Met for the Staged Occupation of a Partially Completed Building
82.1	The power pursuant to clause 5(2) of the State Planning Commission Practice Direction 10 (Staged Occupation of Multi-Storey Buildings 2020 (PD10)) to,

agree to partial occupancy of a partially completed multistorey building.

SCHEDULE OF CONDITIONS

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

[Instructions for use: any conditions or limitations which apply to delegations under this Act should be inserted here – DELETE this note once conditions/limitations are entered. If no conditions apply insert 'NIL']

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

INSTRUMENT B**INSTRUMENT OF DELEGATION UNDER THE
PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS,
PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS
OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY****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. Environment and Food Production Areas – Greater Adelaide
1.1 The power pursuant to Section 7(5)(a) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments to seek the concurrence of the Commission in the granting of the development authorisation to the development.
1.2 The power pursuant to Section 7(5)(d) of the PDI Act in relation to a proposed development in an environment and food production area that involves a division of land that would create one or more additional allotments, to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.
2. Related Provisions
2.1 The power pursuant to Section 99(2)(b)(ii) of the PDI Act to, if appropriate, grant development approval in the case of Section 99(1)(d) of the PDI Act.
2.2 The power pursuant to Section 99(3) of the PDI Act where a proposed development is to be undertaken within the area of the Council, to, subject to the regulations, if appropriate, grant the final development approval after all elements of the development have been approved by one or more relevant authorities under Section 99 of the PDI Act.
3. Matters Against Which Development Must be Assessed
3.1 The power pursuant to Section 102(1) of the PDI Act to assess a

	development against and grant or refuse a consent in respect of the relevant provisions of the Building Rules (building consent).
3.2	The power pursuant to Section 102(8) of the PDI Act, when all relevant consents have been granted in relation to a development, to in accordance with the PDI Act, indicate that the development is approved.
4.	Building Consent
4.1	The power pursuant to Section 118(1) of the PDI Act, if the Regulations provide that a form of building work complies with the Building Rules, to grant any such building work a building consent (subject to such conditions or exceptions as may be prescribed by the regulations).
4.2	The power pursuant to Section 118(2)(a) of the PDI Act to seek the concurrence of the Commission to grant a building consent in respect of a development that is at variance with the performance requirements of the Building Code or a Ministerial building standard.
4.3	The power pursuant to Section 118(2) of the PDI Act, subject to Section 118(6) of the PDI Act, to grant a building consent to a development that is at variance with the Building Rules if:
4.3.1	the variance is with a part of the Building Rules other than the Building Code or a Ministerial building standard and the delegate determines that it is appropriate to grant the consent despite the variance on the basis that the delegate is satisfied:
4.3.1.1	that:
	(a) the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building work fails to conform with the Building Rules only in minor respects; and
	(b) the variance is justifiable having regard to the objects of the Planning and Design Code or the performance requirements of the Building Code or a Ministerial building standard (as the case may be) and would achieve the objects of this Act as effectively, or more effectively, than if the variance were not to be allowed; or
4.3.1.2	in a case where the consent is being sought after the development has occurred - that the variance is justifiable in the circumstances of the particular case.
4.4	The power pursuant to Section 118(4) of the PDI Act, to at the request or with the agreement of the applicant, refer proposed building work to the

	Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial building standard.
4.5	The power pursuant to Section 118(6) of the PDI Act if an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, to, in determining an application for building consent, ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved in respect of the development that are as good as can reasonably be achieved in the circumstances.
4.6	The power pursuant to Section 118(7) of the PDI Act to seek and consider the advice of the Commission before imposing or agreeing to a requirement under Section 18(6) of the PDI Act that would be at variance with the performance requirements of the Building Code or a Ministerial building standard.
4.7	The power pursuant to Section 118(8) of the PDI Act, to, subject to the PDI Act, accept that proposed building work complies with the Building Rules to the extent that:
4.7.1	such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or
4.7.2	such compliance is certified by a building certifier.
4.8	The power pursuant to Section 118(10) of the PDI Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification
4.9	The power pursuant to Section 118(11) of the PDI Act, if a relevant authority decides to grant building consent in relation to a development that is at variance with the Building Rules, to, subject to the regulations, in giving notice of the relevant authority's decision on the application for that consent, specify (in the notice or in an accompanying document):
4.9.1	the variance; and
4.9.2	the grounds on which the decision is being made.
5.	Application and Provision of Information
5.1	The power pursuant to Section 119(1)(b) of the PDI Act to require an application to the relevant authority for the purposes of Part 7 of the PDI Act, to include any information as the delegate may reasonably require.

5.2	The power pursuant to Section 119(3) of the PDI Act to request an applicant:
5.2.1	to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;
5.2.2	to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;
5.2.3	to consult with an authority or body prescribed by the regulations;
5.2.4	to comply with any other requirement prescribed by the regulations.
5.3	The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.
5.4	The power pursuant to Section 119(9) of the PDI Act to:
5.4.1	permit an applicant:
5.4.1.1	to vary an application;
5.4.1.2	to vary any plans, drawings, specifications or other documents that accompanied an application,
	(provided that the essential nature of the proposed development is not changed);
5.4.2	permit an applicant to lodge an application without the provision of any information or document required by the regulations;
5.4.3	to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);
5.4.4	if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.
5.5	The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.

5.6	The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.
5.7	The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.
6.	Outline Consent
6.1	The power pursuant to Section 120(1) of the PDI Act and subject to Section 120 of the PDI Act, to on application, grant a consent in the nature of an outline consent.
6.2	The power pursuant to Section 120(3) of the PDI Act if an outline consent is granted and a subsequent application is made with respect to the same development (subject to any variations allowed by a practice direction) to:
6.2.1	grant any consent contemplated by the outline consent; and
6.2.2	not impose a requirement that is inconsistent with the outline consent.
7.	Referrals to Other Authorities or Agencies
7.1	The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed development of a prescribed class is to be assessed by a relevant authority, to:
7.1.1	refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and
7.1.2	not make a decision until the relevant authority has received a response from that prescribed body in relation to the matter or matters for which the referral was made
	where the regulations so provide, subject to Section 122 of the PDI Act.
7.2	The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:
7.2.1	to refuse the application; or
7.2.2	consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to any specific limitation under another Act as to the conditions that may be imposed by the prescribed body)
	where the regulations so provide.

7.3	The power pursuant to Section 122(7) of the PDI Act, if the relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the PDI Act, to apply for the relevant authority to be joined as a party to the proceedings.
7.4	The power pursuant to Section 122(10) of the PDI Act to, if requested by an applicant, defer a referral under Section 122 of the PDI Act to a particular stage in the process of assessment.
8.	Proposed Development Involving Creation of Fortifications
8.1	The power pursuant to Section 124(1) of the PDI Act, if the delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police (the Commissioner).
8.2	The power pursuant to Section 124(5) of the PDI Act, if the Commissioner determines that the proposed development involves the creation of fortification, to:
8.2.1	if the proposed development consists only of the creation of fortifications – refuse the application;
8.2.2	in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortification.
8.3	The power pursuant to Section 124(6) of the PDI Act, if the relevant authority acting on the basis of a determination of the Commissioner under Section 124(2) of the PDI Act refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 124 of the PDI Act.
8.4	The power pursuant to Section 124(7) of the PDI Act, if a refusal or condition referred to in Section 124(5) of the PDI Act is the subject of an appeal under the PDI Act, to apply to the Court to be joined as a party to the appeal.
9.	Determination of Application
9.1	The power pursuant to Section 126(1) of the PDI Act to, on making a decision on an application under Part 7 of the PDI Act, give notice of the decision in accordance with the regulations (and, in the case of a refusal, to include in the notice the reasons for the refusal and any appeal rights that exist under the PDI Act).
9.2	The power pursuant to Section 126(3) of the PDI Act to, on the delegate's own initiative or on the application of a person who has the benefit of any relevant development authorisation, extend a period prescribed under Section

