



# COUNCIL ASSESSMENT PANEL

# **Agenda and Reports**

for the meeting  
Wednesday, 28 January 2026  
at 5.30 pm  
in the Colonel Light Room, Adelaide Town Hall



# Council Assessment Panel

## Meeting Agenda

Wednesday, 28 January 2026, at 5.30 pm, Colonel Light Room, Adelaide Town Hall

Panel Members

Presiding Member – Nathan Cunningham

Panel Members – Councillor Eleanor Freeman, Colleen Dunn, Robert Gagetti and Julian Rutt

Deputy Panel Members – Councillor Arman Abrahamzadeh and David Cooke

### Opening and Acknowledgment of Country

At the opening of the Panel Meeting, the Presiding Member will state:

'The City of Adelaide Council Assessment Panel acknowledges that we are meeting on traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kaurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.'

### Meeting Agenda

#### 1. Confirmation of Minutes

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 27 October 2025, be taken as read and be confirmed as an accurate record of proceedings.

View public 27 October 2025 Minutes [here](#).

#### 2. Declaration of Conflict of interest

#### 3. Applications assessed under PDI Act 2016 (SA) with Representations

3.1 71-75 Tower Street North, North Adelaide [Pages 4 - 19]

3.2 367 Halifax Street, Adelaide [Pages 20 - 43]

#### 4. Applications assessed under PDI Act 2016 (SA) without Representations

Nil

#### 5. Appeal to CAP for Assessment Manager's Decision Review

Nil

#### 6. Other Business

6.1 Delegations, Meeting Procedures and Meeting Schedule for 2026/27 [Pages 44 - 136]

6.2 CAP Annual Report 2025 [Pages 137 - 143]

6.3 Planning Policy Updates including Suggestions from Panel

6.4 Other Business raised at Panel Meeting

6.5 Next Meeting - ... February 2026 (TBC at this CAP meeting)

## **7. Closure**

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# Agenda Item 3.1

**Council Assessment Panel**  
**Wednesday, 28 January 2026**

<b>Subject Site</b>	71-75 Tower Street North, North Adelaide
<b>Development Number</b>	25031055
<b>Nature of Development</b>	Variation to DA 24005521: Partial demolition of an existing dwelling (Local Heritage Place), the demolition of an existing dwelling and ancillary structures, alterations and a two-storey addition to an existing dwelling (Local Heritage Place), a swimming pool and associated safety fence, and the construction of three (3) two-storey row dwellings and fences - VARIATION: Demolish internal and external walls of Local Heritage Place (retrospective) and rebuild; carport roof height adjusted for vehicle lift with parapet reduced and gable wall retained
<b>Representations</b>	Listed to be Heard - Yes
<b>Summary Recommendation</b>	Planning Consent Granted
<b>Status</b>	Public

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<b>DEVELOPMENT NO.:</b>	25031055
<b>APPLICANT:</b>	Mr Domenic Condina
<b>AGENDA ITEM NO:</b>	3.1
<b>ADDRESS:</b>	71 - 75 Tower Street North, North Adelaide SA 5006
<b>NATURE OF DEVELOPMENT:</b>	Variation to DA 24005521: Partial demolition of an existing dwelling (Local Heritage Place), the demolition of an existing dwelling and ancillary structures, alterations and a two storey addition to an existing dwelling (Local Heritage Place), a swimming pool and associated safety fence, and the construction of three (3) two-storey row dwellings and fences - VARIATION: Demolish internal and external walls of Local Heritage Place (retrospective) and rebuild; carport roof height adjusted for vehicle lift with parapet reduced and gable wall retained
<b>ZONING INFORMATION:</b>	<b>Zones</b> <ul style="list-style-type: none"> <li>• City Living</li> </ul> <b>Sub Zones</b> <ul style="list-style-type: none"> <li>• North Adelaide Low Intensity</li> </ul> <b>Overlays</b> <ul style="list-style-type: none"> <li>• <del>Aircraft Noise Exposure (ANEF 25)</del></li> <li>• <del>Airport Building Heights (Regulated)</del></li> <li>• <del>Building Near Airfields</del></li> <li>• <del>Design</del></li> <li>• Historic Area (Adel2)</li> <li>• Heritage Adjacency</li> <li>• <del>Hazards (Flooding – Evidence Required)</del></li> <li>• Local Heritage Place (17480)</li> <li>• <del>Regulated and Significant Tree</del></li> <li>• <del>Stormwater Management</del></li> <li>• <del>Urban Tree Canopy</del></li> </ul> <b>Technical Numeric Variations (TNVs)</b> <ul style="list-style-type: none"> <li>• <del>Minimum Frontage</del></li> <li>• <del>Minimum Site Area</del></li> <li>• Maximum Building Height (2 Levels)</li> </ul>
<b>LODGEMENT DATE:</b>	7 October 2025
<b>RELEVANT AUTHORITY:</b>	City of Adelaide Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	Version 2025.18 – 25 September 2025
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed – Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	SB
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Local Heritage

## CONTENTS:

<b>ATTACHMENT 1:</b>	Application Documents	<b>ATTACHMENT 4:</b>	Representation
<b>ATTACHMENT 2:</b>	Subject Land & Locality Map	<b>ATTACHMENT 5:</b>	Response to Representation
<b>ATTACHMENT 3:</b>	Zoning Map	<b>APPENDIX 1:</b>	Relevant P&D Code Policies

All attachments and appendices are provided via [Link 1](#)

## **PERSONS SPEAKING BEFORE THE PANEL**

### **Representors**

- Elbert Brooks on behalf of The North Adelaide Society Inc.

### **Applicant**

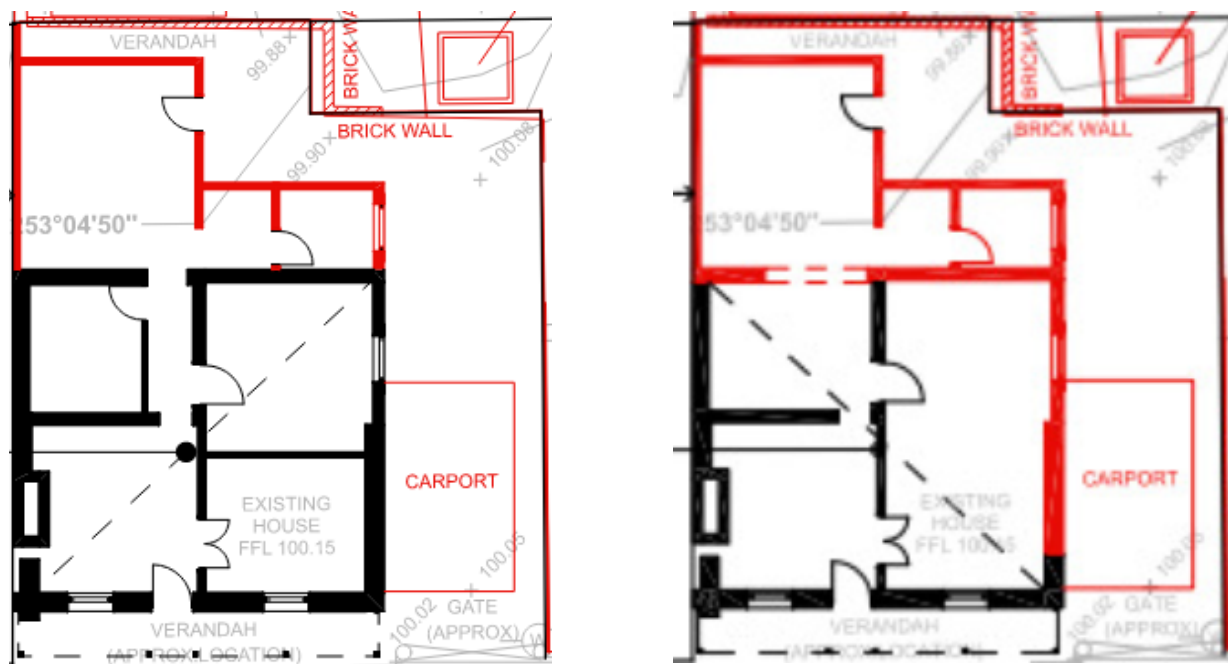
- Domenic Condina

## 1. DETAILED DESCRIPTION OF PROPOSAL

The application proposes to vary an existing authorisation (DA 24005521) for the partial demolition of an existing dwelling (Local Heritage Place), the demolition of an existing dwelling and ancillary structures, alterations and a two storey addition to an existing dwelling (Local Heritage Place), a swimming pool and associated safety fence and the construction of three two storey row dwellings and fences.

The proposed variation comprises an increase in the extent of partial demolition of the existing Local Heritage Place by demolishing the northern and western walls of this dwelling which collapsed during initial construction activity on the site. The walls are proposed to be reconstructed in a lightweight material to replicate the appearance of the existing walls.

A comparison of the extent of demolition between the approved and proposed versions is highlighted in red in Figure 1.1.



*Partial Demolition Approved in DA 24005521*      *Proposed Partial Demolition*

**Figure 1.1: Approved and Proposed Demolition Extent Comparisons**

The variation also comprises an increase in the height of the approved carport to the side of the existing dwelling. This is required to accommodate a car stacker rising to a wall height of 2.87 metres and a total height of 3.95 metres (originally approved at a total height of 3.5 metres). The car stacker formed part of the original approval, however detailed design has identified the need for 450mm increase in the total height. The colour of the carport is proposed to change from dark grey to a near black tone.

Despite some of the development already having taken place unauthorised (discussed further below), Regulation 39 of the *Planning, Development and Infrastructure (General) Regulations 2017* prescribes that an application for consent or approval can be made notwithstanding the development has been commenced or been undertaken in contravention of the Act.

## 2. BACKGROUND

DA 24005521 for the partial demolition of an existing dwelling (Local Heritage Place), the demolition of an existing dwelling and ancillary structures, alterations and a two storey addition to an existing dwelling (Local Heritage Place), a swimming pool and associated safety fence, and the construction of three two storey row dwellings and fences was granted planning consent on 21 February 2025.

While Council's Assessment Panel was the Relevant Authority, the application was determined under delegation as there were no representors who wished to be heard in person to support their representations. A front elevation which shows the development approved in DA 24005521 and the Local Heritage Place is shown in Figure 2.1.



**Figure 2.1: Front Elevation of Development Approved in DA 24005521**

In September 2025, Council was made aware of works being undertaken at the site, notably demolition involving the rear of the Local Heritage Place at 71 Tower Street North. These works were determined to be unauthorised as Development Approval had not yet been granted and the scope of the Local Heritage Place partial demolition was also greater than what was approved.

Development Approval for Stage 1 of the development was granted on 28 October 2025. This comprised all works except the additional partial demolition of the Local Heritage Place and changes to the new carport at 71 Tower Street North which is the subject of this variation application.

It was determined the additional partial demolition to the Local Heritage Place and amendments to the new carport to the Local Heritage Place should be processed as a variation to the original planning consent, principally as there are procedural implications with public notification being triggered.

Development Approval for a land division on the site was also granted on 30 October 2025. This approved division of the land into four allotments that reflect the site areas, reciprocal party wall rights and right of way approved in DA 24005521.

### **3. SUBJECT LAND & LOCALITY**

#### **Subject Land**

The site comprises three allotments, formally known as:

- Allotment 420 in Filed Plan 183692, contained in Certificate of Title Volume 5535, Folio 996 in the area named North Adelaide, Hundred of Yatala
- Allotment 419 in Filed Plan 183691, contained in Certificate of Title Volume 5808, Folio 236 in the area named North Adelaide, Hundred of Yatala
- Allotment 701 in Filed Plan 258432, contained in Certificate of Title Volume 6293, Folio 370 in the area named North Adelaide, Hundred of Yatala.

The site is more commonly known as 71 and 75 Tower Street North, North Adelaide.

An easement exists along the northern portion of the site relating to a right of way created decades ago when the extension of Lombard Street was closed.

The subject site comprises a frontage of 35.98 metres to Tower Street North, and a total site area of 983m<sup>2</sup>. Access is obtained via an existing crossover to 71 Tower Street North and via the right of way to the north of the site.

The site is now largely vacant, containing only a partially demolished 1840s - 1860s Victorian symmetrically fronted dwelling (Local Heritage Place) in the southeastern corner.

## Locality

The locality is residential in nature, comprising a range of low-rise detached and semi-detached dwellings, as well as residential flat buildings.

The pattern of development on the minor streets of Tower Street North and Lombard Street differs to Childers and Gover Streets as the former minor streets comprise later dwellings on smaller and often narrower sites. Childers and Gover Streets are wider, with greater tree canopy cover and larger, historic dwellings on more substantial, wider sites resulting in a more open, landscaped character.

The residential amenity along Tower Street North is slightly reduced as several side walls and garages also front this street. Building setbacks from the street are minimal, contributing to an enclosed, intimate character. The character of the immediate locality along Tower Street North is not an open, landscaped setting.

**Figure 3.1 – View of subject site with Local Heritage Place from Tower Street North**





**Figure 3.2 – View of the subject site with Local Heritage Place from Tower Street North**



**Figure 3.3 – View of the subject site with Local Heritage Place from Tower Street North**





**Figure 3.4 – View of Tower Street North looking south**



**Figure 3.5 – View of Tower Street North looking north**



**4. CONSENT TYPE REQUIRED**

Planning Consent

**5. CATEGORY OF DEVELOPMENT**

**PER ELEMENT:**

Partial demolition: Code Assessed - Performance Assessed

Carport: Code Assessed - Performance Assessed

**OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

**REASON:**

Both above elements fall out of Table 1 – Accepted Development and/or Table 2 – Deemed-to-satisfy Development as the Local Heritage Place Overlay applies. Neither element is listed in Table 4 – Restricted Development and it is noted both elements are listed in Table 3 – Performance Assessed Development. The development is therefore categorised as Performance Assessed development.

**6. PUBLIC NOTIFICATION**

The proposed partial demolition does not satisfy Table 5 (7) of the City Living Zone as it involves the partial demolition of a Local Heritage Place and therefore is not exempt from public notification.

Table 6.1 – List of Representations

No.	Representor Address	Request to be Heard
1	The North Adelaide Society, PO Box 295, North Adelaide SA 5006	Yes – Opposes

Table 6.2 – Summary of Representations

Oppose:

- The Code does not contemplate demolition of Local Heritage Places.
- Conservation works to the Local Heritage Place should be undertaken.
- Various legal submissions.

*Note: The full representations and the applicant's response to the representations are included in Attachments 4 and 5.*



## 7. **INTERNAL REFERRALS**

### Senior Heritage Advisor

- Proposal supported as demolished walls are unable to be constructed to original details and the visual impact of the proposed will largely be the same as the original authorisation.
- Heritage Impact Statement identifies the structural integrity of the demolished walls was beyond reasonable repair, was a risk to safety and irredeemable considering current requirements of National Construction Code.
- Works maintain the historic appearance of the built form.
- Proposed colour of the carport is not in keeping with the Historic Area and should be lighter.
- Carport is reasonably setback from the building line and lower than the ridge of the dwelling despite the additional height required for the car stacker.

## 8. **PLANNING ASSESSMENT**

The application has been assessed against the relevant provisions of the Planning and Design Code, which are contained in Appendix One.

### 8.1 **Summary of City Living Zone Assessment Provisions**

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"><li>• Predominantly low-rise, low to medium-density housing, with medium-rise in identified areas, that supports a range of needs and lifestyles located within easy reach of a diversity of services and facilities that support city living. Small-scale employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.</li></ul>		
<b>Built Form and Character</b>			
PO 2.3	<ul style="list-style-type: none"><li>• Carport consistent with height and single width of carports in area.</li></ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Ancillary Buildings and Structures</b>			
PO 8.1	<ul style="list-style-type: none"><li>• Design and siting of carport does not detract from the appearance of the dwelling.</li></ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 8.2 **Summary of Applicable Overlays**

The following Overlays are not considered relevant to the assessment of this application:

- Aircraft Noise Exposure Overlay – no sensitive receivers proposed
- Airport Building Heights (Regulated) and Building Near Airfields Overlay – building height below maximum prescribed AHD level of 120 metres
- Building Near Airfields Overlay – not located near airfield
- Design Overlay – not proposing a medium to high rise building

- Hazards (Flooding – Evidence Required) Overlay – no habitable buildings proposed
- Prescribed Wells Area Overlay – no groundwater concerns
- Regulated and Significant Tree Overlay – no trees affected
- Stormwater Management Overlay – no new dwellings proposed
- Urban Tree Canopy Overlay – no new dwellings proposed.

The following Overlays are considered relevant to the assessment of the application:

### Heritage Adjacency Overlay

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>• Development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those Places.</li> </ul>		
<b>Built Form</b>			
PO 1.1	<ul style="list-style-type: none"> <li>• Partial demolition and reconstruction of the northern wall and increase in carport height will result in minimal visual difference. Sufficient distance to not dominate, encroach on or unduly impact on setting of adjacent heritage places.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Historic Area Overlay (Adel2)

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>• Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.</li> </ul>		
<b>All Development</b>			
PO 1.1	<ul style="list-style-type: none"> <li>• Reconstructed walls and carport do not offend Historic Area Statement.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Built Form</b>			
PO 2.1	<ul style="list-style-type: none"> <li>• Single width form and reasonable height of carport is consistent with the prevailing character of historic area.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.5	<ul style="list-style-type: none"> <li>• Refer Section 8.4.</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Ancillary Development</b>			
PO 4.1	<ul style="list-style-type: none"> <li>• Refer Section 8.4.</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 4.2	<ul style="list-style-type: none"> <li>• Carport setback from building line of dwelling.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Demolition</b>			
PO 7.2	<ul style="list-style-type: none"> <li>• Contribution to the streetscape provided by front façade of the Victorian symmetrically fronted residence to be retained and not the demolished side and rear walls to be largely hidden by approved dwelling addition.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Local Heritage Place Overlay (17480)

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.</li> </ul>		
<b>Built Form</b>			
PO 1.1	<ul style="list-style-type: none"> <li>Refer Section 8.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.2	<ul style="list-style-type: none"> <li>Refer Section 8.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.5	<ul style="list-style-type: none"> <li>Materials used in new walls and carport sufficiently complementary to Local Heritage Place, however carport colour too dark.</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 1.6	<ul style="list-style-type: none"> <li>Carport setback from building line of dwelling.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.7	<ul style="list-style-type: none"> <li>Front façade of the Victorian symmetrically fronted residence to be retained.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Ancillary Development</b>			
PO 3.1	<ul style="list-style-type: none"> <li>Refer Section 8.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.2	<ul style="list-style-type: none"> <li>Carport setback from building line of dwelling.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Demolition</b>			
PO 6.1	<ul style="list-style-type: none"> <li>Refer Section 8.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 6.2	<ul style="list-style-type: none"> <li>Refer Section 8.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Conservation Works</b>			
PO 7.1	<ul style="list-style-type: none"> <li>Refer Section 8.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 8.3 General Development Policies

The following General Development Policies are relevant to the assessment:

### Design in Urban Areas

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Development is contextual, durable, inclusive and sustainable.</li> </ul>		
<b>Ancillary Development</b>			
PO 19.1	<ul style="list-style-type: none"> <li>Design and siting of the carport does not detract from the appearance of the dwelling.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 8.4 Detailed Discussion

### Partial Demolition

The existing dwelling at 71 Tower Street North, North Adelaide is a Local Heritage Place. The listing per Part 11 of the Planning and Design Code extends to the '*House; Victorian symmetrically fronted residence*'. The dwelling was constructed circa 1850s and it is understood construction elements of 1850s structures typically include minimal binder to masonry walls, minimal foundations, limited tiebacks through roof framing and the indeterminate condition of materials under any later finishes such as render.

PO 6.1 and 6.2 of the Local Heritage Place Overlay provide guidance regarding the demolition and partial demolition of Local Heritage Places.

The Heritage Impact Assessment provided by the applicant states portions of the building noted for retention in the original authorisation collapsed during construction works on the site. The report details the compromised structural integrity of the building resulting from the minimal roof framing, very weak mortar used in the construction of the walls and absence of any footings uncovered following the partial collapse.

The report notes the wall materials have been cleared from the site and therefore the walls cannot be reconstructed using these materials. Despite this material being removed, it is unlikely this material could have been reused as the reconstruction of these walls would be subject to current requirements of the National Construction Code including footings, flooring, ceiling and roofing. Further, the proper reconstruction of the walls will be crucial to ensuring the stability of the remainder of the Local Heritage Place.

On balance, the current compromised structural integrity of the Place is considered to represent an unacceptable risk to public or private safety and the condition of the walls that collapsed is considered irredeemably beyond repair, adequately satisfying PO 6.1(b) of the Overlay.

While the collapsed northern and western walls strictly form part of the Local Heritage Place listing as they are part of the dwelling, the main heritage values of the Place are its primary façade visible from the streetscape. Furthermore, most of the northern wall and the entirety of the western wall would already be hidden from view from the streetscape due to the approved dwelling addition.

Consequently, PO 6.2 of the Overlay will not be entirely satisfied, as the demolition of a portion of a building that contributes to the heritage values of the Local Heritage Place has occurred. However, the additional partial demolition will not unacceptably impact on the heritage values of the Place and will retain the primary heritage values of the front façade that will remain largely unaltered.

### Reconstruction of Walls

As previously discussed, the collapsed northern and western walls of the Local Heritage Place are irredeemably beyond repair due to the compromised structural integrity of the building. There is a requirement for new walls to comply with the current National Construction Code. Consequently, this variation proposes to reconstruct these walls in a lightweight material.

Original materials and traditional work methods cannot be used in this instance as the materials have been cleared from the site and new construction needs to comply with current building standards.

Despite this, the proposed walls will remain largely hidden from view of the streetscape by the approved dwelling addition and carport. The reconstruction of these walls will also not substantially impact on the primary heritage values of the front façade of the dwelling.

The applicant was encouraged to explore options for further restoration of the Local Heritage Place in response to suggestions by the representor including removing non-original render from the front wall and replacing the front fence with a more sympathetic fence. However, the applicant confirmed they wished to proceed with without exploring these options further.

On balance, Local Heritage Place Overlay PO 1.7 is achieved.

### Carport

The carport to 71 Tower Street North is to be increased in height, rising to a wall height of 2.87 metres and a total height of 3.95 metres. This represents an overall 450mm increase compared to the originally approved height. The setback of the carport from the dwelling building line will remain at 600mm and 1.5 metres from the front of the verandah as approved in the original approval.

Despite the increase in height, the proposed carport retains a lower ridge height than the dwelling as well as a single width. The reasonable massing, scale and siting of the carport therefore ensures it will not dominate the appearance of the Local Heritage Place and maintains its heritage values.

While the carport will obscure the view of much of the northern wall of the Place, this siting was already supported as part of the original approval and it will not unacceptably increase this visual impact.

The massing, form and siting of the carport is considered to achieve Local Heritage Place Overlay POs 1.1, 1.2 and 3.1.

The colour of the carport roof and roller door is proposed to be 'near black'. Council's Senior Heritage Advisor considers this is a relatively unsympathetic colour in the context of the historic area and the visual impact of this colour could be reduced by choosing a lighter tone. To rectify this, a reserved matter is proposed to ensure the chosen colour is complementary to the historic area. The sheet metal material (Colorbond) is considered suitably complementary in the context of the historic area. PO 2.5 and 4.1 of the Historic Area Overlay are only considered partially achieved.

### Seriously at Variance

The Courts have previously determined that the assessment of whether a development is seriously at variance with the provisions of the Planning and Design Code should focus on the nature of the proposed land use and the relevant performance outcomes concerning this matter.

Having undertaken an assessment of the application against the Planning and Design Code, the application is not seriously at variance with the provisions of the Code as it forms part of a residential development in a zone that anticipates this form of development.

## **9. CONCLUSION**

The partial collapse of the northern and western walls of Local Heritage Place during construction is regrettable. While the proposed variation is not capable of fully restoring the Place to its original state, there are reasons why this is not possible. On balance, the proposed warrants support as:

- partial demolition is required to remove an unacceptable risk to public or private safety
- reconstruction of the walls is critical to ensure the remainder of the original Local Heritage Place can be stabilised
- there will only be a negligible increase in the visual impact of the development to the streetscape and to the Local Heritage Place as a result of this variation
- the proposed carport is reasonable in its form, massing and siting despite its colour being too dark and needing to be amended.

## **10. RECOMMENDATION**

It is recommended the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and

It is recommended the Council Assessment Panel resolve that:

2. Development Application Number ID 25031055, by Mr Domenic Condina is granted Planning Consent subject to the following reserved matter, conditions and advices:

### **RESERVED MATTER**

Pursuant to section 102 (3) of the *Planning, Development and Infrastructure Act of 2016*, the following matter shall be reserved for further assessment, to the satisfaction of Council's Assessment Manager, prior to the granting of Development Approval:

1. Updated Elevation Plans nominating a lighter shade of grey for the proposed carport in consultation with Council's Senior Heritage Advisor.

Pursuant to Section 127 of the *Planning, Development and Infrastructure Act 2016*, Council's Assessment Manager reserves a decision on the form and substance of any further condition/s of Planning Consent considered appropriate to impose in respect of the Reserved Matter outlined above.

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### **CONDITIONS**

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any):
    - Site Plan - Demolition, Project No. DA234451, Rev A, dated 30 September 2025
    - Ground Floor Plans by New Dimension Design and Drafting, Drawing No. 2023/501/02A, dated 29 September 2025
    - East Elevation and Section Detail by New Dimension Design and Drafting, Drawing No. 2023/501/12A, dated September 2025
    - Heritage Impact Statement – Variation by Dash Architects, dated 22 October 2025.
  2. The applicant or the person having the benefit of this consent shall ensure that all stormwater run-off from the development herein approved is collected and then discharged to the storm water discharge system. All down pipes affixed to the Development which are required to discharge the stormwater run-off shall be installed within the property boundaries of the land to the reasonable satisfaction of the Relevant Authority.
-

## **ADVISORY NOTES**

### **1. Development Approval Required**

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

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### **2. Expiration of Approval (Variation)**

Pursuant to the provisions of Regulation 67 of the *Planning, Development and Infrastructure (General) Regulations 2017*, this consent / approval will lapse at the expiration of 2 years from the original operative date (21 February 2025) of the consent / approval (as granted in DA 24005521) unless the relevant development has been lawfully commenced by substantial work on the site of the development within 2 years, in which case the approval will lapse within 3 years from the operative date of the approval subject to the proviso that if the development has been substantially or fully completed within those 3 years, the approval will not lapse.

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### **3. Variation applications / Previous consent**

All previous stamped plans and documentation, including conditions, for Development Application ID 24005521 remain valid except where varied by this application and conditions.

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### **4. Commencement and Completion**

Pursuant to Regulation 93 of the *Planning, Development and Infrastructure (General) Regulations 2017*, the Council must be given one business days' notice of the commencement and the completion of the building work on the site. To notify Council, contact City Planning via [d.planner@cityofadelaide.com.au](mailto:d.planner@cityofadelaide.com.au) or phone 8203 7185.

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### **5. Appeal Rights**

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone 8204 0289).

## Agenda Item 3.2

**Council Assessment Panel**  
**Wednesday, 28 January 2026**

<b>Subject Site</b>	367 Halifax Street, Adelaide
<b>Development Number</b>	25018478
<b>Nature of Development</b>	Partial demolition of existing dwelling and construction of dwelling addition and swimming pool
<b>Representations</b>	Listed to be Heard - Yes
<b>Summary Recommendation</b>	Planning Consent Granted
<b>Status</b>	Public

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<b>DEVELOPMENT NO.:</b>	25018478
<b>APPLICANT:</b>	K & D Mattson
<b>AGENDA ITEM NO:</b>	3.2
<b>ADDRESS:</b>	367 Halifax Street, Adelaide SA 5000
<b>NATURE OF DEVELOPMENT:</b>	Partial demolition of existing dwelling and construction of dwelling addition and swimming pool
<b>ZONING INFORMATION:</b>	<b>Zones:</b> <ul style="list-style-type: none"> <li>• City Living</li> </ul> <b>Overlays:</b> <ul style="list-style-type: none"> <li>• <del>Airport Building Heights (Regulated)</del></li> <li>• <del>Design</del></li> <li>• Historic Area</li> <li>• Heritage Adjacency</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Local Heritage Place</li> <li>• <del>Prescribed Wells Area</del></li> <li>• <del>Regulated and Significant Tree</del></li> <li>• <del>Stormwater Management</del></li> <li>• <del>Urban Tree Canopy</del></li> </ul> <b>Technical Numeric Variations (TNVs):</b> <ul style="list-style-type: none"> <li>• <del>Minimum Site Area</del></li> <li>• Maximum Building Height (8.5 Metres)</li> <li>• Maximum Building Height (2 Levels)</li> </ul>
<b>LODGEMENT DATE:</b>	15 July 2025
<b>RELEVANT AUTHORITY:</b>	City of Adelaide Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	Version 2025.12 - Consolidated 3 July 2025
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	KT
<b>REFERRALS STATUTORY:</b>	N/A
<b>REFERRALS NON-STATUTORY:</b>	Local Heritage

## CONTENTS:

<b>ATTACHMENT 1:</b>	Application Documents	<b>ATTACHMENT 5:</b>	Representation
<b>ATTACHMENT 2:</b>	Subject Land & Locality Map	<b>ATTACHMENT 6:</b>	Response to Representation
<b>ATTACHMENT 3:</b>	Zoning Map	<b>APPENDIX 1:</b>	Relevant P&D Code Policies
<b>ATTACHMENT 4:</b>	Representation Map		

All attachments and appendices are provided via [Link 1](#)

## **PERSONS SPEAKING BEFORE THE PANEL**

### **Representors**

- Bernadette Cirotzki of 11 St John Street, Adelaide

### **Applicant**

- Marcus Rolfe of URPS on behalf of applicant K & D Mattson

## 1. **DETAILED DESCRIPTION OF PROPOSAL**

This application proposes the partial demolition of an existing dwelling and carport and construction of a dwelling addition up to two storeys and swimming pool at 367 Halifax Street, Adelaide. The proposed demolition works consist of:

- demolition of carport at rear/southern portion of site
- partial demolition of existing dwelling including rear wall/glazing/doors, laundry door and walls, internal walls, doors and fixtures
- demolition of retaining wall and steps within central courtyard

The proposed dwelling addition on the southern portion of the site will comprise a single storey component at the rear of the existing dwelling. This will connect to a two storey component with garage and plunge pool at ground level and an living area at the upper level.

The single storey component will directly adjoin the existing dwelling and will occupy an area of approximately 34m<sup>2</sup>. This portion of the addition will have a skillion roof, measuring approximately 5.6 metres above ground level at the northern end and 4.2 metres at the southern end. It will house an open plan kitchen and dining area and incorporate the existing laundry.

The two storey component will be accessible via a doorway from the single storey addition in the central courtyard or via the garage door from the street. It will have an area of approximately 60m<sup>2</sup> and a height of 7.7 metres from ground level. The addition will be equal in length, width and area to the existing garage it is replacing and will house a garage and small plunge pool at ground level and a lounge, kitchenette, bedroom and bathroom at the upper level.

Materials for the single storey component will comprise grey/brown concrete render, clear glazing and dark grey Colourbond roofing and gutters. For the two storey component materials will include stone to match the existing dwelling at ground level, a horizontal timber batten garage door and dark grey Colourbond cladding at the upper level.

A portion of the existing ground floor courtyard will be retained adjacent the addition. Alterations to the existing eastern boundary fence including a glass screen and filling of openings will also be undertaken.

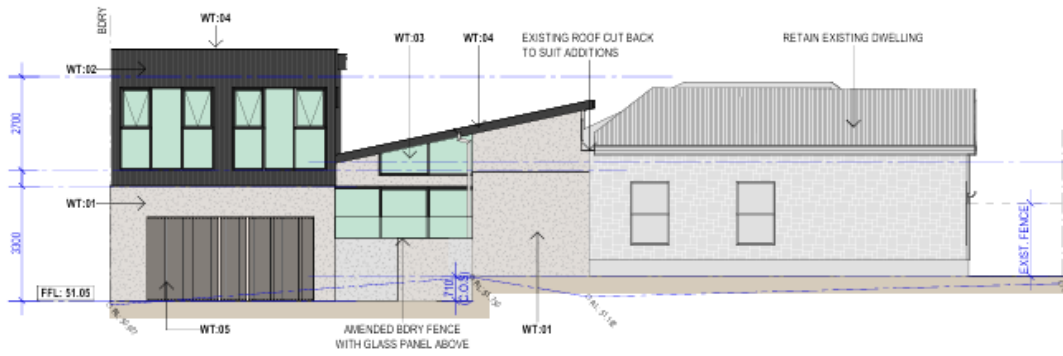
Existing chimneys will remain, despite not being detailed on the proposal plans. A reserved matter is proposed to ensure this detail is shown on plans at the development approval stage if this proposed is granted planning consent.

## 2. **BACKGROUND**

The proposal has been amended several times through the assessment process. Following submission and the initial Local Heritage advice, issues with historic area compatibility and concerns with scale were expressed to the applicant. The proposal was revised, which included changes to the two storey component.

While the revised design addressed compatibility with the character of the historic area, it introduced additional issues regarding increased scale, appearance when viewed from the street and compatibility with the existing development. This was communicated to the applicant and a further revision was provided, however the revised design did not address outstanding issues.

Following further discussion, a final revision closer to the original in terms of scale with changes to material selection and window profile was provided. The various amended versions are shown in Figure 2.1.



*Original Submission*



*First Amendment*



*Second Amendment*



*Current Proposal*

**Figure 2.1 – Various Amended Versions of Proposal**

### **3. SUBJECT LAND & LOCALITY**

#### **Subject Land**

The subject site is located on the western corner of Halifax Street and St John Street, with a primary frontage to Halifax Street of approximately 9.23 metres and a secondary frontage to St John Street of approximately 27.43 metres. The site has an area of approximately 253m<sup>2</sup>.

The existing building on the site is a single storey, semi-detached dwelling listed as a Local Heritage Place. Existing built form occupies an area of 197m<sup>2</sup>, with the main dwelling occupying approximately 137m<sup>2</sup> and the garage occupying approximately 60m<sup>2</sup>.

The subject site slopes down from north to south with a level difference of approximately 700mm between the northern and southern portions.

The subject site includes a portion of a private laneway to the rear, however the Certificate of Title for the adjacent property shows allotments for 363 and 367 Halifax Street end before the laneway. The laneway is a separate allotment providing a free and unrestricted right of way from St John Street to 363 Halifax Street.

Vehicle access to the site is obtained via existing an existing crossover from St John Street.

No regulated or significant trees are located on the site.

#### **Locality**

The locality is predominantly residential, however there are several non-residential land uses including St John's Anglican Church located at 379 Halifax Street and a small office on the ground floor of 364 Halifax Street.

Development in the wider locality is predominantly low rise, consisting mostly of one and two storey buildings. The southern side of Halifax Street, west of St John Street and the western side of St John Street consist of single storey historic dwellings. East of St John Street, medium scale development is more common, including larger buildings on the adjacent church site and four storey residential buildings closer to East Terrace.

The pattern of development in the area is characterised by medium to high site coverage, with minimal to medium setbacks from the street and little to no side setbacks and minimal open space located at the rear of sites.

The architectural style in the locality is characterised by historic dwellings from the Victorian, Edwardian and Inter-war periods, with contemporary buildings located further south and east of the subject site.