126(2) of the PDI Act.	
10. Conditions	
10.1	The power pursuant to Section 127(1) of the PDI Act to make a decision subject to such conditions (if any) as the delegate thinks fit to impose in relation to the development.
10.2	The power pursuant to Section 127(2)(c) of the PDI Act to vary or revoke a condition in accordance with an application under Part 7 of the PDI Act.
11. Variation of Authorisation	
11.1	The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.
12. Saving Provisions	
12.1	The power pursuant to Section 133(3) of the PDI Act to, in order to avoid or reduce hardship, extend the limitation period referred to in Section 133(2) of the PDI Act.
13. Requirement to Up-grade	
13.1	The power pursuant to Section 134(1) of the PDI Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition.
13.2	The power pursuant to Section 134(1) of the PDI Act, if:
13.2.1	an application for a building consent relates to:
13.2.1.1	building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of Section 134(1) of the PDI Act; or
13.2.1.2	a change of classification of a building; and
13.2.2	the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition,
	to require that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.
13.3	The power pursuant to Section 134(2) of the PDI Act, when imposing a requirement under Section 134(1) of the PDI Act, to specify (in reasonable detail) the matters under Section 134(1)(b) of the PDI Act that must, in the

	opinion of the delegate, be addressed.
13.4	The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:
13.4.1	subject to Section 134(3)(b) of the PDI Act - on the basis that the relevant matters must be addressed as part of the application before the relevant authority will grant building consent; and
13.4.2	in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed
13.5	The power pursuant to Section 134(4) of the PDI Act if:
13.5.1	an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and
13.5.2	the delegate is of the opinion that the affected part of the building does not comply with the performance requirements of the Building Code or a Ministerial building standard in relation to access to buildings, and facilities and services within buildings, for people with disabilities,
	to require that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code or the Ministerial building standard (as the case may be).
13.6	The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:
13.6.1	subject to Section 134(5)(b) of the PDI Act - on the basis that the building work or other measures to achieve compliance with the relevant performance requirements must be addressed before the relevant authority will grant building consent; and
13.6.2	in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.
14.	Urgent Building Work
14.1	The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.
15.	Cancellation of Development Authorisation

15.1	The power pursuant to Section 143(1) of the PDI Act to, on the application of a person who has the benefit of the authorisation, cancel a development authorisation previously given by the relevant authority.
15.2	The power pursuant to Section 143(2) of the PDI Act to make a cancellation under Section 143(1) of the PDI Act subject to such conditions (if any) as the delegate thinks fit to impose.
16.	Professional Advice to be Obtained in Relation to Certain Matters
16.1	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.
16.2	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.
17.	Continuation of Processes
17.1	The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:
17.1.1	adopt any findings or determinations of a relevant authority under the repealed Act that may be relevant to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and
17.1.2	adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and
17.1.3	deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and
17.1.4	deal with any requirement or grant any variation imposed or proposed in connection with an application to which Clause 18(1) of Schedule 8 of the PDI Act applies; and
17.1.5	take any other step or make any other determination authorised by the regulations, or that is reasonably necessary to promote or ensure a smooth transition on account of the transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL)
REGULATIONS 2017**

18.	Accredited Professionals
18.1	The power pursuant to Regulation 25(7)(c) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to form the opinion and be satisfied, on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional association, or other relevant registration or accreditation authority, that a person has engineering or other qualifications that qualify the person to act as a technical expert under Regulation 25 of the General Regulations.
19.	Verification of Application
19.1	The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section 119 of the PDI Act, and in addition to any other requirement under the General Regulations, to, in order to ensure that an application has been correctly lodged and can be assessed in accordance with the PDI Act:
19.1.1	determine the nature of the development; and
19.1.2	if the application is for planning consent - determine:
19.1.2.1	whether the development involves 2 or more elements and, if so, identify each of those elements for the purposes of assessment against the provisions of the Planning and Design Code; and
19.1.2.2	the category or categories of development that apply for the purposes of development assessment; and
19.1.3	determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and
19.1.4	if the relevant authority is the correct entity to assess the application (or any part of the application):
19.1.4.1	check that the appropriate documents and information have been lodged with the application; and
19.1.4.2	confirm the fees required to be paid at that point under the <i>Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019</i> ; and
19.1.4.3	provide an appropriate notice via the SA planning portal;

and	
19.1.5	if the relevant authority is not the correct entity to assess the application (or any part of the application):
19.1.5.1	provide the application (or any relevant part of the application), and any relevant plans, drawings, specifications and other documents and information in its possession, to the entity that the delegate considers to be the correct relevant authority in accordance with any practice direction; and
19.1.5.2	provide an appropriate notice via the SA planning portal.
20. Amended Applications	
20.1	The power pursuant to Regulation 35(3) of the General Regulations if an application is varied following referral under Division 2 or giving of notice under Division 3, to, if the variations are not substantial, consider the application without the need to repeat an action otherwise required under Division 2 or Division 3.
20.2	The power pursuant to Regulation 35(4) of the General Regulations if a variation would change the essential nature of a proposed development (as referred to in Section 119(9)(a) of the PDI Act), to agree with the applicant to proceed with the variation on the basis that the application (as so varied) will be treated as a new application under the General Regulations.
21. Withdrawing/Lapsing Applications	
21.1	The power pursuant to Regulation 38(1) of the General Regulations if an application is withdrawn by the applicant under Section 119(14) of the PDI Act, to notify:
21.1.1	any agency to which the application has been referred under Division 2 of the General Regulations; and
21.1.2	any person who has made a representation in relation to the application under Division 3 of the General Regulations,
	of the withdrawal.
21.2	The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations to:
21.2.1	take reasonable steps to notify the applicant of the action under consideration; and
21.2.2	allow the applicant a reasonable opportunity to make submissions to

	the delegate (in a manner and form determined by the delegate) about the proposed course of action.
22. Court Proceedings	
22.1	The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.
23. Additional Information or Amended Plans	
23.1	The power pursuant to Regulation 42(1) of the General Regulations if the relevant authority has referred an application to a prescribed body under Division 1 of the General Regulations and the relevant authority subsequently receives additional information, or an amended plan, drawing or specification, which is materially relevant to the referral, or to any report obtained as part of the referral process, to repeat the referral process.
24. Building Matters	
24.1	The power pursuant to Regulation 45(1) of the General Regulations to, if, in assessing an application for building consent, the delegate considers that:
24.1.1	a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or
24.1.2	the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or
24.1.3	special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,
	refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the relevant authority that a referral is not required.
24.2	The power pursuant to Regulation 45(2) of the General Regulations, if a report is not received from the fire authority on a referral under Regulation 45(1) of the General Regulations within 20 business days, to presume that the fire authority does not desire to make a report.
24.3	The power pursuant to Regulation 45(3) of the General Regulations to have regard to any report received from a fire authority under Regulation 45 of the General Regulations.