**Figure 3.1 – View of subject site from Halifax Street**



**Figure 3.2 – View of subject site from corner of St John Street and Halifax Street**





**Figure 3.3 – View of subject site from St John Street**



**Figure 3.4 – View of neighbouring property and subject site from rear laneway**





**Figure 3.5 – Adjacent dwelling at 11 St John Street visible from rear laneway**



**Figure 3.6 – Dwellings to south of subject site on western side of St John Street**





**Figure 3.7 – St John’s Anglican Church opposite subject site**



**Figure 3.8 – Adjacent dwellings to west of subject site on Halifax Street**



**4. CONSENT TYPE REQUIRED**

Planning Consent

**5. CATEGORY OF DEVELOPMENT**

**PER ELEMENT:**

Partial demolition of a building or structure: Code Assessed – Performance Assessed

Dwelling addition: Code Assessed – Performance Assessed

Building alterations: Code Assessed – Performance Assessed

Swimming pool or spa pool and associated swimming pool safety features: Code Assessed – Performance Assessed

**OVERALL APPLICATION CATEGORY:**

Code Assessed – Performance Assessed

**REASON:**

Proposed partial demolition, building alterations, dwelling addition and swimming pool are not classified as restricted, accepted or deemed to satisfy development per criteria in Tables 1, 2 or 4 of the City Living Zone. The proposal is therefore classified as Code Assessed – Performance Assessed. Demolition and Dwelling Addition are included in City Living Zone Table 3 – Applicable Policies for Performance Assessed Development.

**6. PUBLIC NOTIFICATION**

**REASON:**

Public notification was undertaken as the proposal does not satisfy the City Living Zone Table 5, Clause 2 exception criteria as the height of the western boundary wall for the two storey component exceeds 3 metres measured from the top of footings and will not abut an existing wall or structure.

**Table 6.1 – List of Representations**

No.	Representor Address	Request to be Heard
1	Bernadette Cirotzki, 11 St John Street, Adelaide SA 5000	Yes

**Table 6.2 – Summary of Representations**

<ul style="list-style-type: none"><li>• Loss of northern sunlight to windows, front garden and solar panels</li><li>• Height and bulk of addition uncharacteristic with streetscape and nearby heritage listed properties</li><li>• Prominence of addition exacerbated by corner location</li><li>• Materials and architectural style of addition inconsistent with historic character of streetscape</li><li>• Examples of similar buildings highlighted in documentation are not comparable to proposed dwelling addition</li></ul>
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*Note: The full representations and the applicant's response to the representations are included in Attachments 5 and 6.*

## 7. **AGENCY REFERRALS**

Nil

## 8. **INTERNAL REFERRALS**

Senior Heritage Advisor

Initial referral comments:

- potential scale impacts notably the two storey contemporary addition on the side and rear boundary do not accord with established setbacks in St John Street
- distinct lack of quality in the finishes detracts from the presentation of this area and particularly the significant view of St John's Anglican Church
- these issues should be mitigated by using red brick for the podium and incorporating a setback to the upper floor away from St John Street by 2 metres (halfway between property boundary and setback of south-neighbouring residence)
- the two windows should be amended to 3 x 2:1 ratio vertically proportioned to appear as historic sash windows.

Additional heritage referral comments were provided regarding the first revision as follows:

- changes to the two storey addition at the rear provide a modern dwelling with historically derived details including quoins, stone facings, vertically proportioned openings and a pitched hipped roof
- these changes will allow the structure to blend harmoniously with the requirements of the Historic Area Statement while retaining the zero-setback.

Additional heritage referral comments were provided in response to the current proposal as follows:

- the development sufficiently retains a stone frontage to the ground level, while incorporating a contemporary but reasonably low impact upper level.
- the proposal is low enough impact and generally in accordance with the provisions of the relevant overlays.

## 9. **PLANNING ASSESSMENT**

The application has been assessed against the relevant provisions of the Planning and Design Code, which are contained in Appendix One.

### 9.1 **Summary of City Living Zone Assessment Provisions**

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"><li>• Predominantly low-rise, low to medium-density housing, with medium rise in identified areas, that supports a range of needs and lifestyles located within easy reach of a diversity of services and facilities that support city living. Small-scale employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.</li></ul>		



Land Use and Intensity			
PO 1.1	• Development contributes to diversity of housing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Built Form and Character			
PO 2.2	• Addition within 2 level and 8.5 metre height requirement at 2 levels and 7.7 metres in height.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.3	• Refer Section 9.4.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 2.4	• Development utilises existing driveway crossover.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Building Setbacks			
PO 3.1	• Refer Section 9.4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.2	• Refer Section 9.4.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 3.3	• Refer Section 9.4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.4	• Refer Section 9.4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.5	• Refer Section 9.4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Car Parking and Access			
PO 5.1	• Development utilises existing driveway crossover and will not result in additional impact to pedestrian environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 9.2 Summary of Applicable Overlays

The following Overlays are not considered relevant to the assessment of this application:

- Airport Building Heights (Regulated) and Building Near Airfields Overlay – building height below maximum prescribed AHD level of 80 metres
- Building Near Airfields Overlay – not located near airfield
- Design Overlay – not proposing a medium to high rise building with a value over \$10 million
- Prescribed Wells Area Overlay – no groundwater concerns
- Regulated and Significant Tree – no trees are affected
- Stormwater Management Overlay – development does not involve a new dwelling
- Urban Tree Canopy Overlay – development does not involve a new dwelling

The following Overlays are considered relevant to the assessment of the application:

### Hazards (Flooding – Evidence Required) Overlay

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	• Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.		
Flood Resilience			
PO 1.1	• Development sited, designed and constructed to minimise the risk of entry of potential floodwaters with habitable component above ground level and protected.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Heritage Adjacency Overlay

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Development adjacent to State and Local Heritage Places maintains heritage and cultural values of those Places.</li> </ul>		
<b>Built Form</b>			
PO 1.1	<ul style="list-style-type: none"> <li>Development does not dominate, encroach on or unduly impact on the setting of adjacent heritage places.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Historic Area Overlay

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.</li> </ul>		
<b>All Development</b>			
PO 1.1	<ul style="list-style-type: none"> <li>Refer Section 9.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Built Form</b>			
PO 2.1	<ul style="list-style-type: none"> <li>Refer Section 9.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.2	<ul style="list-style-type: none"> <li>Refer Section 9.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.3	<ul style="list-style-type: none"> <li>Refer Section 9.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.4	<ul style="list-style-type: none"> <li>Refer Section 9.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 2.5	<ul style="list-style-type: none"> <li>Refer Section 9.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alterations and additions</b>			
PO 3.1	<ul style="list-style-type: none"> <li>Refer Section 9.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Context and Streetscape Amenity</b>			
PO 6.1	<ul style="list-style-type: none"> <li>Proposal utilises existing driveway and maintains prevailing width in line with others in Historic Area.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Demolition</b>			
PO 7.1	<ul style="list-style-type: none"> <li>Portions of dwelling and carport to be demolished do not demonstrate historic characteristics expressed in Historic Area Statement.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 7.2	<ul style="list-style-type: none"> <li>Partial demolition not demolishing components contributing to historic character of streetscape.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PO 7.3	<ul style="list-style-type: none"> <li>Elements to be demolished are not of historic significance per values described in the Historic Area Statement.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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### Local Heritage Place Overlay

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.</li> </ul>		
<b>Built Form</b>			
PO 1.1	<ul style="list-style-type: none"> <li>Form of new addition maintains heritage values of Place.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.2	<ul style="list-style-type: none"> <li>Proposal to rear of original dwelling when viewed from Halifax Street and will not obstruct view of dwelling from secondary St John Street frontage.</li> <li>Due to gradient of site, two storey addition will not be significantly larger than existing dwelling.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.3	<ul style="list-style-type: none"> <li>Design and architectural detailing maintains heritage values of the Place.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.4	<ul style="list-style-type: none"> <li>Development consistent with boundary setbacks and setting of the Place.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.5	<ul style="list-style-type: none"> <li>Materials and colours consistent with and complement heritage values of the Place.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.6	<ul style="list-style-type: none"> <li>New buildings and structures not placed or erected between the primary or secondary street boundaries and the façade of the Place.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 1.7	<ul style="list-style-type: none"> <li>Development retains features contributing to heritage value of the Place.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alterations and additions</b>			
PO 2.1	<ul style="list-style-type: none"> <li>Alterations and additions complement existing building and sited to be unobtrusive and not conceal or obstruct heritage elements and detailing.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Demolition</b>			
PO 6.1 & PO 6.2	<ul style="list-style-type: none"> <li>Portion of Place to be demolished excluded from extent of listing that is of heritage value (exterior of original building).</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 9.3 General Development Policies

The following General Development Policies are relevant to the assessment:

#### Clearance from Overhead Powerlines

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.</li> </ul>		

PO 1.1	<ul style="list-style-type: none"> <li>Applicant provided declaration stating proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i>, and there are no aboveground powerlines adjoining subject site.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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## Design in Urban Areas

Code Ref	Assessment	Met	Not Met
<b>Desired Outcome (DO)</b>			
DO 1	<ul style="list-style-type: none"> <li>Development contextual, durable, inclusive and sustainable.</li> </ul>		
<b>All Development</b>			
<b>Overlooking / Visual Privacy (low rise buildings)</b>			
PO 10.1	<ul style="list-style-type: none"> <li>First floor windows facing adjacent properties located 1.7 metres above floor level to prevent overlooking to private open space and habitable rooms of adjacent properties.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>All Residential Development</b>			
<b>Front elevations and passive surveillance</b>			
PO 17.1	<ul style="list-style-type: none"> <li>Addition incorporates windows facing the street frontage at first floor level to encourage passive surveillance and positively contribute to streetscape.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 17.2	<ul style="list-style-type: none"> <li>Development maintains existing entry to dwelling from primary frontage on Halifax Street. Visitor entry also possible via garage door.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Outlook and Amenity</b>			
PO 18.1	<ul style="list-style-type: none"> <li>Upper level living area will have external outlook to street to provide a high standard of amenity for occupants.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Residential Development – Low Rise</b>			
<b>External Appearance</b>			
PO 20.1	<ul style="list-style-type: none"> <li>Garaging will not detract from streetscape or appearance of dwelling.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 20.2	<ul style="list-style-type: none"> <li>Facade facing public street makes a positive contribution to the streetscape by providing passive surveillance, architectural detail and contextual material selection.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 20.3	<ul style="list-style-type: none"> <li>Visual mass of building not excessive when viewed from public street and adjoining allotments.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Private Open Space</b>			
PO 21.1	<ul style="list-style-type: none"> <li>Dwelling addition results in 12m<sup>2</sup> of private open space behind building line and a requirement of 24m<sup>2</sup>. However, front yard also relatively private and provides an additional 26m<sup>2</sup> of open space which is reasonable in this instance.</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 21.2	<ul style="list-style-type: none"> <li>Private open space at rear directly accessible from habitable room. Private open space at the front is not directly accessible from habitable room, however accessible from entry hallway.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Landscaping			
PO 22.1	<ul style="list-style-type: none"> <li>Calls for 20% of the site to comprise soft landscaping which is not provided. Soft landscaping not currently provided apart from small areas in the front garden. Additional 6m<sup>2</sup> of soft landscaping proposed.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Car Parking, access and maneuverability			
PO 23.1	<ul style="list-style-type: none"> <li>Enclosed car parking space satisfies minimum dimensions for length, width of car parking spaces and door width.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO23.4	<ul style="list-style-type: none"> <li>Vehicle access provided via an existing crossover.</li> </ul>		
Waste Storage			
PO 18.1	<ul style="list-style-type: none"> <li>Provision made for storage of waste within the garage per existing storage arrangement.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Interface between Land Uses

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> <li>Development located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.</li> </ul>		
Overshadowing			
PO 3.1	<ul style="list-style-type: none"> <li>Refer Section 9.4.</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PO 3.2	<ul style="list-style-type: none"> <li>Refer Section 9.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PO 3.3	<ul style="list-style-type: none"> <li>Refer Section 9.4.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Activities Generating Noise or Vibration			
PO4.3	<ul style="list-style-type: none"> <li>Recommend inclusion of condition ensuring pool pump equipment enclosed in solid acoustic structure. Pool plant located at least 5 metres from nearest habitable room on adjoining allotment.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Transport, Access and Parking

Code Ref	Assessment	Met	Not Met
Desired Outcome (DO)			
DO 1	<ul style="list-style-type: none"> <li>A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.</li> </ul>		
Vehicle Parking Rates			
PO 5.1	<ul style="list-style-type: none"> <li>Development maintains existing amount of car parking, with space for a maximum of two vehicles available on site in accordance with Table 1 – General Off Street Car Parking Requirements.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



## 9.4 Detailed Discussion

### Built Form and Design

Historic Area Overlay PO 1.1 calls for development to be undertaken having consideration to the historic streetscape and built form as expressed in the relevant Historic Area Statement (Historic Area Adel14).

The historic streetscape of Halifax Street will not be impacted to a significant degree by the proposal, as it has minimal impact on the presentation of the existing dwelling to Halifax Street and the existing streetscape context.

The proposal will have limited visibility from Halifax Street when looking south along St John Street, however, has a notable setback from the primary frontage of the property to Halifax Street. The Historic Area Statement notes the western frontage of St John Street being characterised by consistently sited, gable-fronted villas. As the subject site fronts Halifax Street, the siting of dwellings to St John Street is not considered relevant in terms of PO 1.1. The proposal is low-scale and utilises traditional materials in its design in accordance with the Historic Area Statement and Historic Area Overlay PO 1.1.

Council's Senior Heritage Advisor has confirmed the design of the addition is acceptable when considered in the context of the historic area. The form and scale of the proposal visible from the public realm will be consistent with the prevailing historic characteristics of the area in accordance with Historic Area Overlay PO 2.1.

Historic Area Overlay PO 2.2 calls for development to be consistent with the prevailing building and wall heights in the historic area. The Historic Area is primarily characterised by low-scale development, predominantly single storey with examples of two storey buildings throughout. The proposal is consistent with the prevailing height of development in the area in accordance with Historic Area Overlay PO 2.2.

The development utilises vertically proportioned windows and stone at the ground level to reflect design elements typical of the historic character of the area in accordance with Historic Area Overlay PO 2.3.

The addition will be set behind the existing dwelling and maintains the existing front setback. The lack of setback from the side boundaries is consistent with the siting of the existing building and other dwellings facing Halifax Street and the prevailing front and side boundary setback pattern in the historic area in accordance with Historic Area Overlay PO 2.4.

The addition utilises stone cladding at ground level to match the stone used in the existing dwelling, together with a more contemporary selection of materials for the remainder of the development. This use of materials is consistent with others used in the historic area in accordance with Historic Area Overlay PO 2.5, while clearly denoting the addition as a contemporary development.

City Living Zone PO 2.3 calls for new buildings and structures visible from the public realm to be consistent with the valued streetscape characteristics and prevailing built form characteristics, such as floor to ceiling heights of the area. The development has minimal impact to the Halifax Street streetscape due to the setback behind the main dwelling and the height is mitigated by the limited visibility from the primary frontage.

While it is a secondary frontage, impact to the St John Street streetscape must also be considered. The western side of St John Street is characterised by single storey dwellings with some setback from the street boundary. The eastern side comprises a mixed character, due in large part to the St John's Anglican Church occupying a large portion of the eastern side of the street.

There is development at the southern end of the street with two storey walls directly abutting the street boundary, as well as the St John's Anglican Church which is of considerable height. By providing a two storey building directly on the street boundary, the development does not address the prevailing single storey streetscape characteristics and setbacks of buildings fronting this portion of St John Street.

## Setbacks

The development will be located behind the main dwelling a considerable distance from the primary street frontage on Halifax Street. This will be sufficiently setback from the primary street boundary to complement the existing streetscape character in accordance with Zone PO 3.1.

City Living Zone PO 3.2 envisages buildings setback from secondary street boundaries to maintain a pattern of separation between buildings and public thoroughfares and reinforce streetscape character. The addition abuts the St John Street secondary street frontage. The existing garage to be replaced and existing dwelling both directly abut St John Street. However, the additional height compared to the existing buildings will result in some variance with the established streetscape character, considering the western side of St John Street is predominantly single storey in nature and incorporates some setbacks from the street.

The addition lacks setbacks from side boundaries, with the two storey component extending to both eastern and western boundaries and the single storey component abutting the western boundary. This is in line with the existing built form on the subject site which extends to both boundaries and built form on adjacent sites nearby facing Halifax Street which extend to or close to one or both side boundaries. This lack of side setback will not result in a significant impact on natural light or ventilation of adjacent properties therefore satisfying City Living Zone PO 3.3.

The proposal lacks a rear setback. The subject site and adjacent site to the rear are separated by a small private laneway, providing separation between the development and the adjacent property. Considering this separation and the development to the west also having built form extending to the rear boundary, the proposal will not significantly impact natural light or ventilation in accordance with City Living PO 3.4. PO 3.4 also calls for rear setback to allow space for open space recreational opportunities, landscaping and vegetation. However, the arrangement of this site allows for these in the centre of the site.

The two storey component abutting the western boundary completely abuts an existing carport on the adjacent site. The single storey component will be in the same position on the boundary as the existing single storey portion of the building to be replaced, although it is slightly taller due to the pitched roof. Additionally, shadow diagrams demonstrate a lack of additional shadowing to windows or outdoor space of the site to the west. Consequently, the boundary walls will adequately mitigate impact on adjoining properties in accordance with City Living Zone PO 3.5.

## Overshadowing

Potential for shadowing of habitable room windows exists for properties to the west at 363 Halifax Street and to the south at 11 St John Street.