24.4	The power pursuant to Regulation 45(4) of the General Regulations, if, in respect of an application referred to a fire authority under Regulation 45 of the General Regulations, the fire authority:
24.4.1	recommends against the granting of building consent; or
24.4.2	concurs in the granting of consent on conditions specified in its report,
	but the delegate:
24.4.3	proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or
24.4.4	does not propose to impose the conditions referred to in Regulation 45(b) of the General Regulations, or proposes to impose the conditions in varied form, on the grant of consent,
	to:
24.4.5	refer the application to the Commission; and
24.4.6	not grant consent unless the Commission concurs in the granting of the consent.
24.5	The power pursuant to Regulation 45(5) of the General Regulations to provide to the Commission a copy of any report received from a fire authority under Regulation 45(1) of the General Regulations that relates to an application that is referred to the Commission under the PDI Act.
25.	Notice of Decision (Section 126(1))
25.1	The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.
26.	Consideration of Other Development Authorisations
26.1	The power pursuant to Regulation 60 of the General Regulations, to, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the PDI Act, and any conditions that apply in relation to that prior development authorisation.
27.	Certificate of Independent Technical Expert in Certain Cases
27.1	The power pursuant to Regulation 61(4)(c) of the General Regulations to form the opinion and be satisfied on the basis of advice received from the accreditation authority under the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019, a relevant professional

	association, or another relevant registration or accreditation authority, that a person has engineering or other qualifications, qualify the person to act as a technical expert under this regulation.
28. Urgent Work	
28.1	The power pursuant to Regulation 63(1) of the General Regulations to,
28.1.1	determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and
28.1.2	determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.
28.2	The power pursuant to Regulation 63(2) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.
28.3	The power pursuant to Regulation 63(3) of the General Regulations to, for the purposes of Section 135(2)(c) of the PDI Act, allow a longer period.
29. Variation of Authorisation (Section 128)	
29.1	The power pursuant to Regulation 65(1) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.
30. Plans for Building Work	
30.1	The power pursuant to Clause 4(3) of Schedule 8 of the General Regulations, in relation to an application for building consent for development consisting of or involving an alteration to a building, if:
30.1.1	the applicant is applying for a change in the classification of the building to a classification other than Class 10 under the Building Code; or
30.1.2	the building was erected before 1 January 1974 and the applicant is applying for a classification other than Class 10 under the Building Code to be assigned to the building,
	to require the application to be accompanied by such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the delegate reasonably requires to show that the entire building will, on completion of the building work, comply with the requirements of the PDI Act and the General Regulations for a building of the classification applied for or with so many of

those requirements as will ensure that the building is safe and conforms to a proper structural standard.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2019


31. Calculation or Assessment of Fees	
31.1	The power pursuant to Regulation 5(1) of the PDI (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) in relation to an application which is duly lodged with the Council under a related set of regulations (including via the SA planning portal):
31.1.1	to require the applicant to provide such information as the delegate may reasonably require to calculate any fee payable under the Fees Regulations or a related set of regulations; and
31.1.2	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).
31.2	The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate any fee on the basis of estimates made by the delegate.
31.3	The power pursuant to Regulation 5(3) of the Fees Regulations to, at any time, and despite an earlier calculation or acceptance of an amount in respect of the fee, reassess a fee payable under the Fees Regulations or a related set of regulations.
32. Waiver or Refund of Fee	
32.1	The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considers appropriate to do so:
32.1.1	waive the payment of the fee, or the payment of part of the fee; or
32.1.2	refund the whole or a part of the fee.

SCHEDULE OF CONDITIONS

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

[Instructions for use: any conditions or limitations which apply to delegations under this Act should be inserted here – DELETE this note once conditions/limitations are entered. If no conditions apply insert 'NIL']

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



Development Assessment

Relevant Authorities
(Part 6)

PURPOSE

The following Relevant Authorities will be responsible for undertaking the planning assessment required for development approved under the *Planning, Development and Infrastructure Act 2016*:

Type of Authority	Type of Assessment	How appointed
Minister	<ul style="list-style-type: none"> Impact assessable development (other than restricted development) Crown development Essential infrastructure 	
State Planning Commission	<ul style="list-style-type: none"> Restricted development Development assigned to it in the Act or in Regulations Development occurring outside of Council areas As directed by the Minister (i.e. matters of State significance or importance or delayed applications) 	<ul style="list-style-type: none"> Appointed by the Minister
Assessment Panels – Council Local Regional Combined	<ul style="list-style-type: none"> Development that is prescribed to it in Regulations Development that occurs within the relevant area Intended to apply to more complex developments (performance-based and other assessment) 	<ul style="list-style-type: none"> Various appointment methods (i.e. by Council, by Joint Planning Boards, by the Minister) Is the default (typical) assessment authority
Assessment Manager	<ul style="list-style-type: none"> Development that is prescribed to it in Regulations Currently akin to delegated decisions Intended to apply to deemed-to-satisfy and a range of generally minor development 	<ul style="list-style-type: none"> Must be an accredited professional or meet other prescribed criteria Every assessment panel must have an assessment manager Appointed by the process prescribed under the Act relating to the relevant assessment panel (i.e. either by Joint Planning Board, Council Chief Executive or DPTI Chief Executive)
Accredited Professional	<ul style="list-style-type: none"> Development that is prescribed to it in Regulations Building Rules consent Intended to apply to deemed-to-satisfy development 	<ul style="list-style-type: none"> Accreditation scheme provided for in Regulations
Council	<ul style="list-style-type: none"> Responsible for granting final approvals for development that occurs within its area 	

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Government of South Australia
Department of Planning,
Transport and Infrastructure

Issue Date 30/11/16

DECLARATIONS OF CONFLICTS OF INTEREST

Nil

REPORTS

Nil

OTHER BUSINESS

5.2.2 Standing Referral for Building Rules Assessments

Mr R Bateup moved, and the Council Assessment Panel resolved that:

1. The Salisbury Council Assessment Panel determines to act under Section 99(1)(b) of the Planning, Development and Infrastructure Act 2016 (the Act) in relation to all development applications received by it that involve the performance of building work.
2. Pursuant to Section 99(1)(c) of the Act, where the Panel has determined to act under Section 99(1)(b) of the Act, the Salisbury Council Assessment Panel refers the assessment of the development in respect of the Building Rules to the City of Salisbury.

5.2.4 Procedure for Appeals

Mr B Brug moved, and the Council Assessment Panel resolved that:

1. The Council Assessment Panel adopts the *Procedure for Appeals* in Attachment 2 for inclusion in the General Operating Procedures.
2. That a further report be provided to the Panel that further amends to the Operating Procedures to provide additional guidelines on the detail of the conduct of appeals.

ITEM	3.2.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	14 December 2020
PREV REFS	Resources and Governance 3.3.2 Committee 20/01/2020
HEADING	Cat By-Law Review Status Report
AUTHOR	John Darzanos, Manager Environmental Health & Safety, City Development
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community 4.4 We plan effectively to address community needs and identify new opportunities
SUMMARY	<p>Further to a previous report presented to Resources and Governance Committee, Item 3.3.2 Cat By-Law review presented on 20 January 2020, it was resolved that Council advocate for consistent cat laws across the state and in the absence of any changes review the opportunity for the development of a cat by-law.</p> <p>This report presents an update on the progress on legislative changes and the opportunity for consultation to inform the need for a by-law to be undertaken as part of the Dog and Cat Management Plan review.</p>

RECOMMENDATION

1. The information be received.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Council Resolution January 2020 - Letters sent to Minister, Dog and Cat Management Board and LGA
2. LGA response to Cat Laws Review

1. BACKGROUND

- 1.1 Current legislative options under the Dog and Cat Management Act and the Local Nuisance and Litter Control Act provide for a level of control and management of cats. The introduction of a cat by-law can address some gaps in the current legislative provisions. However, as noted in previous reports, legislative and by-law provisions are predominantly effective in relation to control of cats with identified owners, which are the much smaller proportion of cat nuisance issues. The majority of nuisance issues arise from unowned cats.

- 1.2 Accordingly, a cat by-law is likely to be limited in its impact. However Council lobbied the State Government for a state and/or metropolitan-wide approach to legislative controls, supported by an effective funding and resourcing mechanism for legislative and non-legislative initiatives.
- 1.3 At the meeting of Council on the 28th January 2020 it was resolved that:
- 2 *Council write to the Minister, Dog and Cat Management Board and Local Government Association and advocate for amendments to the Dog and Cat Management Act that will provide for consistent application of laws relating to cats, so as to support a consistent approach to cat management across the State and/or metropolitan areas.*
 3. *Should either no response be received from the Minister, or that responses from the Minister, Dog and Cat Management Board, and Local Government Association not indicate support for legislative amendments that are consistent across all Council areas, a further report be provided to Council canvassing further options for cat management and controls.*
(Resolution 0394/2020)
- 1.4 Correspondence was sent to the Minister for Environment and Water, Dog and Cat Management Board and Local Government Association (LGA) advocating for a state or metropolitan wide approach for consistent laws. Refer to Attachment 1 for copy of the letters. Whilst the requests were acknowledged, there were no changes made to legislation or any indication of what future changes may include to address the gaps in the cat legislation.
- 1.5 The only formal reply was from the LGA as per Attachment 2 and they advised that the arguments expressed by the City of Salisbury were mirrored in the LGA's letter to the Minister noting gaps in the legislation and that a state wide approach would be effective. The LGA Board supported further consideration of cat management as part of a formal review of the Act which was to be led by the Dog and Cat Management Board.

2. CITY PLAN CRITICAL ACTION

- 2.1 Meaningfully engage with our community so we better anticipate and respond to needs and opportunities

3. CONSULTATION / COMMUNICATION

- 3.1 External
3.1.1 Dog and Cat Management Board

4. REPORT

- 4.1 The current legislative framework has not been amended to address any of the identified gaps in cat management as presented to Resources and Governance Committee in item 3.3.2 Cat By-law review, on 20 January 2020.
- 4.2 The Dog and Cat Management Act 1995 is scheduled for review late 2022 and at this point in time there has been no indication from the Minister that this timeframe will be changed.

- 4.3 In the absence of legislative amendments, Council can consider implementing a by-law to address:
- 4.3.1 Maximum number of cats per property, with permits for additional cats subject to conditions such as de-sexed, microchipped and containment.
 - 4.3.2 Defining an offence provision for a cat wandering at large.
 - 4.3.3 Power to seize/trap identified cats that are wandering. (which is likely to require mandatory holding periods and impounding).
- 4.4 The development of a cat by-law will require staff to engage with the community and stakeholders to identify the issues and concerns with cats in the community, and develop a draft by-law within the legislative powers to address cats.
- 4.5 The development of a by-law requires Council to undertake compulsory public consultation in accordance with the Public Consultation Policy. In addition, the nature of this by-law will require adequate opportunity for the community to provide their input.

Complementary Consultation

- 4.6 Staff have recently finalised the procurement process to engage a consultant to undertake a review of the Dog and Cat Management Plan, and included in the brief for this review was the requirement for Community and stakeholder consultation.
- 4.7 This will provide the ideal opportunity to gather feedback on some of the current dog and cat management issues in Salisbury including, but not limited to, cat management and the need and/or demands for a cat by-law.
- 4.8 Undertaking this consultation as part of the Dog and Cat Management Plan will help Council address dog and cat management issues strategically and not require any additional resources or funding as it is within the scope of the plan review.
- 4.9 The timelines of the plan review aim to provide a draft plan to Council for endorsement for community consultation by March/April 2021.
- 4.10 The review will include Elected Member, community and stakeholder consultation on a range of dog and cat management issues and suggested areas include, but not limited to the following:
- 4.10.1 Cat management and the need and/or demands for a cat by-law.
 - 4.10.2 Dog leash laws and possible changes including changes during day light savings.
 - 4.10.3 Review of dog free areas, in particular access to sporting grounds.
 - 4.10.4 The level of pet ownership within our culturally and linguistically diverse residents.
 - 4.10.5 Small dog parks and how to maximise their use and community compliance.
 - 4.10.6 The need or demand for any new dog friendly parks (acknowledging recent work undertaken to audit the existing dog parks).
 - 4.10.7 Dog by-laws and the need for any amendments or reviews, in particular in relation to the maximum number of dogs per property.

- 4.10.8 Any other feedback associated with the implementation of the legislative changes associated with the Dog and Cat Management Act.

5. CONCLUSION / PROPOSAL

- 5.1 Identifying the community attitudes and both positive elements of cat ownership along with concerns with cats, will assist in understanding local issues and assist in developing local laws to manage the identified gaps in cat laws.
- 5.2 The Dog and Cat Management Plan review will provide the opportunity to address cats whilst undertaking a broader strategic review of dog and cat management issues in the community.
- 5.3 State wide legislation is the preferred option to ensure consistency across Council boundaries, and will be continually advocated. However in the absence of this option the pursuit of local by-laws can assist in identifying issues to be addressed by Council for the benefit of the community, and to ensure responsible pet ownership.
- 5.4 In the event of the option of a by-law being pursued, it should be noted that all of the City of Salisbury By-Laws are due to expire on 1 January 2023 and consequently will require a formal review process to occur in the 2021/22 financial year with gazettal of draft By-Laws in the first quarter of 2022/23. If possible, the preparation of and consultation on a Cat By-law will be sought to be coordinated with the broader by-law review. Dependent upon timing, this may also coincide with the review of the Dog and Cat Management Act currently scheduled by the State Government for late 2022.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 07.12.2020



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7 February 2020

Hon David Spiers MP
Minister for Environment & Water
GPO Box 1047
ADELAIDE SA 5001

Dear Minister

The City of Salisbury has recently received a report and deliberated on the issue of cat laws and has given consideration to the introduction of a cat by-law

The Council report reviewed the existing laws covering cat management and cat nuisances addressing the changes brought about by the Dog and Cat Management Act and the various controls implemented through the Local Nuisance and Litter Control Act and that of by-laws by other Councils.

In addition, the findings from recent reports prepared by the AWL and RSPCA on best practice cat management, along with data from Dogs and Cats Online and pet ownership estimates were also considered.

The outcome from the review confirmed that there were nuisances and concerns in our community from cats, and there were also gaps in the legislative controls offered by the Dog and Cat Management Act that could currently only be addressed through local by-laws. The gaps included areas such as:

- Maximum number of cats per property;
- Nuisance offences specific to cats associated with noise, odour, defecating and urinating;
- Cats wandering at large;
- Mandatory confinement; and
- Trapping, seizing and impounding identified cats.

Council recognises that the development of by-laws can provide local solutions, however the transient nature of cats and their ability to cross Council boundaries in metropolitan environments means that inconsistent laws reduce their effectiveness. This can lead to inconsistencies between neighbouring properties in regards to pet ownership and nuisances if they are in different Council areas. In addition there are significant costs to Councils associated with the development of local by-laws.

The evidence presented in the report and supporting data showed that the issues from cats were not restricted by local Council boundaries, and the view of the AWL(SA) and RSPCA calling for a consistent approach across South Australia was supported by Council.

As a result Council resolved to write to you as Minister for Environment and Water and advocate for legislative amendments to the Dog and Cat Management Act that will provide for consistent application of laws relating to cats, so as to support a consistent approach to cat management across the State and/or metropolitan areas. Council will also be advocating this to the Dog and Cat Management Board and Local Government Association.

The changes to the Dog and Cat Management Act resulting in compulsory de-sexing and microchipping for cats have been welcomed. However an additional review of the Act to address some of the other identified areas of concern will improve cat management and help consistency across the State.

In the absence of a suitable state wide legislative approach Council will be required to reconsider the development of a by-law to address the legislative gaps.

It would be appreciated if you could provide Council with an update as to any intentions or proposed timelines to review of the Dog and Cat Management Act to address consistent cat laws.

The report also identified that there are large numbers of unowned cats and semi owned cats in the community and it has been reported by the RSPCA that Trap, Neuter (de-sex), Return (TNR) programs are believed to help stabilise and reduce unowned and semi-owned cat populations. However it is understood that current legislation prevents the return of unowned cats to the environment.

It was also resolved by Council to request that you also undertake or commission a further review and analysis of existing data regarding cat de-sexing and release programs to identify any benefit in these programs and/or the possibility of undertaking trials of such programs in South Australia.