- Windows to the west are already subject to significant shadowing throughout the day in winter, with the proposal not resulting in additional overshadowing.
- Bay windows of the property to the south will be subject to additional shadowing. Based on historic plans for this property these windows are for a living area (habitable room). During winter, these windows are currently partially shadowed at 9am, not shadowed at all at 12pm, and totally shadowed by 3pm. The proposal will result in these windows becoming gradually shadowed from 9am and totally shadowed by 12pm. Where the windows previously received 3 hours of direct sunlight between 9am and 3pm on 21 June per Interface Between Land Uses DPF 3.1, they will no longer achieve this.
- A courtyard on the northern boundary of 11 St John Street also provides sunlight to habitable room windows at this property. This has not been shown on shadow diagrams but is visible on architectural plans, aerial photographs and in person (on site). Based on shadow diagrams and the location of the courtyard, additional shadowing during winter will occur at 9am, however there will be no difference from 12pm onwards. Shadowing to this portion of the property is considered acceptable.

While shadowing of the front window of 11 St John Street is not ideal, it is not considered to be a significant departure from this performance outcome as sunlight to courtyard windows will largely be maintained and other windows nearby will not be affected. The proposal is therefore considered acceptable in terms of Interface Between Land Uses PO 3.1.

The only private open space with potential to be impacted by overshadowing from the addition is directly to the west at 363 Halifax Street. The front yard of the property to the south at 11 St John Street technically does not qualify as private open space per the definition in Code as there is no solid fencing to at least 1.8 metres in height.

Private open space to the west is already significantly shadowed throughout the day by the existing built form at 363 and 367 Halifax Street and will not be subject to additional overshadowing.

The central courtyard to the south at 11 St John Street falls just short of the minimum dimensions required to be considered an area of private open space. It will receive a suitable amount of winter sunlight regardless, with no shadowing resulting from the development between 12pm and 3pm on 21 June in accordance with Interface Between Land Uses PO 3.2.

Rooftop solar panels at 11 St John Street will be partially shaded on 21 June. Approximately 50% of the panels will be shaded at 9am, however by 12pm, the panels will not be shaded. Noting shadowing has been represented during the winter solstice, with the lowest amount of sunlight for the year, shadowing will be less throughout other seasons. As the scale of development is reasonable within the zone, the generating capacity of rooftop solar energy facilities will not be unduly impacted in accordance with Interface Between Land Use PO3.3.

#### Seriously at Variance

The Courts have previously determined the assessment of whether a development is seriously at variance with the provisions of the Planning and Design Code should focus on the nature of the proposed land use and the relevant performance outcomes concerning whether an application is seriously at variance or not.

Considering a dwelling is an envisaged use in the City Living Zone, it is considered the proposed dwelling addition and swimming pool are acceptable in this context and are not seriously at variance.

## **10. CONCLUSION**

The proposed dwelling addition presents an increase to the scale of built form on the subject site that is generally in accordance with the relevant provisions of the Planning and Design Code.

The proposal includes additional site coverage and less private open space behind the building line, additional overshadowing impact to the property to the south at 11 St John Street and scale not entirely in keeping with the prevailing character of this portion of St John Street.

While these impacts are not ideal, the proposal meets the requirements of a range of the relevant provisions of the Code.

The development will have minimal impact on the primary frontage to Halifax Street, maintaining the presentation of the original heritage dwelling to the street and historic streetscape context of Halifax Street.

Impact on the amenity of the neighbouring property to the west will be mitigated by the built form on the neighbouring property, with the addition not resulting in additional overshadowing to this property or significant visual enclosure.

Demolition does not propose removal of elements demonstrating heritage significance or historic characteristics as expressed in the Historic Area Statement and adequately maintains the heritage character of the Local Heritage Place.

The scale of development generally aligns with scale of development visible in the wider Historic Area and addresses the historic characteristics of the street and area through material choice and architectural detailing.

Height and setbacks of the proposed addition are in keeping with the desired character of the City Living Zone.

The proposed development satisfies a majority of the relevant provisions of the Code and therefore it is recommended that Planning Consent be granted.

## **11. RECOMMENDATION**

It is recommended the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and

It is recommended the Council Assessment Panel resolve that:

2. Development Application Number 25018478, by K&D Mattson is granted Planning Consent for the following reserved matter, conditions and advices:

### **RESERVED MATTER**

Pursuant to section 102 (3) of the *Planning, Development and Infrastructure Act of 2016*, the following matter shall be reserved for further assessment, to the satisfaction of Council's Assessment Manager, prior to the granting of Development Approval:

1. Documentation confirming the chimneys will remain and be protected as part of the development.

Pursuant to Section 127 of the *Planning, Development and Infrastructure Act 2016*, Council's Assessment Manager reserves a decision on the form and substance of any further condition/s of Planning Consent considered appropriate to impose in respect of the Reserved Matter outlined above.

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### **CONDITIONS**

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

- Floor Plans, prepared by D'Andrea Architects, Drawing No. A 2201, dated 24 October 2025
- Elevations, prepared by D'Andrea Architects, Drawing No. A 2202, dated 24 October 2025

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2. The applicant or the person having the benefit of this consent shall ensure that all storm water run off from the development herein approved is collected and then discharged to the storm water discharge system. All down pipes affixed to the Development which are required to discharge the storm water run off shall be installed within the property boundaries of the Land to the reasonable satisfaction of the Relevant Authority.

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3. All mechanical machinery associated with the heating, cleaning, and filtration of the swimming pool on the Land shall be enclosed in a solid acoustic structure and maintained at all times to the satisfaction of the Relevant Authority.
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## **ADVISORY NOTES**

### **1. Development Approval Required**

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

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### **2. Expiration of Consent**

Pursuant to the provisions of Regulation 67 of the Planning, Development and Infrastructure (General) Regulations 2017, this consent / approval will lapse at the expiration of 2 years from the operative date of the consent / approval unless the relevant development has been lawfully commenced by substantial work on the site of the development within 2 years, in which case the approval will lapse within 3 years from the operative date of the approval subject to the proviso that if the development has been substantially or fully completed within those 3 years, the approval will not lapse.

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### **3. Commencement and Completion**

Pursuant to Regulation 93 of the Planning, Development and Infrastructure (General) Regulations 2017, the Council must be given one business days' notice of the commencement and the completion of the building work on the site. To notify Council, contact City Planning via [d.planner@cityofadelaide.com.au](mailto:d.planner@cityofadelaide.com.au) or phone 8203 7185.

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### **4. Appeal Rights**

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone 8204 0289).

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### **5. Consultation with Adjoining Owners**

In addition to notification and other requirements under the Planning, Development and Infrastructure Act and Fences Act, it is recommended that the applicant / owner consult with adjoining owners and occupiers at the earliest possible opportunity after Development Approval, advising them of proposed development work so as to identify and discuss any issues needing resolution such as boundary fencing, retaining walls, trees/roots, drainage changes, temporary access, waste discharges, positioning of temporary toilets etc.

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### **6. Boundaries**

It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

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## 7. Right of Way

The applicant should ensure that any right of way on the land is not blocked or access restricted during the construction of the development herein approved.

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## 8. Certificate of Titles

The owner/applicant is advised that consent from any relevant easement, LMA or encumbrance owner may be required prior to any construction.

Easements may include, but are not limited to: drainage, Council easements (i.e. stormwater, encroachments, access etc), power transmission (SA Power Networks), telecommunications, or other forms of access (such as vehicle) rights of way. Easements and encumbrances would be registered on the relevant Certificate of Title. The location of easements on the land would be shown on the Deposited Plan.

A copy of the Certificate of Title and Deposited Plan can be obtained from the South Australian Integrated Land Information System (SAILIS) at: <https://sailis.lssa.com.au/home/auth/login>

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## 9. City Works Permit

Any activity in the public realm, whether it be on the road or footpath (including the Adelaide Park Lands), requires a City Works Permit. This includes activities that have received Development Approval.

The City Works Guidelines detailing the requirements for various activities and fee calculator and online application form can all be found on Council's website at <https://www.cityofadelaide.com.au/business/permits-licences/city-works/>

When applying for a City Works Permit you will be required to supply the following information with the completed application form:

- A Traffic Management Plan/Site Plan (a map which details the location of the works, street, property line, hoarding/mesh, lighting, pedestrian signs, spotters, distances etc.);
- Description of equipment to be used;
- A copy of your Public Liability Insurance Certificate, noting the City of Adelaide as an interested party (minimum cover of \$20 Million required);
- Copies of consultation with any affected stakeholders including businesses or residents.

Applications will require a minimum notice period of five business days. For more information, contact [cityworks@cityofadelaide.com.au](mailto:cityworks@cityofadelaide.com.au)

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### Council Assessment Panel – Delegations, Meeting Procedures and Meeting Schedule for 2026/2027

Council Assessment Panel  
Wednesday, 28 January 2026

**From:**

Seb Grose, Manager, City  
Development (Assessment  
Manager)

## PURPOSE

This report seeks endorsement of the City of Adelaide Council Assessment Panel (CAP) delegations, meeting procedures and meeting schedule for the 2026/27 term.

The proposed delegations remain consistent with the current state, with one minor amendment proposed as part of ongoing improvements and refinements to the planning system. The proposed meeting procedures and meeting schedule remain consistent with previous Panel terms.

## RECOMMENDATION

That the CAP:

1. Delegates powers of an Assessment Panel as Relevant Authority under the *Planning, Development and Infrastructure Act 2016* (SA) as follows:
  - 1.1 In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* (SA) the powers and functions under the *Planning, Development and Infrastructure Act 2016* (SA) and statutory instruments made thereunder contained in the proposed Instrument of Delegation (Attachment A to this report dated 28 January 2026 and entitled 'Instrument C' – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel) are hereby delegated from 28 January 2026 to the City of Adelaide Assessment Manager, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
  - 1.2 Such powers and functions may be further delegated by the City of Adelaide Assessment Manager in accordance with Section 100(2)(c) of the *Planning Development and Infrastructure Act 2016* (SA) as the City of Adelaide Assessment Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
2. Endorses and adopts the Meeting Procedures set out in Attachment B to Item 6.1 on the Agenda for the meeting of the CAP held on 28 January 2026.
3. Endorses the 2026/2027 Meeting Schedule set out in Attachment C to Item 6.1 on the Agenda for the meeting of the CAP held on 28 January 2026.



## BACKGROUND

1. The CAP has been established in accordance with Section 83 of the *Planning, Development and Infrastructure Act 2016* (SA) ('PDI Act'). The new term of the CAP commences 1 January 2026 and will end on 31 December 2027.
2. Section 100 of the PDI Act allows a Relevant Authority (other than an Accredited Professional) to delegate its powers and functions under this Act. The Minister, the State Planning Commission, Council, the CAP, an appointed Assessment Manager and an Accredited Professional are all Relevant Authorities under the PDI Act. The CAP, Council and the Assessment Manager can all sub-delegate their powers and functions.
3. The most recent delegations from the CAP to the Assessment Manager were adopted by the previous CAP on 29 January 2024. As part of ongoing improvements and refinements to the planning system, amendments necessitate preparation and endorsement of the latest delegations. Delegations have been prepared for the consideration of the CAP and are included as Attachment A to this report.
4. The CAP Meeting Procedures were previously adopted by CAP on 29 January 2024. The current CAP is required to endorse and adopt the CAP Meeting Procedures included in Attachment B. There are no suggested updates to the Meeting Procedures since 29 January 2024.
5. A Meeting Schedule for the 2026/2027 term also requires endorsement by the CAP and is included in Attachment C.

## DISCUSSION

### **The CAP as a Relevant Authority**

6. The Act provides the CAP is a Relevant Authority for planning and building consents in relation to development undertaken within the area of a Council unless another authority is prescribed by Section 93 of the Act, or the Regulations.
7. The Panel is responsible for all administrative actions associated with the assessment of a development application requiring public notification, including verification, determining the classification and relevant fees, any requests for additional information, undertaking public notification (including potentially the placement of a notice on the subject land), referral of the application to agencies and a range of other administrative matters.
8. The intent of delegations is to allow administrative matters to be managed on a day-to-day basis by the Assessment Manager, so the Panel's role in relation to these remains the hearing of representations, deliberation and determination of development applications.

### **New Delegations**

9. As part of ongoing improvements and refinements to the planning system, there has been a recent amendment to delegations which is highlighted in Attachment A. The head delegate for all the powers, unless explicitly listed, is the Assessment Manager. The amendment relates to the circumstances in which an 'outline consent' may be granted, which have been updated to reflect clause 5(1)(b) of the State Planning Commission Practice Direction 18 Outline Consent.
10. Instrument C proposes the CAP delegates (where appropriate) powers to the City of Adelaide Assessment Manager in the first instance, as the person being appointed by the Chief Executive Officer responsible for the management of Council's development assessment function and the CAP.
11. Delegations can be reviewed at any time. Should there need to be further changes made in the future, a report will be brought to the CAP for consideration, or any member of the CAP can propose a change for consideration.

### **Sub-Delegations**

12. If the CAP allows, a delegate may sub-delegate its powers. This is consistent with powers under Section 100 of the Act. Specific sub-delegations are prepared with Council's Corporate Governance and Risk Team. Further instruments of sub-delegation with suggested subdelegates will be formalised once the CAP resolves to delegate its powers for the additional delegations to the head delegate (the Assessment Manager). It is intended that sub-delegations will remain consistent with current practices.

### **Implementation**

13. The amended delegations proposed, should the CAP resolve to adopt them, will come into effect as an updated Instrument C – Instrument of Delegation and the previous delegations will be revoked.

### **Meeting Procedures**

14. The CAP Meeting Procedures require adoption by the CAP. These are proposed to remain the same as the procedures adopted by the CAP on 29 January 2024.

### **Meeting Schedule**

15. The Meeting Schedule for the 2026/2027 term has been drafted to generally provide a meeting every fourth Monday of the month. There are variations where there are public holidays or to allow for Christmas closure periods.

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## **ATTACHMENTS**

**Attachment A** – Instrument C – Council Assessment Panel Delegations under the *Planning, Development and Infrastructure Act 2016* (SA) with proposed change highlighted

**Attachment B** – CAP Meeting Procedures

**Attachment C** – CAP Meeting Schedule 2026/2027

- END OF REPORT -



## CITY OF ADELAIDE

### INSTRUMENT OF DELEGATION

#### INSTRUMENT C – INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF AN ASSESSMENT PANEL

JANUARY 2026

## NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument.
2. Refer to the relevant Assessment Panel decision to identify when these delegations were made, reviewed and or amended.

## Delegation Sources

- State Planning Commission Practice Direction 18 Outline Consent
- Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)
- Planning, Development and Infrastructure (General) Regulations 2017
- Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019
- Planning and Design Code
- State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019
- State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019
- State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019
- State Planning Commission Practice Direction 14 Site Contamination Assessment 2021
- State Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme
- Urban Tree Canopy Off-set Scheme



## Instrument C – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel

State Planning Commission Practice Direction 18 Outline Consent			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl5(1)(b)	<p>68. Circumstances in Which Outline Consent May be Granted</p> <p>68.1 The power pursuant to clause 5(1)(b) of the State Planning Commission Practice Direction 18 Outline Consent (PD18) to provide advice to an applicant that if the application were to be for planning consent, the council would request the Minister to give notice under Section 94(1)(g) of the PDI Act.</p>	Manager City Development / Assessment Manager	

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice  
Directions of Powers of an Assessment Panel (Instrument C)**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s7(5)(a)	<p>1. Environment and Food Production Areas – Greater Adelaide</p> <p>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.</p>	Manager City Development / Assessment Manager	
s7(5)(d)	<p>1. Environment and Food Production Areas – Greater Adelaide</p> <p>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.</p>	Manager City Development / Assessment Manager	

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice  
Directions of Powers of an Assessment Panel (Instrument C)**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s85(1)	<p>2. Appointment of Additional Members</p> <p>2.1 The power pursuant to Section 85(1) of the PDI Act to appoint 1 or 2 members to act as additional members of the assessment panel for the purposes of dealing with a matter that the assessment panel must assess as a relevant authority under the PDI Act.</p>	Manager City Development / Assessment Manager	
s94(3)(a)	<p>3. Relevant Authority – Commission</p> <p>3.1 The power pursuant to Section 94(3)(a) of the PDI Act, if the Minister acts under Section 94(1)(h) of the PDI Act to, at the request of the Commission, provide the Commission with a report relating to any application for development authorisation that has been under consideration by the relevant authority.</p>	Manager City Development / Assessment Manager	
s99(1)	<p>4. Relevant Provisions</p> <p>4.1 The power pursuant to Section 99(1) of the PDI Act, if a proposed development involves the performance of building work to determine to act under Section 99(1) of the PDI Act to:</p>	Manager City Development / Assessment Manager	

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice  
Directions of Powers of an Assessment Panel (Instrument C)**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>4.1.1 refer the assessment of the development in respect of the Building Rules to the council for the area in which the proposed development is to be undertaken; or</p> <p>4.1.2 require that the assessment of the development in respect of the Building Rules be undertaken by a building certifier.</p>		
s102(1)	<p>5. Matters Against Which Development Must Be Assessed</p> <p>5.1 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, each of the following matters (insofar as they are relevant to the particular development):</p> <p>5.1.1 -</p> <p>5.1.1.1 the relevant provisions of the Planning Rules; and</p> <p>5.1.1.2 to the extent provided by Part 7 Division 2 of the PDI Act – the impacts of the development,</p> <p>(planning consent);</p>	Manager City Development / Assessment Manager	



**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice  
Directions of Powers of an Assessment Panel (Instrument C)**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s102(1)	<p>5. Matters Against Which Development Must Be Assessed</p> <p>5.1 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, each of the following matters (insofar as they are relevant to the particular development):</p> <p>5.1.2 the relevant provisions of the Building Rules (building consent);</p>	Manager City Development / Assessment Manager	
s102(3)	<p>5. Matters Against Which Development Must Be Assessed</p> <p>5.2 The power pursuant to Section 102(3) of the PDI Act to, in relation to granting a planning consent, on the delegate's own initiative or on application, reserve the delegate's decision on a specified matter or reserve the delegate's decision to grant a planning consent:</p> <p>5.2.1 until further assessment of the relevant development under the PDI Act; or</p> <p>5.2.2 until further assessment or consideration of the proposed development under another Act; or</p>	Manager City Development / Assessment Manager	

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice  
Directions of Powers of an Assessment Panel (Instrument C)**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	5.2.3 until a licence, permission, consent, approval, authorisation, certificate or other authority is granted, or not granted (by the decision of another authority), under another Act.		
s102(4)	5. Matters Against Which Development Must Be Assessed  5.3 The power pursuant to Section 102(4) of the PDI Act to allow any matter specified by the Planning and Design Code for the purposes of Section 102(4) of the PDI Act to be reserved on the application of the applicant.	Manager City Development / Assessment Manager	
s107(2)(c)	6. Performance Assessed Development  6.1 The power pursuant to Section 107(2)(c) of the PDI Act to form the opinion that the development is seriously at variance with the Planning and Design Code (disregarding minor variations).	Manager City Development / Assessment Manager	
s107(3)	6. Performance Assessed Development	Manager City Development / Assessment Manager	

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice  
Directions of Powers of an Assessment Panel (Instrument C)**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	6.2 The power pursuant to Section 107(3) of the PDI Act, if a proposed development is to be assessed under Section 107 of the PDI Act to make a decision in accordance with a practice direction.		
s107(4)	6. Performance Assessed Development  6.3 The power pursuant to Section 107(4) of the PDI Act to limit the matters that the delegate will take into account to what should be the decision of the relevant authority as to planning consent in relation to the performance based elements of the development as assessed on its merits.	Manager City Development / Assessment Manager	
s118(1)	7. Building Consent  7.1 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).	Manager City Development / Assessment Manager	

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice  
Directions of Powers of an Assessment Panel (Instrument C)**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s118(2)(a)	<p>7. Building Consent</p> <p>7.2 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.</p>	Manager City Development / Assessment Manager	
s118(2)	<p>7. Building Consent</p> <p>7.3 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:</p> <p>7.3.1 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:</p> <p>7.3.1.1 that:</p>	Manager City Development / Assessment Manager	

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice  
Directions of Powers of an Assessment Panel (Instrument C)**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>(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</p> <p>(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</p> <p>7.3.1.2 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.</p>		
s118(4)	<p>7. Building Consent</p> <p>7.4 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.</p>	Manager City Development / Assessment Manager	



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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s118(6)	<p>7. Building Consent</p> <p>7.5 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.</p>	Manager City Development / Assessment Manager	
s118(7)	<p>7. Building Consent</p> <p>7.6 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.</p>	Manager City Development / Assessment Manager	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s118(8)	<p>7. Building Consent</p> <p>7.7 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:</p> <p>7.7.1 such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the regulations; or</p> <p>7.7.2 such compliance is certified by a building certifier.</p>	Manager City Development / Assessment Manager	
s118(10)	<p>7. Building Consent</p> <p>7.8 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</p>	Manager City Development / Assessment Manager	
s118(11)	7. Building Consent	Manager City Development / Assessment Manager	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>7.9 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):</p> <p>7.9.1 the variance; and</p> <p>7.9.2 the grounds on which the decision is being made.</p>		
s119(1)(b)	<p>8. Application and Provision of Information</p> <p>8.1 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.</p>	Manager City Development / Assessment Manager	
s119(3)	<p>8. Application and Provision of Information</p> <p>8.2 The power pursuant to Section 119(3) of the PDI Act to request an applicant:</p>	Manager City Development / Assessment Manager	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>8.2.1 to provide such additional documents, assessments or information (including calculations and technical details) as the delegate may reasonably require to assess the application;</p> <p>8.2.2 to remedy any defect or deficiency in any application or accompanying document or information required by or under the PDI Act;</p> <p>8.2.3 to consult with an authority or body prescribed by the regulations;</p> <p>8.2.4 to comply with any other requirement prescribed by the regulations.</p>		
s119(6)	<p>8. Application and Provision of Information</p> <p>8.3 The power pursuant to Section 119(6) of the PDI Act if a request is made under Section 119(3) of the PDI Act, and the request is not complied with within the time specified by the regulations, to</p> <p>8.3.1 subject to Section 119(6)(b)(ii) of the PDI Act, refuse the application; and</p>	Manager City Development / Assessment Manager	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	8.3.2 refuse the application in prescribed circumstances (including, if the regulations so provide, in a case involving development that is deemed to satisfy development).		
s119(7)	8. Application and Provision of Information 8.4 The power pursuant to Section 119(7) of the PDI Act to, in dealing with an application that relates to a regulated tree, consider that special circumstances apply.	Manager City Development / Assessment Manager	
s119(9)	8. Application and Provision of Information 8.5 The power pursuant to Section 119(9) of the PDI Act to: 8.5.1 permit an applicant: 8.5.1.1 to vary an application;	Manager City Development / Assessment Manager	
s119(9)	8. Application and Provision of Information 8.5 The power pursuant to Section 119(9) of the PDI Act to: 8.5.1 permit an applicant:	Manager City Development / Assessment Manager	



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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	8.5.1.2 to vary any plans, drawings, specifications or other documents that accompanied an application,  (provided that the essential nature of the proposed development is not changed);		
s119(9)	8. Application and Provision of Information  8.5 The power pursuant to Section 119(9) of the PDI Act to:  8.5.2 permit an applicant to lodge an application without the provision of any information or document required by the regulations;	Manager City Development / Assessment Manager	
s119(9)	8. Application and Provision of Information  8.5 The power pursuant to Section 119(9) of the PDI Act to:  8.5.3 to the extent that the fee is payable to the relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part);	Manager City Development / Assessment Manager	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s119(9)	<p>8. Application and Provision of Information</p> <p>8.5 The power pursuant to Section 119(9) of the PDI Act to:</p> <p>8.5.4 if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.</p>	Manager City Development / Assessment Manager	
s119(10)	<p>8. Application and Provision of Information</p> <p>8.6 The power pursuant to Section 119(10) of the PDI Act to grant a permission under Section 119(9) of the PDI Act unconditionally or subject to such conditions as the delegate thinks fit.</p>	Manager City Development / Assessment Manager	
s119(12)	<p>8. Application and Provision of Information</p>	Manager City Development / Assessment Manager	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	8.7 The power pursuant to Section 119(12) of the PDI Act to, in a consent, provide for, or envisage, the undertaking of development in stages, with separate consents or approvals for the various stages.		
s119(14)	8. Application and Provision of Information  8.8 The power pursuant to Section 119(14) of the PDI Act to if an applicant withdraws an application to determine to refund the application fee.	Manager City Development / Assessment Manager	
s121(7)	9. Design Review  9.1 The power pursuant to Section 121(7) of the PDI Act, to in acting under the PDI Act, take into account any advice provided by a design panel (insofar as may be relevant to the assessment of proposed development by the delegate).	Manager City Development / Assessment Manager	
s122(1)	10. Referrals to Other Authorities or Agencies  10.1 The power pursuant to Section 122(1) of the PDI Act, where an application for consent to, or approval of, a proposed	Manager City Development / Assessment Manager	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>development of a prescribed class is to be assessed by a relevant authority, to:</p> <p>10.1.1 refer the application, together with a copy of any relevant information provided by the applicant, to a body prescribed by the regulations (including, if so prescribed, the Commission); and</p> <p>10.1.2 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</p> <p>where the regulations so provide, subject to Section 122 of the PDI Act.</p>		
s122(5)(b)	<p>10. Referrals to Other Authorities or Agencies</p> <p>10.2 The power pursuant to Section 122(5)(b) of the PDI Act, acting by direction of a prescribed body:</p> <p>10.2.1 to refuse the application; or</p> <p>10.2.2 consent to or approve the development and impose such conditions as the prescribed body thinks fit, (subject to</p>	Manager City Development / Assessment Manager	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	any specific limitation under another Act as to the conditions that may be imposed by the prescribed body)  where the regulations so provide.		
s122(7)	10. Referrals to Other Authorities or Agencies  10.3 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.	Manager City Development / Assessment Manager	
s122(10)	10. Referrals to Other Authorities or Agencies  10.4 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.	Manager City Development / Assessment Manager	



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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s123(2)	<p>11. Preliminary Advice and Agreement</p> <p>11.1 The power pursuant to Section 123(2) of the PDI Act, if:</p> <p>11.1.1 a proposed development is referred to a prescribed body under Section 123(1) of the PDI Act; and</p> <p>11.1.2 the prescribed body agrees to consider the matter under Section 123 of the PDI Act after taking into account any matter prescribed by the regulations; and</p> <p>11.1.3 the prescribed body agrees, in the manner prescribed by the regulations, that the development meets the requirements (if any) of the prescribed body (including on the basis of the imposition of conditions),</p> <p>to, subject to Section 123(4) of the PDI Act if an application for planning consent with respect to the development is lodged with the relevant authority within the prescribed period after the prescribed body has indicated its agreement under Section 123(2)(c) of the PDI Act, form the opinion and be satisfied that the application accords with the agreement indicated by the prescribed body (taking into account the terms or elements of</p>	Manager City Development / Assessment Manager	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	that agreement and any relevant plans and other documentation).		
s123(4)	<p>11. Preliminary Advice and Agreement</p> <p>11.2 The power pursuant to Section 123(4) of the PDI Act to determine an agreement under Section 123 of the PDI Act is no longer appropriate due to the operation of Section 132 of the PDI Act.</p>	Manager City Development / Assessment Manager	
s124(1)	<p>12. Proposed Development Involving Creation of Fortifications</p> <p>12.1 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).</p>	Manager City Development / Assessment Manager	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s124(5)	<p>12. Proposed Development Involving Creation of Fortifications</p> <p>12.2 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:</p> <p>12.2.1 if the proposed development consists only of the creation fortifications - refuse the application; or</p> <p>12.2.2 in any other case - impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications</p>	Manager City Development / Assessment Manager	
s124(6)	<p>12. Proposed Development Involving Creation of Fortifications</p> <p>12.3 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.</p>	Manager City Development / Assessment Manager	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s124(7)	12. Proposed Development Involving Creation of Fortifications 12.4 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.	Manager City Development / Assessment Manager	
s125(6)	13. Time Within Which Decision Must be Made 13.1 The power pursuant to Section 125(6) of the PDI Act to form the opinion and consider that the relevant application for planning consent should have been refused and apply to the Court for an order quashing the consent.	Manager City Development / Assessment Manager	
s125(7)	13. Time Within Which Decision Must be Made 13.2 The power pursuant to Section 125(7) of the Act to apply to the Court for an extension of time to make an application under Section 125(6) of the Act.	Manager City Development / Assessment Manager	
s126(1)	14. Determination of Application	Manager City Development / Assessment Manager	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	14.1 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).		
s126(3)	<p>14. Determination of Application</p> <p>14.2 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.</p>	Manager City Development / Assessment Manager	
s127(1)	<p>15. Conditions</p> <p>15.1 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.</p>	Manager City Development / Assessment Manager	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s127(2)(c)	<p>15. Conditions</p> <p>15.2 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.</p>	Manager City Development / Assessment Manager	
s127(4)	<p>15. Conditions</p> <p>15.3 The power pursuant to Section 127(4) of the PDI Act, subject to Sections 127(6) and (8) of the PDI Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).</p>	Manager City Development / Assessment Manager	



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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s127(6)	<p>15. Conditions</p> <p>15.4 The power pursuant to Section 127(6) of the PDI Act to, on the application of the applicant, determine that a payment of an amount calculated in accordance with the regulations be made into the relevant fund in lieu of planting 1 or more replacement trees under Section 127(4) of the PDI Act.</p>	Manager City Development / Assessment Manager	
s127(8)(b)	<p>15. Conditions</p> <p>15.5 The power pursuant to Section 127(8)(b) of the PDI Act to:</p> <p>15.5.1 determine that it is appropriate to grant an exemption under Section 127(8)(b) of the PDI Act in a particular case after taking into account any criteria prescribed by the regulations and provided the Minister concurs in the granting of the exemption;</p> <p>15.5.2 to seek the Minister's concurrence to grant an exemption under Section 127(8)(b) of the PDI Act.</p>	Manager City Development / Assessment Manager	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s128(1) and (2)	<p>16. Variation of Authorisation</p> <p>16.1 The power pursuant to Sections 128(1) and (2) of the PDI Act to determine an application seeking the variations of a development authorisation previously given under the PDI Act (including an application seeking the variation of a condition imposed with respect to the development authorisation).</p>	Manager City Development / Assessment Manager	
s128(2)(d)	<p>16. Variation of Authorisation</p> <p>16.2 The power pursuant to Section 128(2)(d) of the PDI Act to approve an application for a variation to a development authorisation previously given under the PDI Act, which seeks to extend the period for which the relevant authorisation remains operative.</p>	Manager City Development / Assessment Manager	
s134(1)	<p>17. Requirement to Up-grade</p> <p>17.1 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.</p>	Manager City Development / Assessment Manager	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s134(1)	<p>17. Requirement to Up-grade</p> <p>17.2 The power pursuant to Section 134(1) of the PDI Act, if:</p> <p>17.2.1 an application for a building consent relates to:</p> <p>17.2.1.1 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</p> <p>17.2.1.2 a change of classification of a building; and</p> <p>17.2.2 the building is, in the opinion of the delegate, unsafe, structurally unsound or in an unhealthy condition,</p> <p>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.</p>	Manager City Development / Assessment Manager	
s134(2)	<p>17. Requirement to Up-grade</p> <p>17.3 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</p>	Manager City Development / Assessment Manager	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	134(1)(b) of the PDI Act that must, in the opinion of the delegate, be addressed.		
s134(3)	<p>17. Requirement to Up-grade</p> <p>17.4 The power pursuant to Section 134(3) of the PDI Act to impose a requirement under Section 134(1) of the PDI Act:</p> <p>17.4.1 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</p> <p>17.4.2 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</p>	Manager City Development / Assessment Manager	
s134(4)	<p>17. Requirement to Up-grade</p> <p>17.5 The power pursuant to Section 134(4) of the PDI Act if:</p>	Manager City Development / Assessment Manager	

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Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>17.5.1 an application is made for building consent for building work in the nature of an alteration of a class prescribed by the regulations; and</p> <p>17.5.2 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).</p>		
s134(5)	<p>17. Requirement to Up-grade</p> <p>17.6 The power pursuant to Section 134(5) of the PDI Act to impose a requirement under Section 134(4) of the PDI Act:</p> <p>17.6.1 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</p>	Manager City Development / Assessment Manager	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	be addressed before the relevant authority will grant building consent; and  17.6.2 in cases prescribed by the regulations - as a condition of the building consent that must be complied with within a prescribed period after the building work to which the application for consent relates is completed.		
s135(2)(d)	18. Urgent Building Work  18.1 The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction.	Manager City Development / Assessment Manager	
s143(1)	19. Cancellation of Development Authorisation  19.1 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.	Manager City Development / Assessment Manager	
s143(2)	19. Cancellation of Development Authorisation	Manager City Development / Assessment Manager	



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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	19.2 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.		
s203	<p>20. Application to Assessment Panel</p> <p>20.1 The power pursuant to Section 203(1) of the PDI Act to allow an extension of time to make an application to the assessment panel for a review of a prescribed matter under Division 1 in a case where an assessment manager acted as a relevant authority.</p>	Manager City Development / Assessment Manager	
s235(1)	<p>21. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>21.1 The power pursuant to Section 235(1) of the PDI Act, to, in the exercise of a prescribed function, rely on a certificate of a person with prescribed qualifications.</p>	Manager City Development / Assessment Manager	

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<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s235(2)	<p>21. Professional Advice to be Obtained in Relation to Certain Matters</p> <p>21.2 The power pursuant to Section 235(2) of the PDI Act to seek and consider the advice of a person with prescribed qualifications, or a person approved by the Minister for that purpose, in relation to a matter arising under the PDI Act that is declared by regulation to be a matter on which such advice should be sought.</p>	Manager City Development / Assessment Manager	
cl12(7) sch8	<p>22. General Transitional Schemes for Panels</p> <p>22.1 The power pursuant to Clause 12(7) of Schedule 8 of the PDI Act, to</p> <p>22.1.1 adopt any findings or determinations of a council development assessment panel under the repealed Act that may be relevant to an application made before the relevant day under the repealed Act; and</p> <p>22.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an</p>	Manager City Development / Assessment Manager	

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice  
Directions of Powers of an Assessment Panel (Instrument C)**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>application made before the relevant day under the repealed Act; and</p> <p>22.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and</p> <p>22.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act; and</p> <p>22.1.5 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act.</p> <p>(Only applicable to assessment panels appointed by a council or a joint planning board)</p>		
cl13(5) sch8	<p>23. Regional Assessment Panels</p> <p>23.1 The power pursuant to Clause 13(5) of Schedule 8 of the PDI Act to:</p> <p>23.1.1 adopt any findings or determinations of a council development assessment panel or a regional development assessment panel under the repealed Act that may be relevant</p>	Manager City Development / Assessment Manager	

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice  
Directions of Powers of an Assessment Panel (Instrument C)**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>to an application made before the relevant day under the repealed Act; and</p> <p>23.1.2 adopt or make any decision (including a decision in the nature of a determination), direction or order in relation to an application made before the relevant day under the repealed Act; and</p> <p>23.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the relevant day; and</p> <p>23.1.4 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act; and</p> <p>23.1.5 deal with any requirement or grant any variation imposed or proposed in connection with an application made before the relevant day under the repealed Act.</p> <p>(Relevant to regional assessment panels only)</p>		
cl18(2) sch8	24. Continuation of Processes	Manager City Development / Assessment Manager	

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice  
Directions of Powers of an Assessment Panel (Instrument C)**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>24.1 The power pursuant to Clause 18(2) of Schedule 8 of the PDI Act, to:</p> <p>24.1.1 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</p> <p>24.1.2 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</p> <p>24.1.3 deal with any matter that is subject to a reserved decision under the repealed Act before the designated day; and</p> <p>24.1.4 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</p> <p>24.1.5 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</p>		

**Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice  
Directions of Powers of an Assessment Panel (Instrument C)**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	transfer of functions, powers or duties under Clause 18 of Schedule 8 of the PDI Act.		