We thank you for your consideration on this matter and look forward to your updates, and please do not hesitate to contact me or Mr John Darzanos, Manager Environmental Health and Safety (84068240) to discuss any of the above.

Yours faithfully

John Harry
Chief Executive Officer
Telephone: (08) 8406 8212
Email: jharry@salisbury.sa.gov.au



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10 March 2020

Mr David Parkin
Chairperson
Dog and Cat Management Board
GPO Box 1047
ADELAIDE SA 5001

Dear Mr Parkin

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10 March 2020

Mr Matt Pinnegar
Chief Executive Officer
Local Government Association of SA
148 Frome Street
ADELAIDE SA 5000

Dear Mr Pinnegar

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Yours faithfully

John Harry
Chief Executive Officer
Telephone: (08) 8406 8212
Email: jharry@salisbury.sa.gov.au



The voice of local government.

In reply please quote our reference: ECM 701984 AL / MD

26 March 2020

John Harry
 Chief Executive Officer
 City of Salisbury
 PO Box 8,
 SALISBURY SA 5108.
 Emailed: jharry@salisbury.sa.gov.au

Dear John

Cat Laws

Thank you for your letter of 26 February, including resolutions from the City of Salisbury about cat management issues.

Firstly, the Local Government Association would like to acknowledge the continuing contribution to dog and cat management issues of your staff and elected members. City of Salisbury representatives are regularly nominated by the Minister of the day to serve on the Dog and Cat Management (DCM) Board and your staff greatly assisted during the 2016 amendments to the Dog and Cat Management Act and the design of the Dogs and Cats Online system.

Correspondence with Minister Spiers

Your letter touches on increasingly topical issues. In January 2020, the Local Government Association wrote to the Minister for Environment and Water, Hon David Spiers MP, expressing concern about the current campaign by the RSPCA and Animal Welfare League calling on councils to increase funding for cat management.

Many of the arguments expressed in the City of Salisbury's correspondence were mirrored in the LGA's letter to the Minister. The LGA noted that there are gaps in cat management cat laws and that a state-wide approach can be effective. The LGA stressed the importance of consultation, particularly with the local government sector.

Your letter provides five dot points, identifying gaps in cat management laws. The LGA hasn't formally consulted the sector on each of these specific issues. However, the LGA Board recently considered cat management issues and supports further consideration of cat management as part of a formal review of the Act, which we propose should be led by the DCM Board.

The LGA letter called upon the DCM Board to play a central role in leading public debate and leading a process to review the DCM Act. This Act must be reviewed by 2022 and consultation for the substantial 2016 amendments took well-over two years.

While the Minister has not agreed to bring forward a review of the Act, the LGA will continue to engage with our member councils and with the DCM Board to progress issues of concern to local government.

Berri Barmera motion for LGA OGM

At the request of the Berri Barmera Council, and as agreed by the South Australian Regional Organisation of Councils (SAROC), the next LGA General Meeting will be asked to consider the following motion:

148 Frome Street Adelaide SA 5000 | GPO Box 2693 Adelaide SA 5001 | T 08 8224 2000 | W lga.sa.gov.au



The voice of local government.

That the Ordinary General Meeting requests:

1. *the LGA advocate that cat management laws be consistent across local government jurisdictions whilst recognising resource limitations and operational realities of regional councils in administering the Act; and*
2. *the LGA advocate that State Government through the Dog and Cat Management Board leads legislative reform including community consultation on cat management issues including registration and containment.*

Unfortunately, the April OGM has been deferred as a result of the public health emergency and the LGA is consulting with the Berri Barmera council on how they wish to proceed. We would welcome discussion of the motion at a future OGM. If so, the voting delegate from the City of Salisbury will have the opportunity to participate in this debate and contribute to the policy directions and actions of the LGA on cat management issues.

If this motion is supported by an OGM, the LGA will have a clear mandate from members to actively pursue legislative change through the DCM Board.

Trap Neuter Return and Other Research

Your letter refers to the cat management theory, known as Trap-Neuter-Release (TNR). It is the LGA's understanding that there has not yet been a formal trial in Australia supported by peer-reviewed research. We are aware that the DCM Board has previously resolved not to support the adoption of TNR in South Australia until there is research proving the effectiveness of this approach.

The views of the local government sector have not been tested through a formal, sector-wide consultation process.

You are correct that TNR is currently prohibited by state legislation. However, the Minister has powers to exempt researchers from the relevant provisions of both the Animal Welfare Act and the Landscapes Act, for the purposes of a trial.

Lastly, you seek a review and analysis of existing data regarding cat desexing and release programs. We note that you have also made this request to the DCM Board, who manage the substantial and growing information contained in DACO. We also note that the Board has recently engaged a Data Analyst, who should be well-suited to extracting the information you request. The LGA will contact the DCM Board, supporting your request for this review.

We trust this information is helpful. If you have other questions, we encourage you to contact Andrew Lamb, our Local Government Reform Partner on 8224 2081.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Matt Pinnegar'.

Matt Pinnegar
Chief Executive Officer

Telephone: (08) 8224 2039
Email: matt.pinnegar@lga.sa.gov.au

ITEM	3.2.2
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	14 December 2020
HEADING	State Planning Commission Practice Directions - Council Inspections and Swimming Pool Inspections
AUTHOR	Chris Zafiroopoulos, Manager Development Services, City Development
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community 4.4 We plan effectively to address community needs and identify new opportunities
SUMMARY	The State Planning Commission has released Practice Directions that set minimum mandatory requirements for councils for the inspection of buildings and swimming pools, that supersede Council's <i>Building and Swimming Pool Inspection Policy</i> . This report provides Council information on the Practice Directions and implications for Council's services.

RECOMMENDATION

1. Council notes that the *Building and Swimming Pool Inspection Policy* has been superseded by the State Planning Commission's *Practice Direction 8 - Council Swimming Pool Inspections 2019*, and *Practice Direction 9 - Council Inspections 2020* from the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act 2016*.
2. That it be noted that, as a consequence of the introduction of the State Commission's Practice Direction 8, Council's current practice of undertaking compliance inspections pools at the request of pool owners for no charge will cease.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Practice Direction 9 - Council Inspections 2020
2. Practice Direction 8 - Swimming Pool Inspection Policy 2019 (Version 1)
3. Practice Direction 8 - Council Swimming Pool Inspections 2019 (Version 2)

1. BACKGROUND

- 1.1 The State Planning Commission has released *Practice Direction 9 - for Council Inspections 2020*. Refer to Attachment 1.
- 1.2 The Practice Direction sets minimum mandatory requirements for all councils for the inspection of buildings. The Practice Direction will replace Council's *Building and Swimming Pool Inspection Policy* when it becomes operational. The operational date will be determined by the Minister for Planning and is expected to be sometime in 2021.

- 1.3 *Practice Direction 8 - Swimming Pool Inspection Policy 2019* (version 1) was previously released by the Commission in relation to swimming pool inspections - Refer to Attachment 2. This Practice Direction is currently operational and has similar requirements to Council's inspection Policy. The proposed replacement policy - *Practice Direction 8 - Council Swimming Pool Inspections 2019* version 2 in Attachment 3 - that is expected to become operational sometime in 2021, will require 100% of inspections of ne pools being undertaken within two weeks of completion.
- 1.4 This report provides Council information on the Practice Directions and implications for Council's services.