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 3(6)(b)	<p>25. Interpretation</p> <p>25.1 The power pursuant to Regulation 3(6)(b) of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) to require that a statement of site suitability provided to a relevant authority in connection with an application for development authorisation be issued by a site contamination auditor if the Environment</p>	Manager City Development / Assessment Manager	



**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	Protection Authority directs the relevant authority to do so in relation to a particular application		
r25(7)(c)	<p>26. Accredited Professionals</p> <p>26.1 The power pursuant to Regulation 25(7)(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 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.</p>	Manager City Development / Assessment Manager	
r31(1)	<p>27. Verification of Application</p> <p>27.1 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:</p>	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>27.1.1 determine the nature of the development; and</p> <p>27.1.2 if the application is for planning consent - determine:</p> <p>27.1.2.1 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</p> <p>27.1.2.2 the category or categories of development that apply for the purposes of development assessment; and</p> <p>27.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and</p> <p>27.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application):</p> <p>27.1.4.1 check that the appropriate documents and information have been lodged with the application; and</p> <p>27.1.4.2 confirm the prescribed fees required to be paid at that point; and</p> <p>27.1.4.3 provide an appropriate notice via the SA planning portal; and</p>		

**Planning, Development and Infrastructure (General) Regulations 2017**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>27.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application):</p> <p>27.1.5.1 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</p> <p>27.1.5.2 provide an appropriate notice via the SA planning portal.</p>		
r31(1)	<p>27. Verification of Application</p> <p>27.1 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:</p> <p>27.1.2 if the application is for planning consent - determine:</p>	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>27.1.2.1 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</p> <p>27.1.2.2 the category or categories of development that apply for the purposes of development assessment; and</p>		
r31(1)	<p>27. Verification of Application</p> <p>27.1 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:</p> <p>27.1.3 determine whether the relevant authority is the correct entity to assess the application under the PDI Act; and</p>	Manager City Development / Assessment Manager	
r31(1)	<p>27. Verification of Application</p> <p>27.1 The power pursuant to Regulation 31(1) of the General Regulations, on the receipt of an application under Section</p>	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>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:</p> <p>27.1.4 if the relevant authority is the correct entity to assess the application (or any part of the application):</p> <p>27.1.4.1 check that the appropriate documents and information have been lodged with the application; and</p> <p>27.1.4.2 confirm the prescribed fees required to be paid at that point; and</p> <p>27.1.4.3 provide an appropriate notice via the SA planning portal; and</p>		
r31(1)	<p>27. Verification of Application</p> <p>27.1 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:</p>	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>27.1.5 if the relevant authority is not the correct entity to assess the application (or any part of the application):</p> <p>27.1.5.1 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</p> <p>26.1.5.2 provide an appropriate notice via the SA planning portal.</p>		
r 32A(1)	<p>28. Site Contamination – Detailed Site Investigation Report</p> <p>28.1 The power pursuant to Regulation 32A(1) of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act in relation to an application to which Schedule 8 clause 2A applies, request the applicant to provide a detailed site investigation report if:</p> <p>28.1.1 the preliminary site investigation report indicates that site contamination is present, or is likely to be present, at the site of the</p> <p>proposed development; and</p>	Manager City Development / Assessment Manager	



**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>28.1.2 the delegate considers that there is insufficient information to determine that the site is suitable for its intended use, having regard to:</p> <p>28.1.2.1 site contamination; and</p> <p>28.1.2.2 if remediation is required, the extent of that remediation; and</p> <p>28.1.3 the application is not required to be referred to the Environment Protection Authority under Item 9A or 9AB of the table in Schedule 9 clause 3.</p>		
r 32A(2)	<p>28. Site Contamination – Detailed Site Investigation Report</p> <p>28.2 The power pursuant to Regulation 32A(2) of the General Regulations to require that a detailed site investigation report be prepared by a site contamination auditor if the Environment Protection Authority directs the relevant authority to do so in relation to a particular application.</p>	Manager City Development / Assessment Manager	
r 32B	29. Site Contamination – Statement of Suitability	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	29.1 The power pursuant to Regulation 32B of the General Regulations to, for the purposes of Section 119(3)(d) of the PDI Act, in relation to an application to which Schedule 8 clause 2A applies, require the applicant to provide a statement of site suitability that confirms that the site is suitable for its intended use before the relevant authority issues a planning consent in relation to the application.		
r33(4)	<p>30. Application and Further Information</p> <p>30.1 The power pursuant to Regulation 33(4) of the General Regulations to seek clarification about any document or information that has been provided by the applicant.</p>	Manager City Development / Assessment Manager	
r35(3)	<p>31. Amended Applications</p> <p>31.1 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.</p>	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r35(4)	<p>31. Amended Applications</p> <p>31.2 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.</p>	Manager City Development / Assessment Manager	
r38(1)	<p>32. Withdrawing/Lapsing Applications</p> <p>32.1 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:</p> <p>32.1.1 any agency to which the application has been referred under Division 2 of the General Regulations; and</p> <p>32.1.2 any person who has made a representation in relation to the application under Division 3 of the General Regulations, of the withdrawal.</p>	Manager City Development / Assessment Manager	
r38(2)	32. Withdrawing/Lapsing Applications	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	32.2 The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority.		
r38(3)	<p>32. Withdrawing/Lapsing Applications</p> <p>32.3 The power pursuant to Regulation 38(3) of the General Regulations before taking action to lapse an application under Regulation 38(2) of the General Regulations, to:</p> <p>32.3.1 take reasonable steps to notify the applicant of the action under consideration; and</p> <p>32.3.2 allow the applicant a reasonable opportunity to make submissions to the delegate (in a manner and form determined by the delegate) about the proposed course of action.</p>	Manager City Development / Assessment Manager	
r40	<p>33. Court Proceedings</p> <p>33.1 The power pursuant to Regulation 40 of the General Regulations to, subject to Section 214(14) of the PDI Act, by</p>	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	notice in writing to the applicant, decline to deal with the application until any proceedings under the PDI Act have been concluded.		
r42(1)	<p>34. Additional Information or Amended Plans</p> <p>34.1 The power pursuant to Regulation 42(1) of the General Regulations if a delegate 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.</p>	Manager City Development / Assessment Manager	
r45(1)	<p>35. Building Matters</p> <p>35.1 The power pursuant to Regulation 45(1) of the General Regulations to, if in assessing an application for building consent, the delegate considers that:</p> <p>35.1.1 a proposed performance solution within the meaning of the Building Code requires assessment against a performance</p>	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>requirement of the Building Code which provides for the intervention of a fire authority; or</p> <p>35.1.2 the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or</p> <p>35.1.3 special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,</p> <p>refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the delegate that a referral is not required.</p>		
r45(2)	<p>35. Building Matters</p> <p>35.2 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.</p>	Manager City Development / Assessment Manager	
r45(3)	35. Building Matters	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	35.3 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.		
r45(4)	<p>35. Building Matters</p> <p>35.4 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:</p> <p>35.4.1 recommends against the granting of building consent; or</p> <p>35.4.2 concurs in the granting of consent on conditions specified in its report,</p> <p>but the delegate:</p> <p>35.4.3 proposes to grant building consent despite a recommendation referred to in Regulation 45(4)(a) of the General Regulations; or</p> <p>35.4.4 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,</p>	Manager City Development / Assessment Manager	



**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>to:</p> <p>35.4.5 refer the application to the Commission; and</p> <p>35.4.6 not grant consent unless the Commission concurs in the granting of the consent.</p>		
r45(5)	<p>35. Building Matters</p> <p>35.5 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.</p>	Manager City Development / Assessment Manager	
r46(6)	<p>36. Preliminary Advice and Agreement (Section 123)</p> <p>36.1 The power pursuant to Regulation 46(6) of the General Regulations, if:</p> <p>36.1.1 the delegate permits an applicant to vary an application under Section 119(9) of the PDI Act; and</p> <p>36.1.2 the delegate determines that the application no longer accords with the agreement indicated by the prescribed body,</p>	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>to refer the application (unless withdrawn) to the prescribed body:</p> <p>36.1.3 to obtain a variation to the agreement under Section 123 of the PDI Act; or</p> <p>36.1.4 to obtain a response from the prescribed body for the purposes of Section 122 of the PDI Act.</p>		
r46(7)	<p>36. Preliminary Advice and Agreement (Section 123)</p> <p>36.2 The power pursuant to Regulation 46(7) of the General Regulations if:</p> <p>36.2.1 an application is withdrawn by the applicant; and</p> <p>36.2.2 the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application, to notify relevant prescribed body of the withdrawal.</p>	Manager City Development / Assessment Manager	
r46(8)	<p>36. Preliminary Advice and Agreement (Section 123)</p> <p>36.3 The power pursuant to Regulation 46(8) of the General Regulations, if:</p>	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>36.3.1 an application is lapsed by a relevant authority under Regulation 38 of the General Regulations; and</p> <p>36.3.2 the applicant sought to rely on an agreement under Section 123 of the PDI Act in connection with the application, to notify the relevant prescribed body of the lapsing.</p>		
r46(9)	<p>36. Preliminary Advice and Agreement (Section 123)</p> <p>36.4 The power pursuant to Regulation 46(9) of the General Regulations, if:</p> <p>36.4.1 an applicant seeks to rely on an agreement under Section 123 of the PDI Act in connection with the application; and</p> <p>36.4.2 a notice of a decision on the application is issued by the delegate under Regulation 57 of the General Regulations, to provide a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 57 of the General Regulations.</p>	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r48	<p>37. Notification of Application of Tree-damaging Activity to Owner of Land</p> <p>37.1 The power pursuant to Regulation 48 of the General Regulations, if an owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, to:</p> <p>37.1.1 give the owner notice of the application within 5 business days after the application is made; and</p> <p>37.1.2 give due consideration in the delegate's assessment of the application to any submission made by the owner within 10 business days after the giving of notice under Regulation 48 of the General Regulations.</p>	Manager City Development / Assessment Manager	
r49(3)	<p>38. Public Inspection of Applications</p> <p>38.1 The power pursuant to Regulation 49(3) of the General Regulations to request a person verify information in such manner as the delegate thinks fit.</p>	Manager City Development / Assessment Manager	
r50(5)	39. Representations	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>39.1 The power pursuant to Regulation 50(5) of the General Regulations to, if the delegate considers that it would assist the delegate in making a decision on the application, allow a person:</p> <p>39.1.1 who has made a representation under Regulation 50(1) of the General Regulations in relation to development being assessed under Section 107 of the PDI Act; and</p> <p>39.1.2 who has indicated an interest in appearing before the delegate,</p> <p>an opportunity (at a time determined by the delegate) to appear personally or by representative before the delegate to be heard in support of the representation that has been made under Regulation 50(1) of the General Regulations.</p>		
r51(1)	<p>40. Response by Applicant</p> <p>40.1 The power pursuant to Regulation 51(1) of the General Regulations to allow a response to a representation by the applicant to be made within such longer period as the delegate may allow.</p>	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r57(2)(b)	<p>41. Notice of Decision (Section 126(1))</p> <p>41.1 The power pursuant to Regulation 57(2)(b) of the General Regulations to provide notice via the SA Planning Portal and to determine if necessary to give notice to the applicant in some other way determined to be appropriate by the delegate.</p>	Manager City Development / Assessment Manager	
r57(4)(a)	<p>41. Notice of Decision (Section 126(1))</p> <p>41.2 The power pursuant to Regulation 57(4)(a) of the General Regulations to endorse a set of any approved plans and other relevant documentation with an appropriate form of authentication.</p>	Manager City Development / Assessment Manager	
r60	<p>42. Consideration of Other Development Authorisations</p> <p>42.1 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</p>	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	under the PDI Act, and any conditions that apply in relation to that prior development authorisation.		
r61(4)(c)	<p>43. Certificate of Independent Technical Expert in Certain Cases</p> <p>43.1 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.</p>	Manager City Development / Assessment Manager	
r63(1)	<p>44. Urgent Work</p> <p>44.1 The power pursuant to Regulation 63(1) of the General Regulations to,</p>	Manager City Development / Assessment Manager	



**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>44.1.1 determine a telephone number determined for the purposes of Regulation 63(1)(a) of the General Regulations; and</p> <p>44.1.2 determine the email address for the purposes of Regulation 63(1)(b) of the General Regulations.</p>		
r63(2)	<p>44. Urgent Work</p> <p>44.2 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.</p>	Manager City Development / Assessment Manager	
r63(3)	<p>44. Urgent Work</p> <p>44.3 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.</p>	Manager City Development / Assessment Manager	
r65(1)(a)	<p>45. Variation of Authorisation (Section 128)</p> <p>45.1 The power pursuant to Regulation 65(1)(a) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a</p>	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	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.		
r76(2)	<p>46. Advice from Commission</p> <p>46.1 The power pursuant to Regulation 76(2) of the General Regulations, if a report is not received from the Commission within 20 business days from the day on which the application is lodged under Regulation 29 of the General Regulations or within such longer period as the Commission may require by notice to the relevant authority, to presume that the Commission does not desire to make a report.</p>	Manager City Development / Assessment Manager	
r78(3)	<p>47. Underground Mains Area</p> <p>47.1 The power pursuant to Regulation 78(3) of the General Regulations, if an application relates to a proposed development that involves the division of land within, or partly within, an underground mains area (even if the area is declared as such after the application is lodged with the</p>	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	relevant authority), to require, as a condition on its decision on the application, that any electricity mains be placed underground.		
r99(4)	<p>48. Construction Industry Training Fund</p> <p>48.1 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable.</p>	Manager City Development / Assessment Manager	
r99(5)	<p>48. Construction Industry Training Fund</p> <p>48.2 The power pursuant to Regulation 99(5) of the General Regulations, if a notification is given under Regulation 99(4) of the General Regulations, if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification, to, if the delegate thinks fit, determine that the application has lapsed.</p>	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
cl 2(1)(b)	<p>49. New Dwellings</p> <p>49.1 The power pursuant to clause 2(1)(b) of Schedule 6B of the General Regulations to form the belief that the allotment is, or</p> <p>may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land, other than a previous use or activity that was for residential purposes.</p>	Manager City Development / Assessment Manager	
cl4(3)	<p>50. Plans for Building Work</p> <p>50.1 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:</p> <p>50.1.1 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</p>	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (General) Regulations 2017**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
	<p>50.1.2 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.</p>		

**Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r5(1)	<p>51. Calculation or Assessment of Fees</p> <p>51.1 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):</p> <p>51.1.1 to require the applicant to provide such information as the delegate may reasonably require to calculate a prescribed fee; and</p> <p>51.1.2 to make any other determination for the purposes of the Fees Regulations or a related set of regulations or a fee notice (even if the assessment panel is not a relevant authority).</p>	Manager City Development / Assessment Manager	
r5(2)	<p>51. Calculation or Assessment of Fees</p> <p>51.2 The power pursuant to Regulation 5(2) of the Fees Regulations, if the delegate is acting under Regulation 5(1) of the Fees Regulations, or as the delegate of a relevant authority, believes that any information provided by an applicant is incomplete or inaccurate, to calculate a prescribed fee on the basis of estimates made by the delegate.</p>	Manager City Development / Assessment Manager	

**Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r5(3)	<p>51. Calculation or Assessment of Fees</p> <p>51.3 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.</p>	Manager City Development / Assessment Manager	

**Planning and Design Code**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
PD Code	<p>54. Administrative Terms and Definition</p> <p>54.1 The power pursuant to and in accordance with Part 8 of the PD Code to for the purposes of Table 5 – Procedural Matters (PM) – Notification and the definition of 'Excluded Building', form the opinion that:</p>	Manager City Development / Assessment Manager	



Planning and Design Code			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>54.1.1 the building, structure or landscape feature (or part thereof) does not contribute to the building or features of identified heritage value within the State Heritage Area;</p> <p>54.1.2 the building (or part thereof) does not demonstrate the historic characteristics as expressed in the Historic Area Statement.</p>		
PD Code	<p>52 Procedural Matter</p> <p>52.1 The power pursuant to and in accordance with the Planning and Design Code (the PD Code) to form the opinion development is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development and therefore is excluded from the operation of Sections 107(3) and (4) of the PDI Act.</p>	Manager City Development / Assessment Manager	
PD Code	<p>52. Procedural Matter</p> <p>52.2 The power pursuant to and in accordance with the PD Code to determine that the variation to one or more</p>	Manager City Development / Assessment Manager	

Planning and Design Code			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	corresponding exclusions prescribed in Column B is minor in nature and does not require notification.		
PD Code	<p>53. Procedural Referrals</p> <p>53.1 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature and would not warrant a referral when considering the purpose of the referral.</p>	Manager City Development / Assessment Manager	
PD Code	<p>53. Procedural Referrals</p> <p>53.2 The power pursuant to and in accordance with the PD Code to form the opinion and deem:</p> <p>53.2.1 alteration to an existing access or public road junction;</p> <p>53.2.2 development that changes the nature of vehicular movements or increases the number or frequency of movements through an existing access, to be minor.</p>	Manager City Development / Assessment Manager	
PD Code	53. Procedural Referrals	Manager City Development / Assessment Manager	