2. REPORT

- 2.1 The *Planning, Development and Infrastructure Act 2016* (PDI Act) provides the Commission the authority to issue a Practice Direction to councils to carry out inspections in their respective areas.
- 2.2 In setting the policy direction, the Commission advises that it had regard to the existing capacity of councils to undertake inspections; and that initial inspection levels must be achievable and practical for councils to implement and administer. Council considered the draft inspection policies at its meeting in November 2019.
- 2.3 The Practice Direction proposes inspection levels as a transitional step to signal the beginning of reform in this area. This suggests that the inspection requirements for councils will increase over time.
- 2.4 The Practice Direction proposes mandating inspections for public safety to maintain confidence in the integrity of the development control system. The mandated inspection regime proposes that 100% of all commercial and public buildings are inspected at least once; and that 66% of domestic dwellings be inspected at least once.
- 2.5 The practice direction removes the requirement for an inspection of minor domestic structures, notwithstanding that a compliance fee is collected for such development applications. Council will still be required to inspect buildings where circumstances warrant such an inspection. This would include issues identified through complaint.
- 2.6 In addition, additional inspections may be prescribed by the relevant authority, including an independent building certifier, as part of building approval. This additional inspection may relate to a specific stage of the construction.
- 2.7 An analysis of the number of inspections reveals that the overall number of inspections is likely to be less under the Practice Direction, given that minor domestic structures, which account for some 180 inspections per annum will not require an inspection. The total number of inspections will reduce to approximately 530 per year under this new regime, from currently an average of approximately 660 inspections per year.
- 2.8 The total number of inspections may be less with the removal of minor domestic structures initially, but the increase to 100% inspections of commercial buildings will require an increase in the commitment of more experienced staff to inspections. These inspections typically take longer and have more complexity as

they include fire safety requirements. The number of buildings in this category will increase to approximately 150 per annum. These types of inspections require more senior and experienced staff to supervise the inspection. These buildings are also likely to require more than the one inspection proposed in the Practice Direction and considerably more time for the inspection and following up issues of non-compliance.

- 2.9 In addition, a new requirement has been introduced for a Certificate of Occupancy to be issued for all new dwellings, prior to the occupation of the building. The Certificate of Occupancy can be issued by either a council or a building certifier and can only be issued if the building is suitable for occupancy. This will inherently increase the level of inspections for dwellings, possibly resulting in more than 1 inspection per dwelling as prescribed in the practice direction. This will apply to some 500 development applications per year within the Council area.
- 2.10 In addition, commercial buildings are generally required to have installed Essential Safety Provisions (ESPs). ESPs include any safety systems, equipment or other provisions to ensure the safety of the occupants of the building. A building owner is required to maintain the ESPs but increasingly Council staff will need to police ESPs to a greater extent given the mandated requirement for inspections of commercial buildings. A review is being undertaken on the number of buildings with ESPs and there are over 3,500 such buildings within the council area. Recent recommendations from both the SA Ombudsman and expected outcomes from a Coroners Inquiry in the coming months is likely to emphasise the onus on Council's role to meet public safety.
- 2.11 The government has introduced new fees in recognition of the compliance role. The new compliance fees, intended to provide a level of income for the additional compliance focus, include:
- Outbuildings, verandahs, & the like \$80
 - Dwellings and swimming pools \$240
 - Commercial / industrial / apartments \$240 min to max \$2,500
 - Certificate of Occupancy \$50
- 2.12 A separate report will be provided to the Finance and Corporate Services Committee in January 2021 on the implications of the new fees under the PDI Act.
- 2.13 Authorised Officers will be required to undertake inspections and they will be required to have appropriate qualifications, skills, knowledge and experience to carry out the inspection. This presents a resource challenge for the City of Salisbury with only one Level 1 Building Surveyor, who is also Council's private certifier for external client services. The full resourcing implications of this new inspection regime and other responsibilities are being investigated. It may be necessary for further adjustments and / or prioritisation of resources.
- 2.14 Council's current inspection policy also includes inspecting existing pools within the Council area where the property owner has requested that Council undertakes the inspection. This inspection is typically requested via sales agents or conveyancers on behalf of the land owner, and is currently provided by the City of Salisbury as a 'free service'. The *Land and Business (Sale and Conveyancing) Act 1994* places an obligation on the owner to have a prescribed pool safety barrier at

the time of sale. Council staff inspect approximately 80 pools in this category per year, with the objective of an overall improvement in the safety of swimming pools in the area.

- 2.15 There is no legislative requirement for Council to provide this service or for a home owner to have an existing swimming pool or spa pool inspected for compliance. The state government recommends that home owners use private certifiers, if they wish to have their pools inspected.(see website below)

<https://www.sa.gov.au/topics/planning-and-property/owning-a-property/pool-and-spa-safety>

- 2.16 Unlike a private certifier however, once Council has inspected the property any non-compliance identified must be followed up. This may include enforcement action. Legal advice and outcomes from a recent Coroners inquiry have clearly identified this responsibility for councils.
- 2.17 Land owners are generally not aware of Council's statutory responsibility as they understand this is to be a free service, and more advisory rather than regulatory in nature. Land owners commonly challenge Council's statutory focus, once non-compliance issues are identified, as they have a perception that they have invited Council onto their property to provide a service and accordingly they incorrectly believe that they have a choice as to whether they do or do not follow Council direction in relation to safety barriers.
- 2.18 This service impacts upon Council's capacity to fulfill the new statutory inspection requirements as they are additional inspections. This type of inspection requires an average of three visits, resulting in approximately 240 inspections in total per year. In addition, as a free service, owners sometimes do not value the service as there are no fee consequences for non-attendance. Staff are commonly requested to attend outside normal business hours and in many instances owners are not present when staff arrive, and another time has to be arranged.
- 2.19 It is recommended that this service be discontinued and that the services and inspections specified in Practice Direction 8 - Swimming Pool Inspection Policy 2019 be followed as required by the Act.

3. CONCLUSION / PROPOSAL

- 3.1 The Practice Directions, whilst initially potentially reducing actual total inspection numbers, will result in increased time being required to be applied to complex inspections, and also signals a transitional step to a further increase in inspections over time. Given this increased statutory requirement, it is recommended that Council's resources be prioritised to statutory inspections in accordance with practice directions. The practice directions provide grounds for the additional inspections of matters that are of high risk, where identified.

CO-ORDINATION

Officer: EXECUTIVE GROUP

Date: 07.12.2020



Practice Direction 9 Council Inspections 2020

This practice direction is issued by the State Planning Commission (the Commission) under section 42 of the *Planning, Development and Infrastructure Act 2016* for the purposes of section 144 of the Act to require certain councils to carry out inspections of certain developments in their respective areas.

Introduction

Section 144 of the Act requires the Commission to issue a practice direction that requires councils to carry out inspections of development in their respective areas.

Section 156 of the Act provides that the Commission may also issue a practice direction that requires councils to carry out inspections of swimming pools and buildings to ascertain compliance with that section relating to designated safety features. A separate practice direction has been issued in respect of swimming pool safety features.

In issuing this direction, the Commission has taken into account the matters set out in section 144(3) of the Act. These are:

- (a) the financial and other resources of councils;
- (b) the impact that a failure to inspect a certain number of developments over a period of time may have on local communities;
- (c) the various sizes of the areas of councils and differences in population;
- (d) the amount of development undertaken in the various areas of the State;
- (e) the type of development that predominates in the various areas of the State;
- (f) in relation to building work, building conditions in the various areas of the State; and
- (g) the public interest in ensuring that development is undertaken in accordance with the requirements of this Act.

While the Act envisages that the Commission may require councils to carry out inspections relating to 'development', as that term is defined in the Act, more broadly, this practice direction is limited to mandating inspections directed towards securing the objects stated in clause 3 of Part 1 of this practice direction.

The public interest in protecting public safety and in maintaining confidence and integrity in the development control system within the State has been balanced against other matters outlined in s 144(3).

The Commission has sought to identify the risks posed by certain building types. This practice direction reflects the Commission's view that the risks associated with certain buildings, particularly in relation to safety, including, for example fire protection and other safety features, should be treated equally irrespective of where they are constructed in the State and that this approach reflects community expectations.

This instrument is certified pursuant to section 52(1) of the *Planning, Development and Infrastructure Act 2016*

Associated with the above, while this practice direction mandates certain inspections, councils should continue to appropriately address broader compliance issues, whether these are detected during an inspection that is required under this practice direction or otherwise.

This may include inspections related to planning or building rules consent matters, which councils may choose to carry out through a separate council policy or on an as-needs basis.

Practice direction

Part 1 – Preliminary

1 – Citation

This practice direction may be cited as the *State Planning Commission Practice Direction (Council Inspections) 2020*.

2 – Commencement of operation

This practice direction will commence operation in each council area on the day on which, pursuant to Schedule 8, clause 9(7) of the Act, the Minister for Planning, by notice in the Gazette, revokes the Development Plan created under the *Development Act 1993* as it is relevant to the particular council area.

3 – Objects of practice direction

- (1) The objects of this practice direction are to, in relation to areas within a council, require councils to carry out inspections so as to:
 - (a) provide for occupant and public safety; and
 - (b) maintain confidence and integrity in the development control system.
- (2) Councils must have regard to the objects in sub-clause 3(1) of Part 1 in making determinations under this practice direction.
- (3) Without limiting sub-clause 3(2) of Part 1, councils must have regard to the objects when determining:
 - (a) the timing of inspections;
 - (b) the elements and buildings to be inspected; and
 - (c) whether to carry out additional inspections.

4 – Interpretation

- (1) In this practice direction, unless the contrary intention appears –

Act means the *Planning, Development and Infrastructure Act 2016*;

Accredited Professionals Regulations means the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*;

authorised officer has the same meaning as within section 3(1) of the Act;

Building Code has the same meaning as within section 3(1) of the Act;

Building Rules has the same meaning as within section 3(1) of the Act;

building work has the same meaning as within section 3(1) of the Act;

Note: 'building work' includes any work or activity that results in a change to the classification of a building under regulation 3E of the Regulations.

business day has the same meaning as within section 3(1) of the Act;

Chief Executive has the same meaning as within section 3(1) of the Act;

construct has the same meaning as within section 3(1) of the Act, and **construction** has a corresponding meaning;

council has the same meaning as within section 3(1) of the Act;

designated building product has the same meaning as within regulation 3(1) of the Regulations;

farm buildings and farm sheds have the same meaning as within the Building Rules;

fire authority has the same meaning as within section 3(1) of the Act;

floor area has the same meaning as within the Building Rules;

Metropolitan Adelaide means Metropolitan Adelaide as defined by a plan deposited in the General Registry Office by the Minister for the purposes of this definition and identified by the Minister by notice in the Gazette;

performance solution means a performance solution under the Building Code;

private bushfire shelter has the same meaning as within regulation 3(1) of the Regulations; and

Regulations means the Planning, Development and Infrastructure (General) Regulations 2017.

Note: The terms above have been included merely for ease of reference. Section 14 of the Acts Interpretation Act 1915 provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

Part 2 – Inspections

1 – Application

- (1) Upon commencement this practice direction applies to the councils.
- (2) This practice direction does not apply to development not within a council area.

Note: Practice Direction 8 - Councils Swimming Pool Inspections has been issued detailing inspection requirements for swimming pools and designated features for swimming pools.

2 – Mandatory inspections

- (1) A council must comply with the requirements set out at **Appendix 1** relating to:
 - (a) the kinds of development which require inspection;
 - (b) the proportion of developments which require inspection in each council area;
 - (c) the timing of any inspection required in relation to each building; and
 - (d) the number of inspections required in relation to each building, **(mandatory inspection requirements)**.
- (2) A council must take all reasonable steps to ensure that each inspection carried out under this practice direction includes an inspection and assessment of the following elements **(elements)**, as may be present at the time of inspection:
 - (a) primary structural elements;
 - (b) structural framing and roof trusses;
 - (c) wet areas and waterproofing;
 - (d) barriers to prevent falls;
 - (e) cladding;
 - (f) egress provisions;
 - (g) bushfire protection systems;
 - (h) passive and active fire safety elements;
 - (i) private bushfire shelters; and
 - (j) performance solutions.
- (3) In this clause, 'passive and active fire safety elements' includes, but is not limited to, the following elements, as may be applicable in the circumstances:
 - (a) fire rated construction;
 - (b) fire safety elements, including, but not limited to, smoke alarms; and
 - (c) fire protection systems, including, but not limited to, bushfire protection systems.

3 – Additional inspections

- (1) Clause 2 of Part 2 is not an exhaustive statement as to when a council should carry out an inspection.
- (2) A council should consider carrying out an inspection in addition to any specified in clause 2 of Part 2 (**additional inspection**) if it has information to indicate that the circumstances warrant it, having regard to the objects of this practice direction.
- (3) Circumstances that may warrant an additional inspection, having regard to the objects of this practice direction, include building work in relation to, but not limited to:
 - (a) a building intended for use or occupation by large numbers of people, particularly simultaneously;
 - (b) a building intended for use or occupation by vulnerable persons or persons with a disability;
 - (c) a building in respect of which the council has been made aware of a complaint or regulatory issue, whether directly or indirectly, relating to the building or any person involved in the building work;
 - (d) a building with energy efficiency requirements;
 - (e) a building constructed by a person who is not a licensed building work contractor under the *Building Work Contractors Act 1995*;
 - (f) a building subject to local environmental conditions in respect of which additional measures are required to protect the environment, the building and its occupants or users; or
 - (g) a building incorporating construction properties or products, including but not limited to fire-rated construction, fire safety elements or designated building products.

4 – Inspections generally

- (1) The proportion of developments in each council area to be inspected in accordance with the mandatory inspection requirements above and the tables at **Appendix 1** are to be calculated each year commencing 1 July and ending 30 June of the following year (**relevant reporting year**).
- (2) Where a council elects to carry out an inspection in accordance with the mandatory inspection requirements on completion of construction the inspection must be carried out:
 - (a) within 2 business days of receipt of the completed Statement of Compliance in respect of development within Metropolitan Adelaide; and
 - (b) within 3 business days of receipt of the completed Statement of Compliance for development outside Metropolitan Adelaide.
- (3) Building work listed in Schedule 7 of the Regulations is not subject to the mandatory inspection requirements, however, councils should consider if an additional inspection may be appropriate.

Part 3 – Authorised officers**1 – General requirements**

- (1) Only authorised officers appointed by a council may carry out inspections for the purpose of this practice direction.
- (2) A council must ensure that an inspection under this practice direction and subsequent assessment of each of the applicable elements in sub-clause 2(2) of Part 2 is carried out by a person who has the appropriate qualifications, skills, knowledge and experience to carry out an inspection assigned to that officer under this practice direction.
- (3) A person with the qualifications prescribed by r 112(1) of the Regulations may carry out an inspection under this practice direction. However, an assessment of the adequacy of applicable elements may require a person to hold particular knowledge, skills and qualifications and should be taken into account when applying this practice direction.

Part 4 – Other matters**1 – Record keeping**

- (1) Councils must keep records of inspections carried out in accordance with this practice direction, and keep those records in a register that is available for inspection by the Commission upon 5 business days' notice.
- (2) Records of inspections should include, without limitation, the following details: date and time of an inspection, type of inspection, who undertook the inspection, elements inspected, breaches, issues, or faults found, rectification required, requirements for re-inspections (including timing) and enforcement action, as is appropriate in the circumstances.
- (3) This clause does not derogate from any authorisation to dispose of records under the *State Records Act 1997*.

2 – Counting inspections

- (1) The first inspection of a building under the mandatory inspection requirements is to be counted as one inspection.
- (2) Where a building is inspected at a particular stage, and any issue is detected requiring further inspection, any further inspection related to the particular issue is to be counted as part of the prior inspection related to that issue.
- (3) Except as provided by sub-clause 2(2) of Part 4 an inspection of a building at a later stage is to be counted as a separate inspection, even if the building was inspected at an earlier stage.