Planning and Design Code			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	53.3 The power pursuant to and in accordance with the PD Code to form the opinion an alteration or extension of an existing dwelling is minor.		
PD Code	53. Procedural Referrals  53.4 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature or like for like maintenance and would not warrant a referral when considering the purpose of the referral.	Manager City Development / Assessment Manager	
PD Code	53. Procedural Referrals  53.5 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature or like for like maintenance and would not warrant a referral when considering the purpose of the referral.	Manager City Development / Assessment Manager	
PD Code	53. Procedural Referrals	Manager City Development / Assessment Manager	

Planning and Design Code			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	53.6 The power pursuant to and in accordance with the PD Code to form the opinion alterations to an existing access or public road junction are minor.		
PD Code	53. Procedural Referrals  53.7 The power pursuant to and in accordance with the PD Code to form the opinion development that changes the nature of vehicular movements or increase the number or frequency of movements through an existing access is minor.	Manager City Development / Assessment Manager	
PD Code	55. Referral Body: Minister Responsible for the Administration of the Aquaculture Act 2001  55.1 The power pursuant to and in accordance with Part 9.4 of the PD Code to form the opinion that aquaculture development which involves an alteration to an existing or approved development is minor in nature.	Manager City Development / Assessment Manager	
PD Code	53. Procedural Referrals	Manager City Development / Assessment Manager	

Planning and Design Code			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	53.9 The power pursuant to and in accordance with the PD Code to form the opinion development materially affects the context within which the State Heritage Place is situated.		
PD Code	53. Procedural Referrals  53.8 The power pursuant to and in accordance with the PD Code to form the opinion the variation to an application is minor in nature or would not warrant a referral when considering the purpose of the referral.	Manager City Development / Assessment Manager	
PD Code	53. Procedural Referrals  53.10 The power pursuant to and in accordance with the PD Code to form the opinion the development is minor in nature and would not warrant a referral when considering the purpose of the referral.	Manager City Development / Assessment Manager	

**State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl6(4)	<p>56. Responsibility to Undertake Notification</p> <p>56.1 The power pursuant to clause 6(4) of the State Planning Commission Practice Direction 3 (Notification of Performance Assessed Development Applications) 2019 (PD3), should the applicant request the relevant authority to place the notice on the land and pay the relevant fee, to (either personally or by engagement of a contractor) give notice of the application to members of the public by notice placed on the relevant land in accordance with Section 107(3)(a)(ii) of the PDI Act.</p>	Manager City Development / Assessment Manager	
cl8	<p>57. Preparing for Notification</p> <p>57.1 The power pursuant to clause 8 of PD3, if the applicant has confirmed they accept responsibility to place a notice on the land as per clause 6(3)(a) of PD3, to, at least 4 business days prior to the commencement of the notification period:</p> <p>57.1.1 give notice of the anticipated commencement date and of the notification period to the applicant; and</p> <p>57.1.2 provide the applicant with a copy of the content of the notice to be placed on the relevant land; and</p>	Manager City Development / Assessment Manager	

**State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	57.1.3 advise the applicant of the position and number of notice(s) to be erected on the land in accordance with clause 10 of PD3.		
cl10(1)(a)	<p>58. Notice on Land</p> <p>58.1 The power pursuant to clause 10(2) of PD3, in relation to clause 10(1)(a) of PD3, to determine the most appropriate position for the notice on the land in order to provide for maximum visibility from a public road, and in cases where the relevant land has more than 1 frontage to a public road, to determine that more than 1 notice must be erected on each of the public road frontages to ensure that notice of the development is reasonably apparent to members of the public.</p>	Manager City Development / Assessment Manager	

**State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
cl4(6)	<p>59. Qualifications and Experience of Additional members</p> <p>59.1 The power pursuant to clause 4(6) of the State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019 (PD5) where the delegate forms the view that additional expert advice is required for an application which requires assessment of a matter listed in Column 1 of PD5, to engage an additional assessment panel member provided that person maintains both the minimum experience detailed in Column 2 of PD5, as well as the minimum qualification listed in Column 3 of PD5.</p>	Manager City Development / Assessment Manager	
cl4(7)	<p>59. Qualifications and Experience of Additional members</p> <p>59.2 The power pursuant to clause 4(7) of PD5 to be satisfied of the minimum experience and qualifications of an additional assessment panel member.</p>	Manager City Development / Assessment Manager	



### State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl5(1)	<p>60. Scheme Provisions</p> <p>60.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019 (PD6), to in undertaking a planning assessment or imposing controls, including through the imposition of conditions of planning consent, ensure that such assessment or controls do not conflict or duplicate matters dealt with or addressed under licencing or regulatory regimens under another Act.</p>	Manager City Development / Assessment Manager	
cl5(3)	<p>60. Scheme Provisions</p> <p>60.2 The power pursuant to clause 5(3) of PD6 to, where the delegate is uncertain whether a matter conflicts with, or duplicates a matter dealt with under a licencing or regulatory regime under another Act, to seek the advice of that authority or agency.</p>	Manager City Development / Assessment Manager	

### State Planning Commission Practice Direction 14 Site Contamination Assessment 2021

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl 12	<p>61. Change of Use Where Remediation is Required After the Issue of Planning Consent – Section 127(1)(b) of Act</p> <p>61.1 The power pursuant to clause 12 of the State Planning Commission Practice Direction (Site Contamination Assessment) 2021 (PD14) to be satisfied that a site is suitable for its intended use subject to remediation being undertaken and to issue a planning consent without the remediation work having been carried out, subject to Condition A, B or C in PD14 as relevant.</p>	Manager City Development / Assessment Manager	
cl 13	<p>62. Land Division Where Remediation is Required After the Issue of Planning Consent – Section 127(1)(b) of Act</p> <p>62.1 The power pursuant to clause 13 of PD14 to be satisfied in relation to proposed land division that a site is suitable for its intended use subject to remediation being undertaken and to issue a planning consent without the remediation work having been carried out subject to the consent being subject to the following condition:</p>	Manager City Development / Assessment Manager	

### State Planning Commission Practice Direction 14 Site Contamination Assessment 2021

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	<p>A land division certificate under Section 138 of the Planning, Development and Infrastructure Act 2016 must not be issued until a</p> <p>statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.</p>		

### State Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl 6(2)	<p>63. Reserved Matter</p> <p>63.1 The power pursuant to clause 6(2) of State Planning Commission Practice</p> <p>Direction 16 Urban Tree Canopy Off-set Scheme (PD16) to where an applicant has elected to reserve consideration of the DTS/DPF Policy in the Overlay, as provided for in the Code and under Section 102(4) of the PDI Act, to require the applicant to</p>	Manager City Development / Assessment Manager	

### State Planning Commission Practice Direction 16 Urban Tree Canopy Off-set Scheme

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	provide documents which are considered by the delegate as sufficient to confirm whether the relevant development site includes a Designated Soil Type.		
cl 7	<p>64. Process for Payments to the Fund</p> <p>64.1 The power pursuant to clause 7 of PD16 where an applicant has elected to make a payment into the Fund, in lieu of planting a tree (or trees) as provided in the DTS/DPF Policy in the Overlay, to verify the payment as being correct in accordance with the Scheme, prior to the granting of development authorisation under the PDI Act.</p>	Manager City Development / Assessment Manager	
cl 8(3)	<p>65. Development within Council Fund Designated Areas</p> <p>65.1 The power pursuant to clause 8(3) of PD16, where a development application relates to a site which is located both within a Council Fund Designated Area and within the Overlay to impose a condition requiring payment into a Council Fund, irrespective of an election by the applicant to plant a tree or make a payment into the Fund as provided under the Scheme.</p>	Manager City Development / Assessment Manager	

Urban Tree Canopy Off-set Scheme			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
cl 6(4)	<p>67. Payment into Fund</p> <p>66.1 The power pursuant to clause 6(4) of the Urban Tree Canopy Off-set Scheme (UTCOS) where an applicant has elected to make a contribution to the fund under this scheme to impose a condition on the relevant development authorisation for planning consent requiring that payment of the amount specified in clause 6(1) of the UTCOS be made into the fund before the issue of development approval for the subject development application.</p>	Manager City Development / Assessment Manager	
cl 9	<p>67. Use of Money from Fund</p> <p>67.1 The power pursuant to clause 9 of the UTCOS to use money distributed from the fund for any of the following purposes (and for no other purpose):</p> <p>67.1.1 to provide for the planting, establishment and maintenance of trees within reserves or public land anywhere within a designated local government area; or</p> <p>67.1.2 the purchase of land within a designated local government area to ensure:</p>	Chief Executive Officer	

Urban Tree Canopy Off-set Scheme			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	67.1.2.1 the preservation of trees; or  67.1.2.2 that trees can be established in an area with a low urban tree canopy level or a demonstrated urban tree canopy loss.		

## SCHEDULE OF CONDITIONS

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

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	<p style="text-align: center;">Limitation:</p> <p style="text-align: center;">This delegation is limited to applications in relation to which:</p> <ul style="list-style-type: none"> <li>• No valid representations are received; or</li> <li>• All valid representations are withdrawn; or</li> <li>• No representor wishes to be heard in relation to their representation.</li> </ul> <p style="text-align: center;">Exclusion to Limitation:</p> <p style="text-align: center;">Except in cases where a deemed consent notice has been served on the Council Assessment Panel, in which case the limitation does not apply, and the Assessment Manager is delegated the power pursuant to Section 102(1)(a)(i) of the PDI Act to grant consent in respect of the relevant provisions of the Planning Rules without limitation</p>
67	This delegation is limited to the Chief Executive

These Meeting Procedures are to be read in conjunction with the meeting procedures contained within the *Planning, Development and Infrastructure (General) Regulations 2017 (Regulations)* and Council's adopted CAP Terms of Reference.

### 1. CAP Meetings

#### Ordinary Meetings

- 1.1 Subject to clause 1.2, ordinary meetings of the Council Assessment Panel (CAP) will be held at such times and places as determined by the CAP.
- 1.2 The time and place of the first meeting of the CAP following its establishment will be determined by the Assessment Manager. The Assessment Manager must give notice of the first CAP meeting to the CAP and the public in accordance with clauses 1.4 and 1.6.
- 1.3 Notice of an ordinary meeting will be given to all CAP Members by the Assessment Manager not less than 3 clear days prior to the holding of the meeting in accordance with clause 1.4.
- 1.4 Notice of a meeting of the CAP must:
  - 1.4.1 be in writing;
  - 1.4.2 set out the date, time and place of the meeting;
  - 1.4.3 contain or be accompanied by the agenda and any documents and/or reports that are to be considered at the meeting (in so far as practicable); and
  - 1.4.4 be given to a CAP Member:
    - 1.4.4.1 via email to an email address authorised in writing by the CAP Member; or
    - 1.4.4.2 by other means authorised by the CAP Member as being an available means of giving notice;
  - 1.4.5 pursuant to clause 8, where attendance at the meeting is to occur by electronic means (in whole or in part), include details of how to connect to the meeting; and
  - 1.4.6 where the meeting is live streamed for viewing by members of the public pursuant to clause 8, include details of how to access and/or connect to the live stream.
- 1.5 A notice that is not given in accordance with clause 1.4 is taken to have been validly given if the Assessment Manager considers it impracticable to give the notice in accordance with that clause and takes action the Assessment Manager considers reasonably practicable in the circumstances to bring the notice to the attention of the CAP Member.
- 1.6 Subject to clause 1.7, the agenda, CAP report and associated attachments for all meetings of the CAP will be available for viewing by the public on the Council's website and at the Council's offices as soon as practicable after the time that notice of the meeting has been given to CAP Members.
- 1.7 If the CAP is receiving information and/or legal advice that in the opinion of the Assessment Manager relates to a matter under regulation 13(2)(a)(i) – (x) (inclusive) of the Regulations, then that information and/or legal advice will not be made publicly available pursuant to clause 1.6 until the CAP has considered the agenda item to which it relates. However, if in considering that agenda item, the CAP decides to retain the information and/or legal advice in confidence, then it will not be made publicly available until such time, event, or circumstance as is stipulated by the CAP in its absolute discretion.



- 1.8 The Assessment Manager may, with leave or at the request of the Presiding Member, include in the agenda an item to be considered at the meeting to which the agenda relates after notice of the meeting has been given to CAP Members. In such instance, the Assessment Manager shall provide an updated agenda and any documents and/or reports relating to that item to be considered at the meeting to CAP Members as soon as practicable. The Assessment Manager will also make an updated agenda available to the public.
- 1.9 The Presiding Member may adjourn a CAP Meeting to a future date and time, unless the CAP resolves to continue the meeting.
- 1.10 A meeting may break for a period of time as determined by the Presiding Member.

#### **Special Meetings**

- 1.11 The Assessment Manager may by delivering a written request to the Presiding Member, or two or more CAP Members, require a special meeting of the CAP to be held. The written request must be accompanied by the agenda for the special meeting.
- 1.12 On receipt of a request pursuant to clause 1.11, the Assessment Manager must determine the date, time and place of the special meeting and give notice to all CAP Members at least 4 hours before the commencement of the special meeting.

## **2. Deputy Members**

- 2.1 If a CAP Member is unable to attend a meeting or part of a meeting, he or she must use his or her best endeavours to notify the Assessment Manager at his or her earliest opportunity.
- 2.2 If notification pursuant to clause 2.1 is given, the Assessment Manager may request a Deputy Member (subject to relevant clauses in relation to Deputy Members within the CAP Terms of Reference) attend the meeting in place of a CAP Member for the meeting or part of the meeting.
- 2.3 Unless the context otherwise requires, a reference to a CAP Member in these Meeting Procedures includes a Deputy Member.

## **3. Commencement of Meetings**

- 3.1 Subject to a quorum (minimum of three (3) CAP Members) being present, a meeting of the CAP will commence as soon as possible after the time specified in the notice of a meeting.
- 3.2 If the number of apologies received by the Assessment Manager indicates that a quorum will not be present at a meeting, the Assessment Manager may adjourn the meeting to a specified day and time.
- 3.3 If at the expiration of thirty minutes from the commencement time specified in the notice of the meeting a quorum is not present, the Presiding Member may adjourn the meeting to a specified date and time.
- 3.4 In the instance when the Presiding Member is absent from a meeting, the Assessment Manager, or such other person as nominated by the Assessment Manager, will preside at the meeting until such time as the meeting appoints an Acting Presiding Member.

## **4. Representations**

- 4.1 The Assessment Manager and/or Presiding Member may in his or her discretion exclude a representation or response to representation(s) which is received out of time.

- 4.2 The Presiding Member may in his or her discretion accept and allow to be considered by the CAP any new or additional material submitted by a representor or applicant. The CAP may defer consideration of the application to enable full and proper assessment of the further information.
- 4.3 Any material to be considered by the CAP pursuant to clause 4.2 must be provided to the applicant and/or representor(s) (as the case may be) and those parties be provided with an opportunity to respond, either in writing or verbally, at the discretion of the Presiding Member.
- 4.4 In relation to each application to be considered and determined by the CAP:
  - 4.4.1 a person who has lodged a representation which has not been excluded pursuant to clause 4.1 and who has indicated that they wish to be heard on their representation is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;
  - 4.4.2 where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any matters raised by a representor, in person or by an agent;
  - 4.4.3 representors and applicants will be allowed five minutes each to address the CAP. The Presiding Member may allow a party additional time at his or her discretion;
  - 4.4.4 CAP Members may question and seek clarification from a representor or applicant who has addressed the CAP at the conclusion of their address; and
  - 4.4.5 following addresses from representors and the applicant, the Presiding Member will invite all CAP Members to speak on any matter relevant to the application.

## 5. Review of an Assessment Manager Decision

### Commencing a Review

- 5.1 An application for review must relate to a prescribed matter, as defined in section 201 of the Act (**Prescribed Matter**), for which an Assessment Manager was the relevant authority.
- 5.2 An application for review must be:
  - 5.2.1 made using the "Application to Assessment Panel for Assessment Manager's Decision Review" published on the SA Planning Portal (**Form**);
  - 5.2.2 lodged in a manner identified on the Form; and
  - 5.2.3 lodged within one (1) month of the applicant receiving notice of the Prescribed Matter unless the Presiding Member in his or her discretion grants an extension of time.
- 5.3 In determining whether to grant an extension of time, the Presiding Member may consider:
  - 5.3.1 the reason for the delay;
  - 5.3.2 the length of the delay;
  - 5.3.3 whether any rights or interests of other parties would be affected by allowing the review to be commenced out of time;
  - 5.3.4 the interests of justice;
  - 5.3.5 whether the applicant has, or is within time to, appeal the Prescribed Matter to the Environment, Resources and Development Court; and
  - 5.3.6 any other matters the Presiding Member considers relevant.

### Materials for Review Process

- 5.4 The Assessment Manager shall present to the CAP all materials which were before the Assessment Manager (or delegate) at the time of the decision on the Prescribed Matter including:
  - 5.4.1 application documents, reports, submission, plans specifications or other documents submitted by the applicant; and
  - 5.4.2 internal and/or external referral responses and any checklist and/or report from Council staff or an external planning consultant written for the Assessment Manager.
- 5.5 The Assessment Manager (or delegate) must:
  - 5.5.1 prepare a report to the CAP setting out details of the relevant development application, the Prescribed Matter the subject of the review, any additional written submissions (including additional information or materials) prepared by the applicant pursuant to paragraph 5.6.3, and the reasons for the Assessment Manager's (or delegate's) decision and response to such additional written submission of the applicant so provided; and
  - 5.5.2 not introduce new material (except to address any written submission of the applicant under paragraph 5.6.3.3 or referral response under paragraph 5.6.4) or review the decision previously made.