3 – Review

- (1) This policy will be reviewed after two years of operation or at an earlier time if appropriate.

Issued by the State Planning Commission on 12 March 2020

Appendix 1 – Mandatory Inspection Requirements

Table 1. Class 1 buildings

The inspection requirements in Table 1 apply to building work in relation to a class 1 building under the Building Rules.

Timing of inspection	Minimum number of inspections for each development	Proportion of developments in council area to be inspected
<p>During construction or on completion</p> <p>An inspection may be carried out at any time during construction or on completion.</p>	<p>At least one inspection of each development.</p>	<p>Minimum 66% of building work commenced in the relevant reporting year.</p>

Table 2. Farm buildings and farm sheds

The inspection requirements in Table 2 apply to building work in relation to a farm building or a farm shed with a floor area of 500m² or greater, under the Building Rules.

Timing of inspection	Minimum number of inspections for each development	Proportion of developments in council area to be inspected
<p>During construction or on completion</p> <p>An inspection may be carried out at any time during construction or on completion.</p>	<p>At least one inspection of each development.</p>	<p>Minimum 50% of building work commenced in the relevant reporting year.</p>

Table 3. Class 2-9 buildings

The inspection requirements in Table 3 apply to building work in relation to a class 2 to 9 buildings inclusive (other than a farm building or a farm shed) under the Building Rules.

Timing of inspections	Minimum number of inspections for each development	Proportion of developments in council area to be inspected
<p>During construction or on completion</p> <p>An inspection may be carried out at any time during construction or on completion.</p>	<p>At least one inspection of development.</p>	<p>Minimum 90% of building work commenced in the relevant reporting year.</p>



**STATE
PLANNING
COMMISSION**

**Practice Direction 8
Swimming Pool
Inspection Policy 2019**

This practice direction is issued by the State Planning Commission under section 156(5) of the *Planning, Development and Infrastructure Act 2016* (Act) to ensure that swimming pools and related safety features are inspected to ensure their safe use and operation, noting the high risk they can pose, particularly for young children.

Introduction

Section 156(5) of the Act allows the State Planning Commission (the Commission) to issue a practice direction that requires councils to carry out inspections of swimming pools to ascertain compliance with that section of the Act.

This policy applies to all land areas of the State within a council area and the requirements set out within this practice direction apply uniformly across all council controlled areas.

A council must comply with the requirements of this practice direction as it relates to the council.

Practice direction

Part 1 – Preliminary

1 – Citation

This practice direction may be cited as the *State Planning Commission Practice Direction (Swimming Pool Inspection Policy) 2019*.

2 – Commencement of operation

This practice direction will come into operation on the day on which it is published on the SA planning portal.

3 – Object of practice direction

The object of this practice direction is to, applicable to all council controlled areas within the State, ensure that swimming pool safety features are installed in accordance with prescribed requirements, to ensure the safe operation and use of swimming pools within these areas of the State.

4 – Interpretation

In this practice direction, unless the contrary intention appears –

Act means the *Planning, Development and Infrastructure Act 2016*.

Swimming pool has the same meaning as under section 3 of the Act.

Swimming pool safety features has the same meaning as under section 3 of the Act.

Note: Section 14 of the Acts Interpretation Act 1915 provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

Part 2 – Swimming Pool Inspection Policy

1 – Levels of Inspection

- (1) Councils must comply with the following minimum requirements relating to the inspection of swimming pools (including all swimming pool safety features such as safety fences and barriers), within the area of the council:
 - a. at least 80% of swimming pools constructed over the course of the year must be inspected within 2 weeks of the council being notified of the completion of—
 - (i) in the case of a swimming pool the construction of which required the construction of a safety fence or barrier—the construction of the safety fence or barrier; or
 - (ii) in any other case—the construction of the swimming pool;
 - b. the remaining 20% of swimming pools constructed over the course of the year must be inspected within 2 months of the council being notified of the completion of—
 - (i) in the case of a swimming pool the construction of which required the construction of a safety fence or barrier—the construction of the safety fence or barrier; or
 - (ii) in any other case—the construction of the swimming pool.

2 – Counting Inspections

- (1) Inspections must be counted to determine whether minimum inspection levels are met.
- (2) The first inspection of a swimming pool is counted as one inspection.
- (3) Where a swimming pool is inspected and any problem is found, any re-inspection undertaken to determine whether the problems have been corrected does not count as a new inspection. Any re-inspection is taken to be part of the initial inspection.

3 – Review

- (1) This policy to be reviewed following the implementation of the Commission approved inspection policies practice direction under section 144 of the Act.

Issued by the State Planning Commission on 5 September 2019



Practice Direction 8 Council Swimming Pool Inspections 2019

This practice direction is issued by the State Planning Commission (the Commission) under section 42 of the *Planning, Development and Infrastructure Act 2016* (Act) for the purposes of section 156(5) of the Act to ensure that swimming pools and designated safety features for swimming pools (swimming pool safety features) are inspected.

Introduction

Section 156(5) of the Act allows the Commission to issue a practice direction that requires councils to carry out inspections of swimming pools to ascertain compliance with that section of the Act.

This policy applies to all areas of the State within a council area and the requirements set out within this practice direction apply uniformly across all such areas.

A council must comply with the requirements of this practice direction as it relates to the council.

Practice direction

Part 1 – Preliminary

1 – Citation

This practice direction may be cited as the *State Planning Commission Practice Direction (Council Swimming Pool Inspections) 2019*.

2 – Commencement of operation

This practice direction will commence operation in each council area on the day on which, pursuant to Schedule 8, clause 9(7) of the Act, the Minister for Planning, by notice in the Gazette, revokes the Development Plan created under the *Development Act 1993* as it is relevant to the particular council area.

3 – Object of practice direction

The object of this practice direction is to ensure that swimming pool safety features are installed, replaced or upgraded in accordance with prescribed requirements, to ensure the safe operation and use of swimming pools, particularly for young children.

4 – Interpretation

In this practice direction, unless the contrary intention appears –

Act means the *Planning, Development and Infrastructure Act 2016*.

council has the same meaning as within section 3(1) of the Act;

swimming pool has the same meaning as under section 3(1) of the Act.

swimming pool safety features has the same meaning as under section 3(1) of the Act.

Note: The terms above have been included merely for ease of reference. Section 14 of the Acts Interpretation Act 1915 provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

Part 2 – Inspections

1 – Application

- (1) Upon commencement this practice direction applies to all councils.

2 – Mandatory inspections

- (1) Councils must comply with the following minimum requirements relating to the inspection of swimming pools (including all swimming pool safety features), within the area of the council:
- a. councils must inspect 100% of swimming pools and swimming pool safety features constructed over the course of the relevant reporting year within 2 weeks of the council being notified of the completion of—
 - (i) in the case of a swimming pool, the construction of which required the construction of swimming pool safety features—the construction of those safety features; or
 - (ii) in any other case—the construction of the swimming pool and swimming pool safety features.

Part 3 – Other matters

1 – Record keeping

- (1) Councils must keep records of inspections carried out in accordance with this practice direction, and keep those records in a register that is available for inspection by the Commission upon 5 business days' notice.
- (2) Records of inspections should include, without limitation, the following details: date and time of an inspection, type of inspection, who undertook the inspection, elements inspected, breaches, issues, or faults found, rectification required, requirements for re-inspections (including timing) and enforcement action, as is appropriate in the circumstances.
- (3) This clause does not derogate from any authorisation to dispose of records under the *State Records Act 1997*.

2 – Review

- (1) This policy will be reviewed after two years of operation or at an earlier time if appropriate.

Varied by the State Planning Commission on 12 March 2020

Versions

Version 2	12 March 2020
Version 1	5 September 2019