### Review Process

- 5.6 The review hearing shall be undertaken in accordance with the following:
  - 5.6.1 The Assessment Manager must advise the applicant in writing of the time and date of the CAP meeting at which the review application will be heard not less than five (5) business days before the CAP meeting.
  - 5.6.2 On review, the CAP will consider the decision afresh.
  - 5.6.3 An applicant for an application to the CAP for a review of a Prescribed Matter must be notified in writing by the Assessment Manager within five (5) business days of receipt of the application of the opportunity to:
    - 5.6.3.1 provide the CAP with their written submissions (which may include additional information and materials) in relation to the review; and
    - 5.6.3.2 appear and make submissions at the hearing in person, and the applicant must provide to the Assessment Manager:
    - 5.6.3.3 any such written submissions within ten (10) clear business days of the date of that notification (or such longer period as requested by the applicant and granted by the Presiding Member's discretion); and
    - 5.6.3.4 written confirmation of whether the applicant will appear and make submissions at the hearing at least five (5) business days prior to the hearing.
  - 5.6.4 Within five (5) business days of the receipt of any written submissions under paragraph 5.6.3.3, the Presiding Member should determine in their discretion whether any referral agency who previously provided a response on the application should be given an opportunity to review and respond to the additional information and/or materials in a manner and timeframe determined by the Presiding Member. Any response received from such a referral agency should be provided to the applicant by the Assessment Manager within two (2) business days of receipt.

- 5.6.5 The Presiding Member may defer the date for a hearing of the review application for a reasonable period, if it considers that the written submissions received under paragraph 5.6.3.3 are substantial, in order to enable reasonable time for any response on the written submissions of a referral agency under paragraph 5.6.4 and/or response by the Assessment Manager. Written notice advising of any such deferral by the Presiding Member must be provided to the applicant by the Assessment Manager as soon as reasonably practicable and no less than 24 hours before the hearing at the CAP meeting.
- 5.6.6 The Presiding Member may however, ask or permit CAP Members to ask questions or seek clarification from the applicant and/or the Assessment Manager (or delegate), in his or her discretion.
- 5.6.7 The Assessment Manager must be present at the CAP meeting to respond to any questions or requests for clarification from the CAP.
- 5.6.8 Where the decision on the Prescribed Matter was made by a delegate of the Assessment Manager, the delegate may appear in place of the Assessment Manager.
- 5.6.9 The Presiding Member will invite all CAP Members to speak on any matter relevant to the review.
- 5.6.10 The CAP may resolve to defer its decision if it considers it requires additional time or information to make its decision.

#### **Outcome of Review**

- 5.7 The CAP may, on a review:
  - 5.7.1 affirm the Assessment Manager's decision;
  - 5.7.2 vary the Assessment Manager's decision; or
  - 5.7.3 set aside the Assessment Manager's decision and substitute its own decision.
- 5.8 An applicant should be advised in writing of the CAP's decision by the Assessment Manager within a reasonable time.

## **6. Decision Making**

- 6.1 Subject to complying with these procedures, during debate and decision making, the CAP will act with a minimum of formality and without regard to formal procedures or protocols.
- 6.2 At all times, discussion will be managed by the Presiding Member in the Presiding Member's absolute discretion. The Presiding Member will ensure that each CAP Member has an opportunity for discussion, comments and questions about the matter for decision.
- 6.3 At the conclusion of discussion and debate on a matter, the Presiding Member will call for a motion to vote in relation to the recommendation as printed in the agenda report or for a motion on alternative terms to that recommendation (including, but not limited to, the addition, deletion or amendment of a condition or note proposed in that recommendation).
- 6.4 Each CAP Member present at a meeting of the CAP, (including a Deputy Member who has been requested to attend the meeting or part of the meeting in place of a CAP Member who is unable to attend the meeting) is entitled to one vote on any matter arising for decision. Additional experts/advisors appointed by the CAP to provide expert advice and assistance are not entitled to vote.

- 6.5 Matters arising for decision at a meeting of the CAP will be decided by a majority of the votes cast by CAP Members present at the meeting and entitled to vote. If the votes are equal, the Presiding Member is entitled to a second or casting vote.
- 6.6 In relation to each application it considers, the CAP must:
  - 6.6.1 determine whether the proposal is seriously at variance with the Development Plan or Planning Rules (as relevant); and
  - 6.6.2 provide reasons for refusing Development Plan consent or planning consent (as relevant) (including reasons for any determination that the proposal is seriously at variance).
- 6.7 The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by any person (including a CAP Member, applicant, representor or other member of the public) to a specified date and time.
- 6.8 The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave or be disconnected from a meeting where he or she is, in the opinion of the Presiding Member:
  - 6.8.1 behaving in a disorderly manner; or
  - 6.8.2 causing an interruption or disruption to the meeting.

## 7. Minutes and Reporting

- 7.1 The CAP must ensure that accurate minutes are kept of all meetings.
- 7.2 The Assessment Manager, or a person nominated by the Assessment Manager, will take minutes of all meetings.
- 7.3 The minutes will record:
  - 7.3.1 the names of all CAP Members present;
  - 7.3.2 the names of all CAP Members from whom apologies have been received;
  - 7.3.3 the name and time that a CAP Member enters or leaves the meeting;
  - 7.3.4 the name of every person (and their representative) who makes or responds to a representation;
  - 7.3.5 the methods of attendance by all CAP Members present and by every person who makes or responds to a representation (and their representative);
  - 7.3.6 in relation to each application determined by the CAP:
    - 7.3.6.1 the determination of the CAP as to whether the proposal is seriously at variance with the Development Plan or Planning Rules (as relevant);
    - 7.3.6.2 the reasons for refusing Development Plan consent or planning consent (as relevant) (including reasons for any determination that the proposal is seriously at variance); and
  - 7.3.7 if an application is not determined by the CAP, the deferral of the application and the reasons for the deferral;
  - 7.3.8 a decision to exclude the public from attendance and retain the minutes of the item in confidence pursuant to the *Regulations*;
  - 7.3.9 in relation to each application for review of an Assessment Manager decision:
    - 7.3.9.1 the determination of the CAP as to whether the proposal is seriously at variance with the Planning Rules; and
    - 7.3.9.2 the reasons for the CAP's decision under section 203(4) of the PDI Act;

- 7.3.10 any disclosure of a direct or indirect pecuniary interest in any aspect of a development or anybody associated with any aspect of a development made by a CAP Member in accordance with Section 83(1)(g) of the PDI Act, and the nature of the interest;
- 7.3.11 any disclosure of a conflict of interest made by a CAP Member pursuant to the Code of Conduct adopted by the Minister under Clause 1(1)(c) of Schedule 3 of the PDI Act (Code of Conduct), and the nature of the interest; and
- 7.3.12 if a meeting is adjourned by the Presiding Member, the reason for the adjournment and the date and time to which the meeting is adjourned.
- 7.4 All minutes must be confirmed by the CAP as being accurate, at the commencement of the following CAP meeting.

## 8. Electronic Meetings

- 8.1 Definitions:
  - 8.1.1 **connect** means able to hear and/or see the meeting by electronic means, including via live stream;
  - 8.1.2 **disconnect** means to remove the connection so as to be unable to hear and see the meeting;
  - 8.1.3 **electronic** means includes using 1 or both (including a combination) of the following means of communication:
    - 8.1.3.1 audio visual;
    - 8.1.3.2 audio,and includes a telephone, computer or other device used for communication;
  - 8.1.4 **live stream** means the transmission of audio and/or video from a meeting at the time the meeting is occurring.
- 8.2 Pursuant to section 39 of the *Legislation Interpretation Act 2021*, at the discretion of the Assessment Manager and/or Presiding Member:
  - 8.2.1 a CAP meeting may take place entirely by electronic means; and/or
  - 8.2.2 a CAP meeting may be livestreamed; and/or
  - 8.2.3 one or more CAP Members may attend a CAP meeting via electronic means; and/or
  - 8.2.4 a representor and/or applicant under clause 4 may attend a CAP meeting via electronic means; and/or
  - 8.2.5 an applicant for a review of a decision of an Assessment Manager under clause 5 may attend a CAP meeting via electronic means.
- 8.3 The discretion of the Assessment Manager and/or Presiding Member under clause 8.2 may be exercised to require attendance at the CAP meeting by electronic means regardless of whether a request for attendance by electronic means has been received or not by the Assessment Manager and/or Presiding Member.
- 8.4 A CAP Member who is attending a meeting by electronic means is taken to be present at the meeting provided that the Presiding Member can see and hear each CAP Member and a CAP Member:
  - 8.4.1 can hear and, where possible, see all CAP Members who are present at the meeting;
  - 8.4.2 can hear and, where possible, see all representors (or their representatives) and applicants (or their representatives) who speak at the meeting;
  - 8.4.3 can be heard and, where possible, be seen by CAP Members present at the meeting; and

- 8.4.4 can be heard and, where possible, be seen by the person recording the minutes of the meeting.
- 8.5 Where a meeting occurs solely via electronic means, it shall (to the extent that the public is not able to physically attend the meeting) be live streamed.
- 8.6 Where a meeting is being live streamed, the live stream shall be disconnected only during those parts of the meeting during which the public has been excluded from attendance pursuant to regulation 13(2) of the Regulations.
- 8.7 Where the public has been excluded from attendance pursuant to regulation 13(2) of the Regulations, the Assessment Manager or a person nominated by the Assessment Manager shall ensure that all parties except for CAP Members (and the Assessment Manager, Council Administration, the meeting minute taker and any other person identified by the CAP (such as professional advisors to the CAP)) disconnect from or are disconnected from the meeting.

## **9. Additional Procedures and Support**

- 9.1 Insofar as any procedure to be followed by the CAP is not prescribed by the PDI Act and Regulations, the CAP's Terms of Reference, the Code of Conduct or these Meeting Procedures - the CAP may by resolution determine the procedure for itself. Any such determination may be added to these Meeting Procedures.
- 9.2 The CAP may call for and consider such professional assistance from the Assessment Manager and, in consultation with the Assessment Manager, other professional advisors as it deems necessary and appropriate from time to time.
- 9.3 The CAP will permit and encourage active participation of Council staff in attendance at a meeting in providing advice to the CAP.
- 9.4 If a CAP Member requires additional information or clarification on a matter contained within an Agenda, an email shall be directed to the Assessment Manager as soon as practicable. The response will be provided to all CAP Members.
- 9.5 If a CAP Member has a conflict of interest on a matter contained with the Agenda, that CAP Member must advise the Assessment Manager in writing as soon as practicable after distribution of the Agenda.

## City of Adelaide Council Assessment Panel

### Meeting Schedule 2026/2027

Unless otherwise advised, meetings will commence in the Colonel Light Room in the Adelaide Town Hall at 5.30pm on the dates specified below:

<b>CAP MEETINGS 2026</b>
28 January (Wednesday due to Australia Day) +
23 February
23 March
27 April
25 May
22 June
27 July
24 August
28 September
26 October
16 November *
7 December *
<b>CAP MEETINGS 2027</b>
27 January (Wednesday due to Australia Day) +
22 February
22 March
26 April
24 May
28 June
26 July
23 August
27 September
25 October
15 November *
6 December *

+ meeting not on the fourth Monday due to public holiday

\* meeting not on the fourth Monday allowing for lead-in to Christmas closure



# **CITY OF ADELAIDE COUNCIL ASSESSMENT PANEL**

## **Annual Report 2025**

January 2026

## ACKNOWLEDGEMENT OF COUNTRY

The City of Adelaide acknowledges that we are located on the traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past, present and emerging.

We recognise and respect their cultural heritage, beliefs and relationship with the land. We also extend that respect to visitors of other Aboriginal Language Groups and other First Nations.

## DOCUMENT PROPERTIES

### Contact for enquiries and proposed changes

If you have any questions regarding this document or if you have a suggestion for improvements, please contact:

**Contact Officer:** Seb Grose  
**Title:** Manager, City Development  
**Program:** Regulatory Services  
**Phone:** (08) 8203 7195  
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Draft	15.01.2026	Seb Grose	Draft
Draft	20.01.2026	Steve Zaluski	Final Draft
Final	21.01.2026	Seb Grose	Final

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## 1. PURPOSE

The City of Adelaide Council Assessment Panel (CAP) has been established pursuant to section 82 and 83 of the *Planning, Development and Infrastructure Act 2016*.

The CAP is the relevant authority for granting of planning consent for performance assessed development applications that are publicly notified, subject to delegations.

This report provides an overview of the performance of CAP during 2025 in terms of attendance at meetings, the number and development value of applications determined, details relating to public notification and the number of appeals.

It should be noted several figures in this report rely on the PlanSA reporting system which is subject to ongoing improvements.

### Attendance of Panel Members

At the end of 2025, four meetings of the Panel had been held with eight cancellations. The attendance record between 1 January 2025 and 31 December 2025 is provided as follows:

Panel Member	Meetings Held	Attended	Apology
Nathan Cunningham (Presiding Member)	4	4	-
Colleen Dunn	4	3	1
Robert Gagetti	4	3	1
Mark Adcock	4	4	-
Professor Mads Gaardboe (Deputy Member) *	3	1	-
Councillor Abrahamzadeh	4	4	-
Councillor Noon (Deputy Council Member) *	1	-	-
Councillor Snape (Deputy Council Member) *	2	-	-
Councillor Freeman (Deputy Council Member) *	1	-	-

\* Professor Mads Gaardboe, Councillor Noon, Councillor Snape and Councillor Freeman as Deputy Members had reduced or no attendance

## 2. PLANNING DECISIONS

Tables 2.1 and 2.2 refer to the number of development applications in 2025 compared with 2021 to 2024. The figures do not include development applications for which the State Planning Commission is the Relevant Authority (Schedule 6 and Section 131 applications).

At its meeting on 29 January 2024, the CAP determined to continue to assess development applications that were publicly notified with speaking representations. This is based on the model of delegations provided by the Local Government Association. If there are no speaking representations, the application is delegated to Council's Assessment Manager for a decision.

TABLE 2.1 – CITY OF ADELAIDE TOTAL DEVELOPMENT APPLICATIONS			
YEAR	DAs SUBMITTED	ASSESSMENT MANAGER DELEGATION	DEVELOPMENT COST
2021	992	456	\$178.8 million
2022	936	554	\$260.9 million
2023	969	526	\$231.4 million
2024	827	402	\$294.9 million
2025	829	482	\$155.8 million

- *Assessment Manager Delegation figures do not include development applications where either CAP or other Accredited Professionals were the Relevant Authority*

TABLE 2.2 – APPLICATIONS DETERMINED BY CAP				
YEAR	DAs ASSESSED	SUPPORT ADMINISTRATION RECOMMENDATION	AGAINST ADMINISTRATION RECOMMENDATION	DEVELOPMENT COST
2021	27	23 (all granted)	4 (2 granted & 2 refused)	\$45.63 million
2022	13	12 (11 granted & 1 refused)	1 (refused)	\$24.05 million
2023	18	15 (14 granted & 1 refused)	3 (1 granted & 2 refused)	\$29.75 million
2024	7	7 (6 granted & 1 refused)	0	\$24.82 million
2025	4	4 (4 granted)	0	\$19.72million

### 3. PUBLIC NOTIFICATION

Table 3.1 refers to the level of public notification activity in 2025, compared with 2021 to 2024. The figures do not include development applications for which the State Planning Commission is the Relevant Authority (Schedule 6 and Section 131 applications).

TABLE 3.1 – PUBLIC NOTIFICATIONS				
YEAR	APPLICATIONS PUBLICLY NOTIFIED	REPRESENTATIONS RECEIVED FOR CAP APPLICATIONS	SPEAKING REPRESENTATIONS	DAs DETERMINED BY CAP
2021	41 (4.1% of all DAs submitted)	75	45	27
2022	33 (3.5% of all DAs submitted)	106	39	13
2023	32 (3.3% of all DAs submitted)	197	67	18
2024	20 (2.4% of all DAs submitted)	68	23	7
2025	25 (3% of all DAs submitted)	49	12	4

### 4. APPEALS INITIATED

No development applications were refused by the CAP in 2025. However, there were two appeals against refusals issued by Council's Assessment Manager as follows:

- 88 Pirie Street, Adelaide (DA 25019332)  
Install illuminated LED advertisement facing Pirie Street within existing shop
  - This matter has been resolved with a compromise proposal reducing the extent of advertising.
- 81 Franklin Street, Adelaide (DA 25017177)  
Change of use to open lot car parking for a temporary period of three years
  - This matter is currently ongoing in the Environment, Resources and Development Court.

### 5. ANALYSIS AND ADVICE

The Panel is fulfilling its requirements set out in its Terms of Reference with the 2025 figures demonstrating the Panel undertook its obligations effectively.

#### 5.1 Analysis

There was a high level of participation from Panel Members in 2025, with 20 attendances required overall, and only two apologies.

The number of planning applications considered by the Panel decreased from seven in 2024 to four in 2025. While this can result from many factors, notable attributing aspects include:

- planning system reforms implemented in March 2021 reducing public notification triggers which in turn has gradually reduced public notification.
- a similar lower number of overall applications submitted in 2025 of 829 compared to 827 in 2024. This compares to over 900 applications per year from 2021 to 2023.

An overall trend of reduced applications being considered by the Panel is also being experienced by other Councils throughout the State.

At this stage, the low number of applications determined by the CAP in 2025 is unlikely to be repeated in 2026 with two applications to be considered at the January meeting and significantly more applications expected to be presented to CAP for determination in the next few months.

The number of development applications publicly notified increased from 20 in 2024 to 25 in 2025. The number of representations received for Panel applications reduced from 68 in 2024 to 49 in 2025. Despite a reduced number of representations, the number is still relatively high considering there were only four applications considered by CAP during this period. This reflects a broader approach to public notification since the implementation of planning reforms in 2021, which allows any member of the public to provide feedback.

The consistency of the CAP supporting Administration recommendations was 100% in 2025.

There were no Appeals against CAP decisions in 2025.

## 5.2 CAP Advice to Council

At the 28 January 2026 CAP meeting the Panel advised the following:

- *TBA at meeting*